



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBa0441/1
JK:amn

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 386**

September 12, 2023 - Offered by Representatives OHNSTAD, CABRERA, PALMERI, SINICKI, RATCLIFF, JOERS, MYERS, C. ANDERSON, STUBBS, BARE, JACOBSON, SNODGRASS, CONLEY, EMERSON, BILLINGS, SUBECK, CONSIDINE, RIEMER, NEUBAUER, J. ANDERSON, SHANKLAND, SHELTON, GOYKE, MOORE OMOKUNDE, ANDRACA, HAYWOOD, BALDEH, ORTIZ-VELEZ, DRAKE, MCGUIRE and VINING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: delete “lowering the individual income tax rates in the third
3 bracket and”.

4 **2.** Page 2, line 1: before that line insert:

5 “SECTION 1. 18.08 (2) of the statutes is amended to read:

6 18.08 (2) The capital improvement fund may be expended, pursuant to
7 appropriations, only for the purposes and in the amounts for which the public debts
8 have been contracted, for the payment of principal and interest on loans or on notes,
9 for the payment due, if any, under an agreement or ancillary arrangement entered
10 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes
11 identified under s. 20.867 (2) (v), ~~(3) (x)~~, and (4) (q), and for expenses incurred in
12 contracting public debt.

1 **SECTION 2.** 18.08 (7) (a) of the statutes, as created by 2023 Wisconsin Act 19,
2 is renumbered 18.08 (7) and amended to read:

3 18.08 (7) Notwithstanding sub. (3), moneys transferred under 2023 Wisconsin
4 Act 19, section 9251 (1), cannot be commingled with other moneys in the capital
5 improvement fund and all earnings on or income from investments of the moneys
6 transferred under 2023 Wisconsin Act 19, section 9251 (1), and all excess moneys so
7 transferred that are not used to fund building projects authorized in the 2023-25
8 Authorized State Building Program or are not used to offset cost adjustments with
9 respect to any building project authorized in the 2023-25 Authorized State Building
10 Program, shall be deposited into or transferred to the general fund.

11 **SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
12 the following amounts for the purposes indicated:

				2023-24	2024-25
13	20.255 Public instruction, department of				
14	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
15	(ch) Grow your own programs;				
16	teacher pipeline capacity build-				
17	ing	GPR	A	-0-	5,000,000
18	(3) AIDS TO LIBRARIES, INDIVIDUALS AND				
19	ORGANIZATIONS				
20	(ci) Teacher improvement program				
21	stipends	GPR	A	-0-	2,400,000
22	(cL) Library intern stipend payments	GPR	A	-0-	50,000

1 (cs) Student teacher stipends GPR A -0- 7,000,000

2 (ct) Cooperating teacher stipends GPR A -0- 2,033,000

3 **20.437 Children and families, department of**

4 (2) ECONOMIC SUPPORT

5 (c) Child care quality improvement

6 program GPR A 81,389,400 222,719,300

7 (d) Child care partnership grant

8 program GPR A 11,198,000 11,198,000

9 **20.445 Workforce development, department of**

10 (1) WORKFORCE DEVELOPMENT

11 (bw) Health care workforce innova-

12 tion grants GPR C 100,000,000 -0-

13 (bx) Health care workforce opportu-

14 nity grants GPR C 8,500,000 8,500,000

15 (6) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE

16 PROGRAM

17 (r) Administrative expenses; family

18 and medical leave benefits insur-

19 ance trust fund SEG B 65,767,800 18,779,000

20 **SECTION 4.** 20.255 (1) (hg) of the statutes is amended to read:

21 20.255 (1) (hg) *Personnel licensure, teacher supply, information and analysis*

22 *and teacher improvement.* The amounts in the schedule to fund licensure

23 administrative costs under s. 115.28 (7) (d) and 118.19 (10), teacher supply,

1 information and analysis costs under s. 115.29 (5), and teacher improvement under
2 s. 115.41 (1). Ninety percent of all moneys received from the licensure of school and
3 public library personnel under s. 115.28 (7) (d), and all moneys received under s.
4 115.41 (1), shall be credited to this appropriation.

5 **SECTION 5.** 20.255 (2) (ch) of the statutes is created to read:

6 20.255 (2) (ch) *Grow your own programs; teacher pipeline capacity building.*

7 The amounts in the schedule for grants under s. 115.422 to school districts and
8 operators of a charter school under s. 118.40 (2r) or (2x).

9 **SECTION 6.** 20.255 (3) (ci) of the statutes is created to read:

10 20.255 (3) (ci) *Teacher improvement program stipends.* The amounts in the
11 schedule for payments to individuals under s. 115.41 (2).

12 **SECTION 7.** 20.255 (3) (cL) of the statutes is created to read:

13 20.255 (3) (cL) *Library intern stipend payments.* The amounts in the schedule
14 for library intern stipend payments under s. 43.05 (12m).

15 **SECTION 8.** 20.255 (3) (cs) of the statutes is created to read:

16 20.255 (3) (cs) *Student teacher stipends.* The amounts in the schedule for
17 payments to student teachers under s. 115.421.

18 **SECTION 9.** 20.255 (3) (ct) of the statutes is created to read:

19 20.255 (3) (ct) *Cooperating teacher stipends.* The amounts in the schedule for
20 payments to teachers under s. 115.424.

21 **SECTION 10.** 20.435 (4) (bm) of the statutes is amended to read:

22 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
23 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
24 amounts in the schedule to provide a portion of the state share of administrative
25 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the

1 Badger Care health care program under s. 49.665 and to provide the state share of
2 administrative costs for the food stamp program under s. 49.79, other than payments
3 under s. 49.78 (8), to develop and implement a registry of recipient immunizations,
4 to reimburse 3rd parties for their costs under s. 49.475, for costs associated with
5 outreach activities, for state administration of state supplemental grants to
6 supplemental security income recipients under s. 49.77, for state administration and
7 evaluation of the health care provider innovation grants program under s. 46.48 (22),
8 and for services of resource centers under s. 46.283. No state positions may be funded
9 in the department of health services from this appropriation, except positions for the
10 performance of duties under a contract in effect before January 1, 1987, related to
11 the administration of the Medical Assistance program between the subunit of the
12 department primarily responsible for administering the Medical Assistance
13 program and another subunit of the department. Total administrative funding
14 authorized for the program under s. 49.665 may not exceed 10 percent of the amounts
15 budgeted under pars. (p) and (x).

16 **SECTION 11.** 20.437 (2) (c) of the statutes is created to read:

17 20.437 (2) (c) *Child care quality improvement program.* The amounts in the
18 schedule for the program under s. 49.133.

19 **SECTION 12.** 20.437 (2) (d) of the statutes is created to read:

20 20.437 (2) (d) *Child care partnership grant program.* The amounts in the
21 schedule for the grants under s. 49.132.

22 **SECTION 13.** 20.445 (1) (bw) of the statutes is created to read:

23 20.445 (1) (bw) *Health care workforce innovation grants.* As a continuing
24 appropriation, the amounts in the schedule for health care workforce innovation
25 grants under s. 106.29.

1 **SECTION 14.** 20.445 (1) (bx) of the statutes is created to read:

2 20.445 (1) (bx) *Health care workforce opportunity grants.* As a continuing
3 appropriation, the amounts in the schedule for grants under s. 106.295.

4 **SECTION 15.** 20.445 (6) of the statutes is created to read:

5 20.445 (6) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE PROGRAM. (q) *Payment*
6 *of benefits; family and medical leave benefits insurance trust fund.* From the family
7 and medical leave benefits insurance trust fund, a sum sufficient to pay for the
8 payment of benefits under s. 103.105 (3) and to refund moneys erroneously paid into
9 the fund.

10 (r) *Administrative expenses; family and medical leave benefits insurance trust*
11 *fund.* Biennially, from the family and medical leave benefits insurance trust fund,
12 the amounts in the schedule for the administrative expenses of the family and
13 medical leave benefits insurance program.

