



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3667/3
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2019 ASSEMBLY BILL 372

August 12, 2019 - Introduced by Representatives MURPHY, KERKMAN, FELZKOWSKI, RAMTHUN and ZIMMERMAN, cosponsored by Senators MARKLEIN and BEWLEY. Referred to Joint Committee on Finance.

1 **AN ACT to repeal** 13.106 (2), 16.54 (8r) (b), 36.11 (22) (a) 1. (intro.), 36.11 (22) (a)
2 2., 36.11 (22) (b), 36.11 (22) (d), 36.11 (54), 36.25 (25) (c), 36.45, 36.59 (2) (b) to
3 (h), 36.59 (7) and 36.65 (4); **to renumber** 36.11 (22) (a) 1. a.; **to renumber and**
4 **amend** 16.54 (8r) (a), 36.11 (22) (a) 1. b., 36.11 (22) (a) 1. c., 36.11 (22) (a) 1. d.
5 and 36.11 (22) (c); **to consolidate, renumber and amend** 36.59 (2) (intro.) and
6 (a); **to amend** 1.11 (2) (intro.), 1.11 (2) (j), 13.58 (5) (b) 6., 16.505 (2p) (a), 16.528
7 (5), 16.891 (1) (a), 16.953, 20.907 (1m), 36.09 (1) (j), 36.11 (16), 36.11 (22) (a)
8 (intro.) and 36.11 (55m) (e); and **to create** 16.35, 36.11 (22) (a) 2m., 36.11 (22)
9 (c) 1., 36.11 (22) (e) and 283.33 (10) of the statutes; **relating to:** various
10 University of Wisconsin System reporting requirements, commencement of the
11 UW System's fall semester for graduate health science classes, UW System

ASSEMBLY BILL 372

1 sexual assault and harassment information and reports, and energy cost
2 reduction plans for certain state agencies.

Analysis by the Legislative Reference Bureau

Fall semester. This bill allows graduate health science classes at the University of Wisconsin System to commence before September 1. Under current law, only medical school and fourth year veterinary school classes may commence before that date.

Reporting requirements. The bill also exempts the UW System from requirements to submit the following reports, which apply to other state agencies under current law: 1) an annual report to the Department of Administration on interest paid for late payments; 2) an annual report to the Joint Committee on Finance and DOA on expenditure of nonfederal gifts and grants; and 3) an annual report to DOA on the cost of occupancy of state facilities.

In addition, the bill repeals requirements for the UW System to submit the following reports: 1) a biennial financial report to the governor and JCF by the Medical College of Wisconsin and the University of Wisconsin-Madison Medical School; 2) an annual report to DOA and JCF on created and abolished positions; 3) an annual report to the governor and JCF on federal funding expenditures; 4) an annual report to JCF and DOA on salary increases; 5) an annual report to the legislature and governor regarding employees with limited or concurrent appointments and employees requiring backup positions; 6) a biennial report to JCF on industrial and economic development research projects; 7) a biennial report to the governor and JCF on research funded with general purpose revenue; 8) a semiannual report to the Joint Committee on Information Policy and Technology on certain information technology projects; 9) an annual report to JCF and the Joint Legislative Audit Committee on fee increases; 10) an annual report to JCF on course dropout rates; and 11) an annual report by UW System administration to the Board of Regents on consultants. The bill also makes changes to requirements for UW System large, high-risk information technology projects, including eliminating a requirement for reporting certain changes regarding those projects to the Joint Committee on Information Policy and Technology.

The bill also does the following:

1. Prohibits DOA from requiring the Board of Regents to submit to DOA reports on accounts receivable or moving expenses if substantially similar information is included in other reports submitted by the Board of Regents or is accessible through DOA's statewide accounting system.

2. Exempts the Board of Regents from submitting annual reports to the Department of Natural Resources relating to its local program for construction site erosion control and storm water management.

3. Requires DOA, instead of the Board of Regents, to make an annual report to the legislature on certain environmental impact reports regarding the UW System.