14 **SECTION 16.** 20.867 (3) (x) of the statutes, as created by 2023 Wisconsin Act 19,
15 is amended to read:

16 20.867 (3) (x) *Segregated revenue supported building program projects;*
17 *inflationary project cost overruns.* From the capital improvement fund, as a
18 continuing appropriation, all moneys transferred under 2023 Wisconsin Act 19,
19 section 9251 (1), and 2023 Wisconsin Act (this act), section 94 (11), to fund the
20 projects enumerated under 2023 Wisconsin Act 19, section 9104 (1), including the
21 project created by 2023 Wisconsin Act (this act), section 92, in the amounts
22 designated as “segregated revenue” in that section for those projects; to fund the
23 other expenditures and allocations designated as “segregated revenue” under 2023
24 Wisconsin Act 19, section 9104 (4) to (13); and to offset building program project

1 budget cost overruns caused by inflation under s. 13.48 (2) (L) in a total amount up
2 to \$20,000,000.

3 **SECTION 17.** 25.17 (1) (er) of the statutes is created to read:

4 25.17 (1) (er) Family and medical leave benefits insurance trust fund (s. 25.52);

5 **SECTION 18.** 25.52 of the statutes is created to read:

6 **25.52 Family and medical leave benefits insurance trust fund.** There
7 is created a separate nonlapsible trust fund designated as the family and medical
8 leave benefits insurance trust fund, to consist of all moneys deposited in that fund
9 under s. 103.105 (8).

10 **SECTION 19.** 40.22 (1) of the statutes is amended to read:

11 40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 ~~(6)~~ (1), each
12 employee currently in the service of, and receiving earnings from, a state agency or
13 other participating employer shall be included within the provisions of the Wisconsin
14 retirement system as a participating employee of that state agency or participating
15 employer.

16 **SECTION 20.** 40.22 (2) (L) of the statutes is amended to read:

17 40.22 (2) (L) The employee is employed by a participating employer after the
18 person becomes an annuitant, unless the service is after the annuity is suspended
19 by the election of the employee under s. 40.26.

20 **SECTION 21.** 40.22 (2m) (intro.) of the statutes is amended to read:

21 40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 ~~(6)~~ (1), an employee
22 who was a participating employee before July 1, 2011, who is not expected to work
23 at least one-third of what is considered full-time employment by the department,
24 as determined by rule, and who is not otherwise excluded under sub. (2) from
25 becoming a participating employee shall become a participating employee if he or she

1 is subsequently employed by the state agency or other participating employer for
2 either of the following periods:

3 **SECTION 22.** 40.22 (2r) (intro.) of the statutes is amended to read:

4 40.22 (2r) (intro.) Except as otherwise provided in s. 40.26 (6) (1), an employee
5 who was not a participating employee before July 1, 2011, who is not expected to work
6 at least two-thirds of what is considered full-time employment by the department,
7 as determined by rule, and who is not otherwise excluded under sub. (2) from
8 becoming a participating employee shall become a participating employee if he or she
9 is subsequently employed by the state agency or other participating employer for
10 either of the following periods:

11 **SECTION 23.** 40.22 (3) (intro.) of the statutes is amended to read:

12 40.22 (3) (intro.) Except as otherwise provided in s. 40.26 (6) (1), a person who
13 qualifies as a participating employee shall be included within, and shall be subject
14 to, the Wisconsin retirement system effective on one of the following dates:

15 **SECTION 24.** 40.26 (1) of the statutes is amended to read:

16 40.26 (1) Except as provided in ~~sub. (1m) and~~ ss. 40.05 (2) (g) 2. and 40.23 (1)
17 (am), if a participant receiving a retirement annuity, or a disability annuitant who
18 has attained his or her normal retirement date, receives earnings that are subject
19 to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified
20 in s. 40.22 (2) (L), the annuity shall be suspended, including any amount provided
21 by additional contributions, and no annuity payment shall be payable after the
22 month in which the participant files with the department a written election to be
23 included within the provisions of the Wisconsin retirement system as a participating
24 employee.

25 **SECTION 25.** 40.26 (1m) of the statutes is repealed.

1 **SECTION 26.** 40.26 (2) (intro.) of the statutes is amended to read:

2 40.26 (2) (intro.) Upon suspension of an annuity under sub. (1) ~~or (1m)~~, the
3 retirement account of the participant whose annuity is so suspended shall be
4 established on the following basis:

5 **SECTION 27.** 40.26 (5) (intro.) of the statutes is amended to read:

6 40.26 (5) (intro.) ~~Except as otherwise provided in sub. (5m),~~ if If a participant
7 applies for an annuity or lump sum payment during the period in which less than 75
8 30 days have elapsed between the termination of employment with a participating
9 employer and becoming a participating employee with any participating employer,
10 all of the following shall apply:

11 **SECTION 28.** 40.26 (5m) of the statutes is repealed.

12 **SECTION 29.** 40.26 (6) of the statutes is repealed.

13 **SECTION 30.** 43.05 (12m) of the statutes is created to read:

14 43.05 (12m) From the appropriation under s. 20.255 (3) (cL), beginning in the
15 2024-25 school year, provide payments, in the amount of \$2,500 per student per
16 semester, to students who are pursuing a degree in library science and are placed as
17 an intern in a public library or school library. The division may promulgate rules to
18 implement this subsection.

19 **SECTION 31.** 46.48 (22) of the statutes is created to read:

20 46.48 (22) HEALTH CARE PROVIDER INNOVATION GRANTS. From the appropriation
21 under s. 20.435 (7) (bc), the department may, beginning in fiscal year 2024-25,
22 distribute not more than \$14,500,000 in each fiscal year as grants to health care
23 providers and long-term care providers to implement best practices and innovative
24 solutions to increase worker recruitment and retention.

25 **SECTION 32.** 49.132 of the statutes is created to read:

1 **49.132 Child care partnership grant program.** (1) In this section,
2 “business” means any organization or enterprise operated for profit or a nonprofit
3 corporation. “Business” does not include a governmental entity.

4 (2) The department may establish a grant program to award funding to
5 businesses that provide or wish to provide child care services for their employees.
6 A grant awarded under this program may be used to reserve child care placements
7 for local business employees, pay child care tuition, and other costs related to child
8 care.

9 (3) A business awarded a grant under this section shall provide matching funds
10 equal to 25 percent or more of the amount awarded.

11 (4) The department may promulgate rules to administer this section, including
12 to determine eligibility for a grant.

13 **SECTION 33.** 49.133 of the statutes is created to read:

14 **49.133 Child care quality improvement program.** (1) The department
15 may establish a program under which it may, from the appropriation under s. 20.437
16 (2) (c) and the allocation under s. 49.175 (1) (qm), make monthly payments and
17 monthly per-child payments to child care providers certified under s. 48.651, child
18 care centers licensed under s. 48.65, and child care programs established or
19 contracted for by a school board under s. 120.13 (14).

20 (2) The department may promulgate rules to implement the program under
21 this section, including establishing eligibility requirements and payment amounts
22 and setting requirements for how recipients may use the payments.

23 **SECTION 34.** 49.155 (6) (e) 2. of the statutes is repealed.

24 **SECTION 35.** 49.155 (6) (e) 3. (intro.) of the statutes is amended to read:

1 49.155 (6) (e) 3. (intro.) The department may modify a child care provider’s
2 maximum payment rate under ~~subd. 2. pars. (a) to (c)~~ on the basis of the provider’s
3 quality rating, as described in the quality rating plan, in the following manner:

4 **SECTION 36.** 49.175 (1) (q) of the statutes, as affected by 2023 Wisconsin Act 19,
5 is amended to read:

6 49.175 (1) (q) *Child care state administration and licensing activities.* For state
7 administration of child care programs under s. 49.155 and for child care licensing
8 activities, \$42,117,800 in fiscal year 2021-22 and \$41,803,100 in fiscal year 2022-23.
9 In fiscal year 2023-24, for such programs and activities, ~~\$45,796,000~~ \$46,108,000.
10 In fiscal year 2024-25, for such programs and activities, ~~\$45,570,300~~ \$46,194,300.

11 **SECTION 37.** 49.175 (1) (qm) of the statutes, as affected by 2023 Wisconsin Act
12 19, is amended to read:

13 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
14 improvement activities specified in ss. ~~49.133~~, 49.155 (1g), and 49.257, \$16,683,700
15 in fiscal year 2022-23. In fiscal year 2023-24, for such activities, ~~\$28,518,700~~
16 \$47,518,700. In fiscal year 2024-25, for such activities, ~~\$46,018,700~~ \$65,018,700.”.

17 **3.** Page 5, line 3: delete lines 3 to 17.

18 **4.** Page 6, line 2: after that line insert:

19 “**SECTION 38.** 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a)
20 and amended to read:

21 103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or
22 a legal ward ~~to whom any of the following applies:~~

23 **SECTION 39.** 103.10 (1) (a) 1. of the statutes is repealed.

24 **SECTION 40.** 103.10 (1) (a) 2. of the statutes is repealed.

1 **SECTION 41.** 103.10 (1) (ap) of the statutes is created to read:

2 103.10 (1) (ap) “Covered active duty” means any of the following:

3 1. For a member of a regular component of the U.S. armed forces, duty during
4 the deployment of the member with the U.S. armed forces to a foreign country.

5 2. For a member of a reserve component of the U.S. armed forces, duty during
6 the deployment of the member with the U.S. armed forces to a foreign country under
7 a call or order to active duty under a provision of law specified in 10 USC 101 (a) (13)
8 (B).

9 **SECTION 42.** 103.10 (1) (b) of the statutes is amended to read:

10 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, “employee”
11 means an individual employed in this state by an employer, except the employer’s
12 ~~parent, child, spouse, domestic partner, or child parent, grandparent, grandchild, or~~
13 sibling.

14 **SECTION 43.** 103.10 (1) (dm) of the statutes is created to read:

15 103.10 (1) (dm) “Grandchild” means the child of a child.

16 **SECTION 44.** 103.10 (1) (dp) of the statutes is created to read:

17 103.10 (1) (dp) “Grandparent” means the parent of a parent.

18 **SECTION 45.** 103.10 (1) (em) of the statutes is created to read:

19 103.10 (1) (em) “Medical isolation” means any of the following:

20 1. When a health care professional, a local health officer, or the department of
21 health services advises that an individual seclude herself or himself from others
22 when the individual is awaiting the result of a diagnostic test for a communicable
23 disease or when the individual is infected with a communicable disease.

24 2. When a local health officer or the department of health services advises that
25 an individual isolate or quarantine under s. 252.06.

1 3. When an individual's employer advises that the individual not come to the
2 workplace due to a concern that the individual may have been exposed to or infected
3 with a communicable disease.

4 **SECTION 46.** 103.10 (1) (gm) of the statutes is created to read:

5 103.10 (1) (gm) "Sibling" means a brother, sister, half brother, half sister,
6 stepbrother, or stepsister, whether by blood, marriage, or adoption.

7 **SECTION 47.** 103.10 (1m) (b) 1. of the statutes is renumbered 103.10 (1) (an).

8 **SECTION 48.** 103.10 (1m) (b) 6. of the statutes is renumbered 103.10 (1) (gd).

9 **SECTION 49.** 103.10 (1m) (b) 7. of the statutes is renumbered 103.10 (1) (m).

10 **SECTION 50.** 103.10 (2) (c) of the statutes is amended to read:

11 103.10 (2) (c) This section only applies to an employee who has been employed
12 by the same employer for more than 52 consecutive weeks and who worked for the
13 employer for at least ~~1,000~~ 680 hours during the preceding 52-week period.

14 **SECTION 51.** 103.10 (3) (a) of the statutes is repealed.

15 **SECTION 52.** 103.10 (3) (b) 3. of the statutes is amended to read:

16 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, ~~or~~
17 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, ~~or~~
18 parent, grandparent, grandchild, or sibling has a serious health condition.

19 **SECTION 53.** 103.10 (3) (b) 4. of the statutes is created to read:

20 103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the
21 department by rule, arising out of the fact that the spouse, child, domestic partner,
22 parent, grandparent, grandchild, or sibling of the employee is on covered active duty
23 or has been notified of an impending call or order to covered active duty.

24 **SECTION 54.** 103.10 (3) (b) 5. of the statutes is created to read:

1 103.10 (3) (b) 5. Because there is an unforeseen or unexpected short-term gap
2 in child care for the employee’s child, grandchild, or sibling that the employee must
3 fill. The department may define by rule “unforeseen or unexpected short-term gap
4 in child care.”

5 **SECTION 55.** 103.10 (3) (b) 6. of the statutes is created to read:

6 103.10 (3) (b) 6. To care for the employee’s child, spouse, domestic partner,
7 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner,
8 parent, grandparent, grandchild, or sibling is in medical isolation.

9 **SECTION 56.** 103.10 (3) (b) 7. of the statutes is created to read:

10 103.10 (3) (b) 7. To address issues of the employee or the employee’s child,
11 spouse, domestic partner, parent, grandparent, grandchild, or sibling related to
12 being the victim of domestic abuse, sexual abuse, or stalking.

13 **SECTION 57.** 103.10 (4) (a) of the statutes is amended to read:

14 103.10 (4) (a) Subject to ~~pars. (b) and par. (c) and sub. (4m)~~, an employee who
15 is in medical isolation or has a serious health condition which makes the employee
16 unable to perform his or her employment duties may take medical leave for the
17 period during which he or she is unable to perform those duties.

18 **SECTION 58.** 103.10 (4) (b) of the statutes is repealed.

19 **SECTION 59.** 103.10 (4m) of the statutes is created to read:

20 103.10 (4m) DURATION OF LEAVE. In a 12-month period, no employee may take
21 more than 12 weeks of family leave for any combination of reasons specified under
22 sub. (3) or (4).

23 **SECTION 60.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

24 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
25 planned medical treatment or supervision of a child, spouse, domestic partner, or

1 parent, grandparent, grandchild, or sibling or intends to take medical leave because
2 of the planned medical treatment or supervision of the employee, the employee shall
3 do all of the following:

4 **SECTION 61.** 103.10 (6) (b) 1. of the statutes is amended to read:

5 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
6 or supervision so that it does not unduly disrupt the employer's operations, subject
7 to the approval of the health care provider of the child, spouse, domestic partner,
8 parent, grandparent, grandchild, sibling, or employee.

9 **SECTION 62.** 103.10 (6) (c) of the statutes is created to read:

10 103.10 (6) (c) If the employee intends to take family leave under sub. (3) (b) 4.
11 that is foreseeable because the spouse, child, domestic partner, parent, grandparent,
12 grandchild, or sibling of the employee is on covered active duty or has been notified
13 of an impending call or order to covered active duty, the employee shall provide notice
14 of that intention to the employer in a reasonable and practicable manner.

15 **SECTION 63.** 103.10 (7) (a) of the statutes is amended to read:

16 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
17 (3) (b) 3. or requests medical leave due to a serious health condition, the employer
18 may require the employee to provide certification, as described in par. (b), issued by
19 the health care provider or Christian Science practitioner of the child, spouse,
20 domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever
21 is appropriate.

22 **SECTION 64.** 103.10 (7) (b) (intro.) of the statutes is amended to read:

23 103.10 (7) (b) (intro.) No employer may require certification under par. (a)
24 stating more than the following:

25 **SECTION 65.** 103.10 (7) (b) 1. of the statutes is amended to read:

1 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent,
2 grandchild, sibling, or employee has a serious health condition.

3 **SECTION 66.** 103.10 (7) (cm) of the statutes is created to read:

4 103.10 (7) (cm) If an employee requests family leave for a reason described in
5 sub. (3) (b) 3., the employer may require the employee to provide certification that
6 the employee is responsible for the care of a child, spouse, domestic partner, parent,
7 grandparent, grandchild, or sibling with a serious health condition.

8 **SECTION 67.** 103.10 (7) (d) of the statutes is created to read:

9 103.10 (7) (d) If an employee requests family leave under sub. (3) (b) 4., the
10 employer may require the employee to provide certification that the spouse, child,
11 domestic partner, parent, grandparent, grandchild, or sibling of the employee is on
12 covered active duty or has been notified of an impending call or order to covered
13 active duty. The certification under this paragraph shall be issued at such time and
14 in such manner as the department may prescribe by rule, and the employee shall
15 provide a copy of that certification to the employer in a timely manner.