ASSEMBLY BILL 372

Sexual assault and harassment. The bill makes changes to requirements for UW institutions to annually provide information to students about sexual assault and sexual harassment, including the following: 1) requiring the information to include university policies prohibiting sexual assault and harassment; and 2) eliminating an annual report by the Board of Regents to the legislature on compliance with the requirements. The bill also changes reporting requirements for sexual assault and harassment. Under current law, an employee of a UW institution who witnesses or receives a report that a student has been sexually assaulted must make a report to the dean of the institution. The bill requires instead that a campus security authority (CSA) must make the reports. The bill defines CSA to have the same meaning as under a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Under the bill, if an allegation that a sexual assault has occurred on or near campus is reported to a CSA in his or her capacity as a CSA, the CSA must report the allegation to the institution's dean or other appropriate official. The bill also requires the dean or other appropriate official to compile the reports made by CSAs for the purpose of reporting crime statistics as required under the federal law and eliminates a requirement for UW institutions to make annual reports regarding sexual assaults to the Department of Justice.

Energy cost reduction plans. The bill requires DOA to submit biennial plans to JCF and the legislature on energy cost reduction for the following state agencies: DOA, the Board of Regents, the Department of Corrections, the Department of Health Services, the Department of Public Instruction, and the Department of Veterans Affairs. Current law requires the state agencies themselves to submit the plans.

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.** 1.11 (2) (intro.) of the statutes is amended to read:
- 2 1.11 (2) (intro.) ~~All~~ Except as provided in par. (j), all agencies of the state shall:
- 3 **SECTION 2.** 1.11 (2) (j) of the statutes is amended to read:
- 4 1.11 (2) (j) Annually, no later than September 15, submit a report to the chief
- 5 clerk of each house of the legislature for distribution to the legislature under s.
- 6 13.172 (2), including the number of proposed actions for which the agency conducted
- 7 an assessment of whether an impact statement was required under par. (c) and the

ASSEMBLY BILL 372

1 number of impact statements prepared under par. (c). For proposed actions of the
2 University of Wisconsin System that are UW gifts and grants projects let through
3 single prime contracting under s. 16.855 (12m), the Board of Regents shall submit
4 the report required under this paragraph and, for all other proposed actions of the
5 University of Wisconsin System, the department shall submit the report.

6 **SECTION 3.** 13.106 (2) of the statutes is repealed.

7 **SECTION 4.** 13.58 (5) (b) 6. of the statutes is amended to read:

8 13.58 (5) (b) 6. Review any University of Wisconsin System, institution, or
9 college campus information technology project identified in a report submitted to the
10 committee by the Board of Regents under s. ~~36.59 (7)~~ with an actual or projected cost
11 greater than \$1,000,000 or that is identified as a large, high-risk information
12 technology project under s. 36.59 (2) (a) to determine whether the project should be
13 continued or implemented. The committee may forward any recommendations
14 regarding the project to the governor and to the legislature under s. 13.172 (2).

15 **SECTION 5.** 16.35 of the statutes is created to read:

16 **16.35 University of Wisconsin reports.** The department may not require
17 the Board of Regents of the University of Wisconsin System to submit to the
18 department reports on accounts receivable or moving expenses if substantially
19 similar information is included in other reports submitted to the department by the
20 Board of Regents or is accessible through the department's statewide accounting
21 system.

22 **SECTION 6.** 16.505 (2p) (a) of the statutes is amended to read:

23 16.505 (2p) (a) Subject to par. (b), the board ~~Board~~ Board of regents ~~Regents~~ Regents of the
24 University of Wisconsin System or the chancellor of the University of
25 Wisconsin-Madison may create or abolish a full-time equivalent academic staff or

ASSEMBLY BILL 372

1 faculty position or portion thereof from revenues appropriated under s. 20.285 (1) (a).
2 Annually, no later than the September 30 following completion of the fiscal year, the
3 board of regents or chancellor shall report to the department and the cochairpersons
4 of the joint committee on finance concerning the number of full-time equivalent
5 positions created or abolished by the board or chancellor under this subsection
6 during the preceding fiscal year.