16 **SECTION 68.** 103.10 (7) (e) of the statutes is created to read:

17 103.10 (7) (e) If an employee requests family leave under sub. (3) (b) 5., the
18 employer may require the employee to provide certification that there is an
19 unforeseen or unexpected short-term gap in child care, as defined in rule by the
20 department, for the employee's child, grandchild, or sibling that the employee must
21 fill. The department may prescribe by rule the form and content of the certification.

22 **SECTION 69.** 103.10 (7) (f) of the statutes is created to read:

23 103.10 (7) (f) 1. If an employee requests family leave under sub. (3) (b) 6., or
24 medical leave due to medical isolation, the employer may require the employee to
25 provide certification issued by a local public health official, the department of health

1 services, or a health care provider or Christian Science practitioner of the child,
2 spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee,
3 whichever is appropriate, except that no employer may require certification under
4 this paragraph if the sole reason for the medical isolation is due to the employer's
5 request under sub. (1) (em) 3. No employer may require certification under this
6 subdivision stating more than that the child, spouse, domestic partner, parent,
7 grandparent, grandchild, sibling, or employee is in medical isolation.

8 2. If an employee requests family leave under sub. (3) (b) 6., the employer may
9 require the employee to provide certification that the employee is responsible for the
10 care of a child, spouse, domestic partner, parent, grandparent, grandchild, sibling,
11 or employee who is in medical isolation.

12 **SECTION 70.** 103.10 (7) (g) of the statutes is created to read:

13 103.10 (7) (g) If an employee requests family leave under sub. (3) (b) 7., the
14 employer may require the employee to provide certification that the employee is
15 addressing issues of the employee or the employee's child, spouse, domestic partner,
16 parent, grandparent, grandchild, or sibling related to being the victim of domestic
17 abuse, sexual abuse, or stalking.

18 **SECTION 71.** 103.10 (10) of the statutes is amended to read:

19 103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an
20 employer and an employee with a serious health condition or in medical isolation
21 from mutually agreeing to alternative employment for the employee while the
22 serious health condition or medical isolation lasts. No period of alternative
23 employment, with the same employer, reduces the employee's right to family leave
24 or medical leave.

25 **SECTION 72.** 103.10 (12) (b) of the statutes is amended to read:

1 103.10 (12) (b) An employee who believes his or her employer has violated sub.
2 (11) (a) or (b) may, within ~~30~~ 300 days after the violation occurs or the employee
3 should reasonably have known that the violation occurred, whichever is later, file a
4 complaint with the department alleging the violation. Except as provided in s.
5 230.45 (1m), the department shall investigate the complaint and shall attempt to
6 resolve the complaint by conference, conciliation or persuasion. If the complaint is
7 not resolved and the department finds probable cause to believe a violation has
8 occurred, the department shall proceed with notice and a hearing on the complaint
9 as provided in ch. 227. The hearing shall be held within 60 days after the department
10 receives the complaint.

11 **SECTION 73.** 103.10 (12) (c) of the statutes is amended to read:

12 103.10 (12) (c) If 2 or more health care providers disagree about any of the
13 information required to be certified under sub. (7) (b), the department may appoint
14 another health care provider to examine the child, spouse, domestic partner, parent,
15 grandparent, grandchild, sibling, or employee and render an opinion as soon as
16 possible. The department shall promptly notify the employee and the employer of
17 the appointment. The employer and the employee shall each pay 50 percent of the
18 cost of the examination and opinion.

19 **SECTION 74.** 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

20 **SECTION 75.** 103.10 (14) (b) of the statutes is repealed.

21 **SECTION 76.** 103.105 of the statutes is created to read:

22 **103.105 Family and medical leave benefits insurance program. (1)**

23 DEFINITIONS. In this section:

1 (a) “Application year” means the 12-month period beginning on the first day
2 of the first calendar week for which family or medical leave insurance benefits are
3 claimed by a covered individual.

4 (b) “Average weekly earnings” means one-thirteenth of the wages paid to an
5 employee during the last completed calendar quarter prior to the covered
6 individual’s date of eligibility for benefits under this section and includes all sick,
7 holiday, vacation, and termination pay that is paid directly by an employer to an
8 employee at the employee’s usual rate of pay during his or her last completed
9 calendar quarter as a result of employment for an employer and any total or partial
10 disability payments under ch. 102 or a federal law that provides for payments on
11 account of a work-related injury or illness. For self-employed individuals, “average
12 weekly earnings” means one fifty-second of the gross income reported as income to
13 the federal internal revenue service in the most recent tax year in which the
14 individual filed taxes prior to the individual’s date of eligibility for benefits under this
15 section.

16 (c) “Covered individual” means an employee who satisfies s. 103.10 (2) (c), a
17 self-employed individual who elects coverage under sub. (2), or an employee of a
18 small employer who elects coverage under sub. (2), regardless of whether the
19 individual is employed or unemployed at the time the individual files an application
20 for family or medical leave insurance benefits.

21 (d) “Employee” has the meaning given in s. 103.10 (1) (b).

22 (e) “Employer” has the meaning given in s. 103.10 (1) (c).

23 (f) “Family leave” means an individual’s leave from employment,
24 self-employment, or availability for employment for a reason specified in s. 103.10
25 (3) (b) 1. to 7. or 103.11 (4).

1 (g) “Family or medical leave insurance benefits” means benefits payable under
2 this section from the family and medical leave benefits insurance trust fund.

3 (h) “Medical leave” means leave from employment, self-employment, or
4 availability for employment for any of the reasons in s. 103.10 (4).

5 (i) “Self-employed individual” means a sole proprietor, partner of a
6 partnership, member of a limited liability company, or other individual engaged in
7 a vocation, profession, or business for himself or herself and not for an employer.

8 (j) “Small employer” means a person engaging in any activity, enterprise, or
9 business in this state employing fewer than 50 individuals on a permanent basis.

10 (k) “State annual median wage” means the median hourly wage for all
11 occupations in this state in a calendar year, as determined by the bureau of labor
12 statistics of the U.S. department of labor, multiplied by 2,080.

13 **(2)** ELECTION BY SELF-EMPLOYED INDIVIDUAL OR SMALL EMPLOYER. A
14 self-employed individual or small employer may elect to be covered under this
15 section by filing a written notice of election with the department in a form and
16 manner prescribed by the department by rule. An initial election under this
17 subsection becomes effective on the date on which the notice of election is filed, shall
18 be for a period of not less than 3 years, and may be renewed for subsequent one-year
19 periods by the filing of a written notice with the department that the self-employed
20 individual or small employer intends to continue coverage under this section. A
21 self-employed individual or small employer who elects coverage under this section
22 may withdraw that election no earlier than 3 years after the date of the initial
23 election or at such other times as the department may prescribe by rule by providing
24 notice of that withdrawal to the department not less than 30 days before the
25 expiration date of the election.

1 **(3) ELIGIBILITY FOR BENEFITS.** (a) Except as otherwise provided in sub. (6), a
2 covered individual who is on family leave or medical leave is eligible to receive family
3 or medical leave insurance benefits in the amount specified in sub. (4) and for the
4 duration specified in sub. (5).

5 (b) To receive family or medical leave insurance benefits, a covered individual
6 shall file a claim for those benefits within the time and in the manner that the
7 department prescribes by rule. On receipt of a claim for family or medical leave
8 insurance benefits, the department may request from the individual's employer or
9 from the self-employed individual any information necessary for the department to
10 determine the individual's eligibility for those benefits and the amount and duration
11 of those benefits. The employer or self-employed individual shall provide that
12 information to the department within the time and in the manner that the
13 department prescribes by rule. If the department determines that a covered
14 individual is eligible to receive family or medical leave insurance benefits, the
15 department shall provide those benefits to the individual as provided in subs. (4) and
16 (5).

17 **(4) AMOUNT OF BENEFITS.** Except as provided in sub. (6), the amount of family
18 or medical leave insurance benefits payable for a week shall be based upon the
19 covered individual's average weekly earnings, as follows:

20 (a) For the amount of the covered individual's average weekly earnings that are
21 less than 50 percent of the state annual median wage in the calendar year before the
22 covered individual's application year, 90 percent of the covered individual's average
23 weekly earnings.

24 (b) For the amount of the covered individual's average weekly earnings that are
25 more than or equal to 50 percent of the state annual median wage in the calendar

1 year before the covered individual's application year, 50 percent of the covered
2 individual's average weekly earnings.

3 (5) DURATION OF BENEFITS. The maximum number of weeks for which family or
4 medical leave insurance benefits are payable in an application year is 12 weeks. A
5 covered individual may be paid family or medical leave insurance benefits
6 continuously, or at the option of the covered individual, intermittently.

7 (6) EMPLOYER EXEMPTION FROM PARTICIPATION IN PAID FAMILY AND MEDICAL LEAVE
8 BENEFITS INSURANCE PROGRAM. (a) If an employer provides family and medical leave
9 benefits that are identical to or more generous than benefits provided under this
10 section, the employer may elect to not participate in the paid family and medical
11 leave benefits insurance program under this section. If the department grants an
12 exemption under this subsection, the employer shall pay benefits that are at least
13 identical to benefits under this section, and an employee is entitled to be paid those
14 benefits.

15 (b) An employer that elects to not participate in the paid family and medical
16 leave benefits insurance program under this section shall request an exemption from
17 the department in writing, in the manner prescribed by the department. An
18 exemption from participation is not effective until approved by the department in
19 writing.

20 (c) The department may grant a written exemption from participation to an
21 employer who complies with this subsection and all rules promulgated by the
22 department under par. (g).

23 (d) The department may withdraw its written exemption order granted under
24 par. (c) if the department determines that an employer is not providing paid family

1 and medical leave benefits to employees that are at least identical to those provided
2 under this section.

3 (e) If an employee believes that his or her employer that has an exemption
4 under this subsection has violated the employee's right to paid family and medical
5 leave benefits identical to those provided under this section, the employee may file
6 a complaint with the department alleging the violation, and the department shall
7 process the complaint in the same manner as complaints filed under s. 103.10 (12)
8 (b) are processed. If the department finds that an employer has violated this
9 subsection, the department may order the employer to take action to remedy the
10 violation, including providing the paid family and medical leave benefits, and,
11 notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the
12 employee.

13 (f) After the completion of an administrative proceeding under par. (e),
14 including judicial review, an employee or the department may bring an action in
15 circuit court against an employer to recover damages caused by a violation of this
16 subsection. Section 103.10 (13) (b) applies to the commencement of an action under
17 this paragraph.

18 (g) The department shall promulgate rules to implement this subsection.

19 **(7) FEDERAL TAX TREATMENT OF BENEFITS.** With respect to the federal income
20 taxation of family or medical leave insurance benefits, the department shall do all
21 of the following:

22 (a) At the time an individual files a claim for those benefits, advise the
23 individual that those benefits may be subject to federal income taxation, that
24 requirements exist under federal law pertaining to estimated tax payments, and
25 that the individual may elect to have federal income taxes withheld from the

1 individual's benefit payments and may change that election not more than one time
2 in an application year.

3 (b) Allow the individual to elect to have federal income tax deducted and
4 withheld from the individual's benefit payments, allow the individual to change that
5 election not more than one time in an application year, and deduct and withhold that
6 tax in accordance with the individual's election as provided under 26 USC 3402.

7 (c) Upon making a deduction under par. (b), transfer the amount deducted from
8 the family and medical leave benefits insurance trust fund to the federal internal
9 revenue service.

10 (d) In deducting and withholding federal income taxes from an individual's
11 benefit payments, follow all procedures specified by the federal internal revenue
12 service pertaining to the deducting and withholding of federal income tax.

13 **(8) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE TRUST FUND.** (a) The
14 department shall determine the amount of the required contribution by each
15 employee, self-employed individual who elects coverage under sub. (2), and each
16 employer. The required contribution shall be based on the employee's wages or the
17 self-employed individual's earnings. The required contribution for an employee
18 shall be equally shared between each employee and the employee's employer.

19 (b) Each employer shall withhold from the wages of its employees the amount
20 determined by the department under this subsection.

21 (c) The department shall promulgate rules to establish procedures for filing
22 wage reports and collecting the contributions withheld by employers and
23 employer-required contributions under par. (a). The department may utilize the
24 quarterly wage reports submitted under s. 108.205 in lieu of separate contribution

1 reports and may utilize the procedures for collecting contributions that apply to the
2 collection of contributions to the unemployment reserve fund under s. 108.17.

3 (cm) The department shall promulgate rules providing for a right to a hearing
4 in cases involving the liability of employers for contributions under this subsection.
5 The department's decisions shall be subject to the rights and procedures for
6 contested cases under ch. 227.

7 (d) The department shall collect contributions from self-employed individuals
8 pursuant to procedures established by the department under sub. (12) (b).

9 (e) The department shall deposit contributions received under this subsection
10 in the family and medical leave benefits insurance trust fund.

11 (f) The department shall use moneys deposited in the family and medical leave
12 benefits insurance trust fund to pay benefits under sub. (3), to refund amounts
13 erroneously paid by employers, and to pay for the administration of the family and
14 medical leave benefits insurance program under this section and for no other
15 purpose.

16 **(9) DENIAL OF CLAIMS; OVERPAYMENTS.** (a) The department shall promulgate
17 rules providing for a right to a hearing in cases of disputes involving an individual's
18 eligibility for benefits or status as a covered individual under this section. The
19 department's decisions shall be subject to the rights and procedures for contested
20 cases under ch. 227. To the extent necessary and practical, the department may
21 prescribe procedures in conjunction with any rules promulgated for administrative
22 proceedings under ss. 103.10 (12) and 103.11 (12).

23 (b) 1. If the department pays family or medical leave insurance benefits to an
24 individual erroneously or as a result of willful misrepresentation, the individual's
25 liability to reimburse the fund for the overpayment may be set forth in a

1 determination that is subject to review under par. (a). The department may prescribe
2 procedures for waiver of overpayments.

3 2. To recover any overpayment to a covered individual that is not otherwise
4 repaid or the recovery of which has not been waived, the department may recoup the
5 amount of the overpayment by, in addition to its other remedies, deducting the
6 amount of the overpayment from benefits the individual would otherwise be eligible
7 to receive.

8 3. The department may establish other procedures for recovering
9 overpayments and may utilize procedures under ch. 108, including the department's
10 remedies for collecting overpayments under ss. 108.22 and 108.225, subject to rules
11 promulgated by the department.

12 4. The department may not collect any interest on any benefit overpayment.

13 **(10) PROHIBITED ACTS.** (a) No person may interfere with, restrain, or deny the
14 exercise of any right provided under this section.

15 (b) No person may discharge or otherwise discriminate against any person for
16 exercising any right provided under this section, opposing a practice prohibited
17 under this section, filing a complaint or attempting to enforce any right provided
18 under this section, or testifying or assisting in any action or proceeding to enforce any
19 right provided under this section.

20 (c) No collective bargaining agreement or employer policy may diminish or
21 abridge an employee's rights under this section. Any agreement purporting to waive
22 or modify an employee's rights under this section is void as against public policy and
23 unenforceable.

24 **(11) ENFORCEMENT.** (a) Any person who believes that his or her rights under
25 this section have been interfered with, restrained, or denied in violation of sub. (10)

1 (a) or that he or she has been discharged or otherwise discriminated against in
2 violation of sub. (10) (b) may, within 30 days after the violation occurs or the person
3 should reasonably have known that the violation occurred, whichever is later, file a
4 complaint with the department alleging the violation, and the department shall
5 process the complaint in the same manner as complaints filed under s. 103.10 (12)
6 (b) are processed. If the department finds that an employer has violated sub. (10) (a)
7 to (c), the department may order the employer to take action to remedy the violation,
8 including providing the requested family leave or medical leave, reinstating an
9 employee, providing back pay accrued not more than 2 years before the complaint
10 was filed, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees
11 to the complainant.

12 (b) After the completion of an administrative proceeding under par. (a),
13 including judicial review, an employee or the department may bring an action in
14 circuit court against an employer to recover damages caused by a violation of sub.
15 (10) (a) to (c). Section 103.10 (13) (b) applies to the commencement of an action under
16 this paragraph.

17 **(12) ADMINISTRATION.** The department shall administer the family and medical
18 leave benefits insurance program under this section. In administering the program,
19 the department shall do all of the following:

20 (a) Establish procedures and forms for the filing of claims for benefits under
21 this section.