7 **SECTION 7.** 16.528 (5) of the statutes is amended to read:

8 16.528 (5) REPORTS OF INTEREST PAID. Annually before October 1, each agency
9 shall report to the department the number of times in the previous fiscal year the
10 agency paid interest under this section, the total amount of interest paid, and the
11 reasons why interest payments were not avoided by making timely payment. In this
12 subsection, "agency" does not include the Board of Regents of the University of
13 Wisconsin System.

14 **SECTION 8.** 16.54 (8r) (a) of the statutes is renumbered 16.54 (8r) and amended
15 to read:

16 16.54 (8r) Whenever the federal government makes available moneys for
17 instruction, extension, special projects, or emergency employment opportunities, the
18 board Board of regents Regents of the University of Wisconsin System may accept
19 the moneys on behalf of the state. The board Board of regents Regents shall, in the
20 administration of the expenditure of such moneys, comply with the requirements of
21 the act of congress making the moneys available and with the regulations prescribed
22 by the federal government or the federal agency administering the act, insofar as the
23 act or regulations are consistent with state law. The board Board of regents Regents
24 may submit any plan, budget, application, or proposal required by the federal agency
25 as a precondition to receipt of the moneys. The board Board of regents Regents may,

ASSEMBLY BILL 372

1 consistent with state law, perform any act required by the act of congress or the
2 federal agency to carry out the purpose of the act of congress. The ~~board~~ Board of
3 ~~regents~~ Regents shall deposit all moneys received under this ~~paragraph~~ subsection
4 in the appropriation account under s. 20.285 (1) (m).

5 **SECTION 9.** 16.54 (8r) (b) of the statutes is repealed.

6 **SECTION 10.** 16.891 (1) (a) of the statutes is amended to read:

7 16.891 (1) (a) "Agency" has the meaning given in s. 16.70 (1e), except that
8 "agency" does not include the Board of Regents of the University of Wisconsin
9 System.

10 **SECTION 11.** 16.953 of the statutes is amended to read:

11 **16.953 Energy cost reduction plans.** No later than July 1 of each
12 even-numbered year, each ~~agency, as defined in s. 16.75 (12) (a) 1.,~~ the department
13 ~~shall submit a plan to the department,~~ the joint committee on finance, and the
14 standing committee of each house of the legislature having jurisdiction over energy,
15 for reduction of the cost of energy used by the ~~agency~~ agencies, as defined under s.
16 16.75 (12) (a) 1. The plan shall include all system and equipment upgrades or
17 installations that are estimated to result in energy cost savings equal to the cost of
18 the upgrade or installation over the anticipated life of the system or equipment. The
19 plan shall also identify potential means of financing the upgrades and installations
20 other than reliance on appropriations of general purpose revenues. The department
21 of administration shall consider in its plan the means of financing allowed under s.
22 16.858.

23 **SECTION 12.** 20.907 (1m) of the statutes is amended to read:

24 20.907 (1m) REPORTING. State agencies shall, by December 1 annually, submit
25 a report to the joint committee on finance and the department of administration on

ASSEMBLY BILL 372

1 expenditures made by the agency during the preceding fiscal year from nonfederal
2 funds received as gifts, grants, bequests, or devises. The department of
3 administration shall prescribe a form, which the department may modify as
4 appropriate for the various state agencies, that each state agency must use to report
5 its expenditures as required under this subsection. The form shall require the
6 expenditures to be reported in aggregate amounts as determined by the department
7 of administration. The report shall also include a listing of in-kind contributions,
8 including goods and services, received and used by the state agency during the
9 preceding fiscal year. In this subsection, "state agency" does not include the Board
10 of Regents of the University of Wisconsin System.