22 (b) Establish procedures and forms for collecting contributions from
23 self-employed individuals.

24 (c) Promulgate rules to implement this section.

1 (d) Use information sharing and integration technology to facilitate the
2 exchange of information as necessary for the department to perform its duties under
3 this section.

4 (e) By September 1 of each year, submit a report to the governor, the joint
5 committee on finance, and the appropriate standing committees of the legislature
6 under s. 13.172 (3) on the family and medical leave benefits insurance program under
7 this section. The report shall include the projected and actual rates of participation
8 in the program, the premium rates for coverage under the program, and the balance
9 in the family and medical leave benefits insurance trust fund under s. 25.52.

10 **(13) RECORDS.** (a) The records made or maintained by the department in
11 connection with the administration of this section are confidential and shall be open
12 to public inspection or disclosure only to the extent that the department allows in the
13 interest of the family and medical leave benefits insurance program. No person may
14 allow inspection or disclosure of any record provided by the department unless the
15 department authorizes the inspection or disclosure.

16 (b) The department may provide records made or maintained by the
17 department in connection with the administration of this section to any
18 governmental unit, corresponding unit in the government of another state, or any
19 unit of the federal government. No such unit may allow inspection or disclosure of
20 any record provided by the department unless the department authorizes the
21 inspection or disclosure.

22 (c) Upon request of the department of revenue, the department may provide
23 information, including social security numbers, concerning covered individuals to
24 the department of revenue for the purpose of administering state taxes, identifying
25 fraudulent tax returns, providing information for tax-related prosecutions, or

1 locating persons or the assets of persons who have failed to file tax returns, who have
2 underreported their taxable income, or who are delinquent debtors. The department
3 of revenue shall adhere to the limitation on inspection and disclosure of the
4 information under par. (b).

5 (14) BENEFIT AMOUNT ADJUSTMENT. On April 1 of each year, the department may
6 adjust the maximum weekly benefit payment to 90 percent of the state average
7 weekly earnings, which becomes effective on October 1 of that year. The department
8 shall annually have the adjusted amount of the maximum weekly benefit payment
9 published in the Wisconsin Administrative Register.

10 (15) NOTICE POSTED. Each employer shall post, on its website and in one or more
11 conspicuous places where notices to employees are customarily posted, a notice in a
12 form approved by the department setting forth employees' rights under this section
13 and any adjustment to benefits as provided in sub. (14). Any employer that violates
14 this subsection shall forfeit not more than \$100 for each violation.

15 **SECTION 77.** 106.29 of the statutes is created to read:

16 **106.29 Health care workforce innovation grant program.** (1) HEALTH
17 CARE WORKFORCE INNOVATION GRANTS. The department shall, from the appropriation
18 under s. 20.445 (1) (bw), establish and operate a program to provide grants to
19 regional organizations to design and implement plans to address their region's
20 health care-related workforce challenges that arose during or were exacerbated by
21 the COVID-19 pandemic.

22 (2) IMPLEMENTATION. (a) *Duties.* To implement this section, the department
23 shall receive and review applications for grants under sub. (1) and prescribe the
24 form, nature, and extent of the information that must be contained in an application
25 for a grant under sub. (1).

1 (b) *Powers*. In addition to the duties described in par. (a), the department shall
2 have all other powers necessary and convenient to implement this section, including
3 the power to audit and inspect the records of grant recipients.

4 **SECTION 78.** 106.295 of the statutes is created to read:

5 **106.295 Health care workforce opportunity grants.** The department
6 shall, from the appropriation under s. 20.445 (1) (bx), establish and operate a
7 program to provide grants to local workforce development boards established under
8 29 USC 3122 to assist individuals whose employment status was negatively affected
9 by the COVID-19 pandemic and whose employment status has not improved. The
10 department shall target individuals employed or seeking employment in health
11 care-related fields and individuals who are currently ineligible for services under
12 the federal Workforce Innovation and Opportunity Act, 29 USC 3101 to 3361.

13 **SECTION 79.** 111.322 (2m) (a) of the statutes is amended to read:

14 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
15 right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.28, 103.32, 103.34,
16 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
17 or 103.64 to 103.82.

18 **SECTION 80.** 111.322 (2m) (b) of the statutes is amended to read:

19 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
20 held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13,
21 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
22 or ss. 101.58 to 101.599 or 103.64 to 103.82.

23 **SECTION 81.** 115.41 of the statutes is renumbered 115.41 (1).

24 **SECTION 82.** 115.41 (2) of the statutes is created to read:

1 115.41 (2) From the appropriation under s. 20.255 (3) (ci), beginning in the
2 2024-25 school year, the department shall provide payments, in the amount of
3 \$9,600 per individual per semester, to prospective teachers who are participating in
4 the program under sub. (1). The department may promulgate rules to implement
5 this subsection.

6 **SECTION 83.** 115.421 of the statutes is created to read:

7 **115.421 Student teacher stipends.** From the appropriation under s. 20.255
8 (3) (cs), beginning in the 2024-25 school year, the department shall provide
9 payments, in the amount of \$2,500 per individual per semester, to an individual who
10 is completing student teaching as part of a teacher preparatory program approved
11 by the state superintendent under s. 115.28 (7) (a). The department may promulgate
12 rules to implement this section.

13 **SECTION 84.** 115.422 of the statutes is created to read:

14 **115.422 Grow your own programs; teacher pipeline capacity building.**

15 (1) In this section, “grow your own program” means a program to encourage
16 individuals to pursue a career in teaching or to facilitate teacher licensure. “Grow
17 your own program” includes high school clubs that encourage careers in teaching,
18 payment of costs associated with current staff acquiring education needed for
19 licensure, support for career pathways using dual enrollment, support for
20 partnerships focused on attracting or developing new teachers, or incentives for
21 paraprofessionals to gain licensure.

22 (2) Beginning in the 2024-25 school year, from the appropriation under s.
23 20.255 (2) (ch), the department shall award grants to a school district or the operator
24 of a charter school under s. 118.40 (2r) or (2x) to reimburse the school district or
25 charter school for costs associated with grow your own programs.

1 **(3)** The department shall promulgate rules to implement and administer this
2 section, including criteria for awarding a grant.

3 **SECTION 85.** 115.424 of the statutes is created to read:

4 **115.424 Cooperating teacher stipends.** From the appropriation under s.
5 20.255 (3) (ct), beginning in the 2024-25 school year, the department shall provide
6 payments, in the amount of \$1,000 per teacher per semester, to a cooperating teacher
7 who is overseeing an individual who is completing student teaching. The
8 department may promulgate rules to implement this section.

9 **SECTION 86.** 119.04 (1) of the statutes, as affected by 2023 Wisconsin Act 12,
10 is amended to read:

11 **119.04 (1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
12 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
13 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.422,
14 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12,
15 118.124, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163,
16 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6),
17 (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935,
18 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m),
19 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
20 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
21 applicable to a 1st class city school district and board but not, unless explicitly
22 provided in this chapter or in the terms of a contract, to the commissioner or to any
23 school transferred to an opportunity schools and partnership program.

24 **SECTION 87.** 146.618 of the statutes is amended to read:

1 **146.618 Treatment program grants.** From s. 20.435 (5) (bg) or any available
2 federal moneys, the department shall distribute ~~a total of \$750,000 in~~ grants in each
3 fiscal year to support treatment programs. Grant recipients shall use moneys
4 awarded under this section for supervision, training, and resources, including
5 salaries, benefits, and other related costs.

6 **SECTION 88.** 146.64 (2) (c) 1. of the statutes is amended to read:

7 146.64 (2) (c) 1. The department shall distribute funds for grants under par.
8 (a) from the appropriation under s. 20.435 (4) (bf). The department may not
9 distribute more than ~~\$225,000~~ \$450,000 from the appropriation under s. 20.435 (4)
10 (bf) to a particular hospital in a given state fiscal year and may not distribute more
11 than ~~\$75,000~~ \$150,000 from the appropriation under s. 20.435 (4) (bf) to fund a given
12 position in a graduate medical training program in a given state fiscal year.

13 **SECTION 89.** 165.68 (1) (a) 3. of the statutes is amended to read:

14 165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 ~~(1m)~~ ~~(b) 6~~ (1) (gd).