11 **SECTION 13.** 36.09 (1) (j) of the statutes is amended to read:

12 36.09 (1) (j) Except where such matters are a subject of bargaining with a
13 certified representative of a collective bargaining unit under s. 111.91, the board
14 shall establish salaries for persons prior to July 1 of each year for the next fiscal year,
15 and shall designate the effective dates for payment of the new salaries. In the first
16 year of the biennium, payments of the salaries established for the preceding year
17 shall be continued until the biennial budget bill is enacted. If the budget is enacted
18 after July 1, payments shall be made following enactment of the budget to satisfy the
19 obligations incurred on the effective dates, as designated by the board, for the new
20 salaries, subject only to the appropriation of funds by the legislature and s. 20.928
21 (3). This paragraph does not limit the authority of the board to establish salaries for
22 new appointments. The board may not increase the salaries of employees under this
23 paragraph unless the salary increase conforms to the proposal as approved under s.
24 230.12 (3) (e) or the board authorizes the salary increase to recognize merit, to correct
25 salary inequities under par. (h), to fund job reclassifications or promotions, or to

ASSEMBLY BILL 372**SECTION 13**

1 recognize competitive factors. The granting of salary increases to recognize
2 competitive factors does not obligate inclusion of the annualized amount of the
3 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
4 ~~No later than October 1 of each year, the board shall report to the joint committee~~
5 ~~on finance and the secretary of administration and administrator of the division of~~
6 ~~personnel management in the department of administration concerning the~~
7 ~~amounts of any salary increases granted to recognize competitive factors, and the~~
8 ~~institutions at which they are granted, for the 12-month period ending on the~~
9 ~~preceding June 30.~~

10 **SECTION 14.** 36.11 (16) of the statutes is amended to read:

11 36.11 **(16)** COMMENCEMENT OF FALL SEMESTER. The board shall ensure that no
12 fall semester classes at any institution, except medical school classes, graduate
13 health science classes, and 4th year classes at the school of veterinary medicine,
14 commence until after September 1.

15 **SECTION 15.** 36.11 (22) (a) (intro.) of the statutes is amended to read:

16 36.11 **(22)** (a) (intro.) The board shall direct each institution and college campus
17 to annually provide students with information on all of the following:

18 **SECTION 16.** 36.11 (22) (a) 1. (intro.) of the statutes is repealed.

19 **SECTION 17.** 36.11 (22) (a) 1. a. of the statutes is renumbered 36.11 (22) (a) 1m.

20 **SECTION 18.** 36.11 (22) (a) 1. b. of the statutes is renumbered 36.11 (22) (a) 3.
21 and amended to read:

22 36.11 **(22)** (a) 3. Generally available national and state statistics, and campus
23 statistics as compiled under par. (c) 2. and as reported under par. ~~(d)~~ (e), on sexual
24 assaults ~~and on sexual assaults by acquaintances of the victims.~~

ASSEMBLY BILL 372

1 **SECTION 19.** 36.11 (22) (a) 1. c. of the statutes is renumbered 36.11 (22) (a) 4.
2 and amended to read:

3 36.11 (22) (a) 4. The rights of victims under ch. 950 and the services available
4 at the institution ~~or college campus~~ and in the community to assist a student who is
5 the victim of sexual assault or sexual harassment.

6 **SECTION 20.** 36.11 (22) (a) 1. d. of the statutes is renumbered 36.11 (22) (a) 5.
7 and amended to read:

8 36.11 (22) (a) 5. Protective behaviors, ~~including methods of recognizing and~~
9 ~~avoiding sexual assault and sexual harassment and locations in the community~~
10 ~~where courses on protective behaviors are provided~~ and risk factors.

11 **SECTION 21.** 36.11 (22) (a) 2. of the statutes is repealed.

12 **SECTION 22.** 36.11 (22) (a) 2m. of the statutes is created to read:

13 36.11 (22) (a) 2m. University policies prohibiting sexual assault and sexual
14 harassment.

15 **SECTION 23.** 36.11 (22) (b) of the statutes is repealed.