15 **SECTION 90.** 230.12 (9m) of the statutes is created to read:

16 230.12 **(9m)** PAID FAMILY AND MEDICAL LEAVE. (a) *Definitions.* In this subsection:

17 1. “Family leave” means leave from employment for a reason specified in s.
18 103.10 (3) (b) 1. to 7.

19 2. “Medical leave” means leave from employment when an employee has a
20 serious health condition that makes the employee unable to perform his or her
21 employment duties, or makes the employee unable to perform the duties of any
22 suitable employment, or because the employee is in medical isolation, as defined in
23 s. 103.10 (1) (em).

24 3. “Serious health condition” has the meaning given in s. 103.10 (1) (g).

1 (b) *Program.* The administrator shall develop and recommend to the joint
2 committee on employment relations a program, administered by the division, that
3 provides paid family and medical leave for 12 weeks per year to employees whose
4 compensation is established under this section or s. 20.923 (2) or (3) but does not
5 include employees of the Board of Regents of the University of Wisconsin System.
6 The approval process for the program is the same as that provided under sub. (3) (b),
7 and, if approved, the program shall be incorporated into the compensation plan
8 under sub. (1).

9 (c) *Rules.* The administrator may promulgate rules to implement the family
10 and medical leave program under par. (b).

11 **SECTION 91.** 323.19 (3) and (4) of the statutes are repealed.

12 **SECTION 92.** 2023 Wisconsin Act 19, section 9104 (1) (i) 3. em. and 4m. a. are
13 created to read:

14 [2023 Wisconsin Act 19] Section 9104 (1)

(i) UNIVERSITY OF WISCONSIN SYSTEM

3. *Projects financed by segregated revenue:*

em. Madison — engineering replacement

building/computer-aided engineering facility

demolition	\$	197,336,000
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(Total project all funding sources

\$347,336,000)

4m. *Projects financed with gifts, grants, and other
receipts:*

a. Madison — engineering replacement
 building/computer-aided engineering facility
 demolition \$ 150,000,000
 (Total project all funding sources
 \$347,336,000)

1 **SECTION 93. Nonstatutory provisions.**

2 (1) In the 2023-25 Authorized State Building Program, the appropriate totals
 3 are adjusted to reflect the changes made by SECTION 92 of this act.

4 (2) POSITIONS FOR ADMINISTRATION OF FAMILY AND MEDICAL LEAVE BENEFITS
 5 INSURANCE PROGRAM. The authorized FTE positions for the department of workforce
 6 development are increased by 45.0 SEG positions in fiscal year 2023-24 and by 198.0
 7 SEG positions in fiscal year 2024-25, to be funded from the appropriation under s.
 8 20.445 (6) (r), for the purpose of administering the family and medical leave benefits
 9 insurance program.

10 (3) PROPOSED PERMANENT RULES. The department of workforce development
 11 shall submit in proposed form the rules required under s. 103.105 (8) (c) and (cm),
 12 (9) (a) and (b) 3., and (12) (c) to the legislative council staff under s. 227.15 (1) no later
 13 than the first day of the 4th month beginning after the effective date of this
 14 subsection.

15 (4) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

16 (a) Notwithstanding s. 227.135 (2), the department of workforce development
 17 is not required to present the statement of the scope of the rules required under s.
 18 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the department of

1 administration for review by the department of administration and approval by the
2 governor.

3 (b) Notwithstanding s. 227.185, the department of workforce development is
4 not required to present the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and
5 (b) 3., and (12) (c) in final draft form to the governor for approval.

6 (c) Notwithstanding s. 227.137 (2), the department of workforce development
7 is not required to prepare an economic impact analysis for the rules required under
8 s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c).

9 (d) Notwithstanding ss. 227.14 (2g) and 227.19 (3) (e), the department of
10 workforce development is not required to submit the proposed rules required under
11 s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the small business
12 regulatory review board and is not required to prepare a final regulatory flexibility
13 analysis for those rules.

14 (5) EMERGENCY RULES. Using the procedure under s. 227.24, the department of
15 workforce development shall promulgate the rules required under s. 103.105 (8) (c)
16 and (cm), (9) (a) and (b) 3., and (12) (c) for the period before the effective date of the
17 permanent rules promulgated under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and
18 (12) (c) but not to exceed the period authorized under s. 227.24 (1) (c), subject to
19 extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the
20 department is not required to provide evidence that promulgating a rule under this
21 subsection as an emergency rule is necessary for the preservation of public peace,
22 health, safety, or welfare and is not required to provide a finding of an emergency for
23 a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and
24 1g., the department is not required to prepare a statement of the scope of the rules
25 promulgated under this subsection or present the rules to the governor for approval.

1 (6) PAID FAMILY AND MEDICAL LEAVE. If the paid family and medical leave program
2 under s. 230.12 (9m) is approved by the joint committee on employment relations, it
3 shall go into effect immediately upon approval by the joint committee on employment
4 relations.

5 (7) CHILD CARE QUALITY IMPROVEMENT PROGRAM.

6 (a) Using the procedure under s. 227.24, the department of children and
7 families may promulgate the rules authorized under s. 49.133 (2) as emergency
8 rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and
9 families is not required to provide evidence that promulgating a rule under this
10 subsection as an emergency rule is necessary for the preservation of the public peace,
11 health, safety, or welfare and is not required to provide a finding of emergency for a
12 rule promulgated under this subsection.

13 (b) The authorized FTE positions for the department of children and families
14 are increased by 4.0 GPR positions, to be funded from the appropriation under s.
15 20.437 (2) (c), for the purpose of administering the child care quality improvement
16 program under s. 49.133.

17 (8) ELECTION TO CONTINUE ANNUITY SUSPENSION. No later than 60 days after the
18 effective date of this subsection, if an individual who is employed by a covered
19 employer under the Wisconsin Retirement System has his or her annuity suspended
20 under s. 40.26 (1m), 2021 stats., on the effective date of this subsection and wants
21 to continue the suspension, the individual shall notify the department of employee
22 trust funds on a form provided by the department. An election to continue the
23 suspension is irrevocable.

24 (9) HEALTH CARE PROVIDER INNOVATION GRANTS. Notwithstanding s. 46.48 (22),
25 the department of health services may, from the appropriation under s. 20.435 (7)

1 (bc), distribute not more than \$7,225,000 in fiscal year 2023-24 as grants to health
2 care providers and long-term care providers under s. 46.48 (22).

3 (10) PAID FAMILY AND MEDICAL LEAVE.

4 (a) *Definitions.* In this subsection:

5 1. “Family leave” means leave from employment for a reason specified in s.
6 103.10 (3) (b) 1. to 7.

7 2. “Medical leave” means leave from employment when an employee has a
8 serious health condition that makes the employee unable to perform his or her
9 employment duties, or makes the employee unable to perform the duties of any
10 suitable employment or who is in medical isolation, as defined in s. 103.10 (1) (em).

11 3. “Serious health condition” has the meaning given in s. 103.10 (1) (g).

12 (b) *Program plan.* The Board of Regents of the University of Wisconsin System
13 shall submit to the administrator of the division of personnel management in the
14 department of administration, with its recommendations for adjustments to
15 compensation and employee benefits for employees of the system under s. 230.12 (3)
16 (e) 1. for 2023-25, a plan for a program to provide paid family and medical leave for
17 12 weeks annually to employees of the system.

18 **SECTION 94. Fiscal changes.**

19 (1) NURSE AIDE TRAINING AND RECRUITMENT GRANTS. In the schedule under s.
20 20.005 (3) for the appropriation to the department of health services under s. 20.435
21 (4) (bm), the dollar amount for fiscal year 2024-25 is increased by \$6,000,000 for a
22 workforce development program to train and recruit individuals to work as nurse
23 aides in nursing homes, commonly known as the WisCaregiver Careers program.

24 (2) WISCONSIN GRANTS TO PRIVATE, NONPROFIT COLLEGE STUDENTS. In the schedule
25 under s. 20.005 (3) for the appropriation to the higher educational aids board under

1 s. 20.235 (1) (b), the dollar amount for fiscal year 2023-24 is increased by \$1,425,300
2 and the dollar amount for fiscal year 2024-25 is increased by \$2,921,800.

3 (3) WISCONSIN GRANTS TO UNIVERSITY OF WISCONSIN SYSTEM STUDENTS. In the
4 schedule under s. 20.005 (3) for the appropriation to the higher educational aids
5 board under s. 20.235 (1) (fe), the dollar amount for fiscal year 2023-24 is increased
6 by \$3,094,800 and the dollar amount for fiscal year 2024-25 is increased by
7 \$6,344,300.

8 (4) WISCONSIN GRANTS TO TECHNICAL COLLEGE STUDENTS. In the schedule under
9 s. 20.005 (3) for the appropriation to the higher educational aids board under s.
10 20.235 (1) (ff), the dollar amount for fiscal year 2023-24 is increased by \$1,148,600
11 and the dollar amount for fiscal year 2024-25 is increased by \$2,354,700.

12 (5) WISCONSIN GRANTS TO TRIBAL COLLEGE STUDENTS. In the schedule under s.
13 20.005 (3) for the appropriation to the higher educational aids board under s. 20.235
14 (1) (km), the dollar amount for fiscal year 2023-24 is increased by \$24,100 and the
15 dollar amount for fiscal year 2024-25 is increased by \$49,400.

16 (6) UNIVERSITY OF WISCONSIN SYSTEM; GENERAL PROGRAM OPERATIONS. In the
17 schedule under s. 20.005 (3) for the appropriation to the Board of Regents of the
18 University of Wisconsin System under s. 20.285 (1) (a), the dollar amount for fiscal
19 year 2023-24 is increased by \$22,100,000 and the dollar amount for fiscal year
20 2024-25 is increased by \$44,300,000.

21 (7) STATE AID TO TECHNICAL COLLEGES. In the schedule under s. 20.005 (3) for the
22 appropriation to the technical college system board under s. 20.292 (1) (d), the dollar
23 amount for fiscal year 2023-24 is increased by \$20,500,000 and the dollar amount
24 for fiscal year 2024-25 is increased by \$20,500,000 to increase funding for state aid
25 for technical colleges.

1 (8) NURSE EDUCATORS. In the schedule under s. 20.005 (3) for the appropriation
2 to the higher educational aids board under s. 20.235 (1) (co), the dollar amount for
3 fiscal year 2023-24 is increased by \$5,000,000 and the dollar amount for fiscal year
4 2024-25 is increased by \$5,000,000 for the nurse educator program.

5 (9) HEALTH CARE APPRENTICESHIPS. In the schedule under s. 20.005 (3) for the
6 appropriation to the department of workforce development under s. 20.445 (1) (a),
7 the dollar amount for fiscal year 2023-24 is increased by \$801,400 to increase the
8 authorized FTE positions for the department by 1.0 GPR position to conduct
9 outreach to stakeholders and partners to develop new apprenticeship pathways
10 related to health care. In the schedule under s. 20.005 (3) for the appropriation to
11 the department of workforce development under s. 20.445 (1) (a), the dollar amount
12 for fiscal year 2024-25 is increased by \$135,200 to provide funding for the position
13 authorized under this subsection.

14 (10) TREATMENT PROGRAM GRANTS. In the schedule under s. 20.005 (3) for the
15 appropriation to the department of health services under s. 20.435 (5) (bg), the dollar
16 amount for fiscal year 2024-25 is increased by \$1,576,600 for grants to support
17 treatment programs under s. 146.618.

18 (11) TRANSFER TO THE CAPITAL IMPROVEMENT FUND. There is transferred from the
19 general fund to the capital improvement fund \$197,336,000 during the 2023-25
20 fiscal biennium to fund the project enumerated under SECTION 92 of this act.

21 (12) TRANSFERS TO FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE TRUST FUND.
22 There is transferred from the general fund to the family and medical leave benefits
23 insurance trust fund created under s. 25.52 \$243,413,400 in the 2023-25 fiscal
24 biennium.

1 (13) FEDERAL BLOCK GRANT OPERATIONS. In the schedule under s. 20.005 (3) for
2 the appropriation to the department of children and families under s. 20.437 (2) (mc),
3 the dollar amount for fiscal year 2023-24 is increased by \$312,000 for the purpose
4 of child care state administration and licensing activities. In the schedule under s.
5 20.005 (3) for the appropriation to the department of children and families under s.
6 20.437 (2) (mc), the dollar amount for fiscal year 2024-25 is increased by \$624,000
7 for the purpose of child care state administration and licensing activities.

8 (14) FEDERAL BLOCK GRANT AIDS. In the schedule under s. 20.005 (3) for the
9 appropriation to the department of children and families under s. 20.437 (2) (md),
10 the dollar amount for fiscal year 2023-24 is increased by \$19,000,000 for the child
11 care quality improvement program under s. 49.133. In the schedule under s. 20.005
12 (3) for the appropriation to the department of children and families under s. 20.437
13 (2) (md), the dollar amount for fiscal year 2024-25 is increased by \$19,000,000 for
14 the child care quality improvement program under s. 49.133.

15 (15) GRADUATE MEDICAL EDUCATION GRANTS. In the schedule under s. 20.005 (3)
16 for the appropriation to the department of health services under s. 20.435 (4) (bf), the
17 dollar amount for fiscal year 2023-24 is increased by \$627,800 and the dollar amount
18 for fiscal year 2024-25 is increased by \$639,900 for graduate medical training
19 support grants.

20 (16) HEALTH CARE PROVIDER INNOVATION GRANTS. In the schedule under s. 20.005
21 (3) for the appropriation to the department of health services under s. 20.435 (7) (bc),
22 the dollar amount for fiscal year 2023-24 is increased by \$7,225,000 and the dollar
23 amount for fiscal year 2024-25 is increased by \$14,500,000 for health care provider
24 innovation grants under SECTION 93 (9) and s. 46.48 (22).

1 (17) HEALTH CARE PROVIDER INNOVATION GRANT PROGRAM ADMINISTRATION. In the
2 schedule under s. 20.005 (3) for the appropriation to the department of health
3 services under s. 20.435 (4) (bm), the dollar amount for fiscal year 2023-24 is
4 increased by \$225,000 and the dollar amount for fiscal year 2024-25 is increased by
5 \$500,000 for state administration and evaluation of the health care provider
6 innovation grant program.

7 (18) CHILD CARE OFFSET. In the schedule under s. 20.005 (3) for the appropriation
8 to the joint committee on finance under s. 20.865 (4) (a), the dollar amount for fiscal
9 year 2023-24 is decreased by \$15,000,000, which had been reserved for child care
10 under s. 20.192 (1) (bn) for the purpose of offsetting the amounts in the schedule
11 under s. s. 20.437 (2) (d).

12 (19) STATE EMPLOYEE PAID FAMILY AND MEDICAL LEAVE. The amounts of the
13 estimated expenditures in the compensation reserves general purpose revenue
14 shown in the schedule under s. 20.005 (1) are increased by \$8,352,800 in fiscal year
15 2023-24 and by \$17,373,900 in fiscal year 2024-25.

16 **SECTION 95. Initial applicability.**

17 (1) FAMILY AND MEDICAL LEAVE. The treatment of s. 103.10 (12) (b) first applies
18 to a violation that occurs, or that an employee should reasonably have known
19 occurred, on the effective date of this subsection.

20 (2) PAID FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.

21 (a) *Family and medical leave benefits insurance trust fund contributions.*
22 Except as provided in par. (c), the treatment of s. 103.105 (8) first applies to wages
23 earned on January 1, 2025.

24 (b) *Family or medical leave insurance benefits eligibility.* Except as provided
25 in par. (c), the treatment of s. 103.105 (3) first applies to a period of family leave, as

1 defined in s. 103.105 (1) (f), or a period of medical leave, as defined in s. 103.105 (1)
2 (h), commencing on January 1, 2025.

3 (c) *Collective bargaining agreements.* The treatment of ss. 20.445 (6), 25.17 (1)
4 (er), 25.52, 103.105, and 111.322 (2m) (a) and (b) first applies to an employee who is
5 affected by a collective bargaining agreement that contains provisions inconsistent
6 with the treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m)
7 (a) and (b) on the day on which the collective bargaining agreement expires or is
8 extended, modified, or renewed.”.

9 (END)