16 **SECTION 24.** 36.11 (22) (c) of the statutes is renumbered 36.11 (22) (c) 2. and
17 amended to read:

18 36.11 (22) (c) 2. ~~Any person employed at an institution who witnesses a sexual~~
19 ~~assault on campus or receives a report from a student enrolled in the institution that~~
20 ~~the student has been sexually assaulted~~ A campus security authority of an
21 institution shall report to the dean of students or other appropriate official of the
22 institution any allegation reported to the campus security authority in his or her
23 capacity as a campus security authority that a sexual assault occurred on campus,
24 on public property, or on or in noncampus buildings or property. The dean of students

ASSEMBLY BILL 372

1 or other appropriate official shall compile the reports for the purpose of
2 disseminating statistical information under par. (a) 1. b. (e).

3 **SECTION 25.** 36.11 (22) (c) 1. of the statutes is created to read:

4 36.11 **(22)** (c) 1. In this paragraph:

5 a. Campus has the meaning given in 20 USC 1092 (f) (6) (A) (ii).

6 b. Campus security authority has the meaning given in 34 CFR 668.46 (a).

7 c. Noncampus building or property has the meaning given in 20 USC 1092 (f)
8 (6) (A) (iii).

9 d. Public property has the meaning given in 20 USC 1092 (f) (6) (A) (iv).

10 e. Sexual assault has the meaning given in 20 USC 1092 (f) (6) (A) (v).

11 **SECTION 26.** 36.11 (22) (d) of the statutes is repealed.

12 **SECTION 27.** 36.11 (22) (e) of the statutes is created to read:

13 36.11 **(22)** (e) An institution shall use the reports compiled under par. (c) 2. for
14 the purpose of reporting campus crime statistics as required under 20 USC 1092 (f).

15 **SECTION 28.** 36.11 (54) of the statutes is repealed.

16 **SECTION 29.** 36.11 (55m) (e) of the statutes is amended to read:

17 36.11 **(55m)** (e) The conditions for accepting the contracts and conducting the
18 research are established pursuant to a process approved by the chancellor, in
19 consultation with the faculty, of the institution at which the research is to be
20 conducted. The board shall report annually by September 1 to the joint committee
21 on finance the number of research contracts considered under processes established
22 under this paragraph and the outcome of those contracts.

23 **SECTION 30.** 36.25 (25) (c) of the statutes is repealed.

24 **SECTION 31.** 36.45 of the statutes is repealed.

ASSEMBLY BILL 372

1 **SECTION 32.** 36.59 (2) (intro.) and (a) of the statutes are consolidated,
2 renumbered 36.59 (2) and amended to read:

3 **36.59 (2) LARGE, HIGH-RISK PROJECTS.** The Board of Regents shall promulgate:
4 ~~(a) A adopt a policy that establishes a definition of and methodology for identifying~~
5 large, high-risk information technology projects. The Board of Regents shall adopt
6 policies and procedures to ensure that the performance, progress, and budget of
7 projects identified under this subsection are monitored on a regular basis and
8 reported to the Board of Regents.

9 **SECTION 33.** 36.59 (2) (b) to (h) of the statutes are repealed.

10 **SECTION 34.** 36.59 (7) of the statutes is repealed.

11 **SECTION 35.** 36.65 (4) of the statutes is repealed.

12 **SECTION 36.** 283.33 (10) of the statutes is created to read:

13 **283.33 (10) REPORTING EXEMPTION.** If the department has approved an
14 authorized local program under which the Board of Regents of the University of
15 Wisconsin System is responsible for ensuring compliance with local and state
16 construction site erosion control and storm water management requirements, the
17 department may not require the board to submit an annual report to the department
18 relating to the authorized local program.

19 **SECTION 37. Nonstatutory provisions.**

20 **(1) COURSE DROP RATE REPORTS.** The requirement for the Board of Regents of the
21 University of Wisconsin System to submit annual course drop rate reports to the joint
22 committee on finance under that committee's September 1988 motion terminates on
23 the effective date of this subsection.

