

1 102.835 (4) (b) Any 3rd party who fails to surrender any property or rights to
2 property subject to levy, upon demand of the ~~department~~ office, is subject to
3 proceedings to enforce the levy. The 3rd party is not liable to the ~~department~~ office
4 under this paragraph for more than 25% of the debt. The ~~department~~ office shall
5 serve a final demand as provided under sub. (13) on any 3rd party who fails to
6 surrender property. Proceedings may not be initiated by the ~~department~~ office until
7 5 days after service of the final demand. The ~~department~~ office shall issue a
8 determination under s. 102.82 to the 3rd party for the amount of the liability.

9 *~~0610/P3.333~~*SECTION 3052. 102.835 (4) (c) of the statutes is amended to
10 read:

11 102.835 (4) (c) When a 3rd party surrenders the property or rights to the
12 property on demand of the ~~department~~ office or discharges the obligation to the
13 ~~department~~ office for which the levy is made, the 3rd party is discharged from any
14 obligation or liability to the debtor with respect to the property or rights to the
15 property arising from the surrender or payment to the ~~department~~ office.

16 *~~0610/P3.334~~*SECTION 3053. 102.835 (5) (a) of the statutes is amended to
17 read:

18 102.835 (5) (a) If the ~~department~~ office has levied upon property, any person,
19 other than the debtor who is liable to pay the debt out of which the levy arose, who
20 claims an interest in or lien on that property, and who claims that that property was
21 wrongfully levied upon may bring a civil action against the state in the circuit court
22 for Dane County. That action may be brought whether or not that property has been
23 surrendered to the ~~department~~ office. The court may grant only the relief under par.
24 (b). No other action to question the validity of or to restrain or enjoin a levy by the
25 ~~department~~ office may be maintained.

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1 *~~0610/P3.335~~***SECTION 3054.** 102.835 (5) (c) of the statutes is amended to
2 read:

3 102.835 (5) (c) For purposes of an adjudication under this subsection, the
4 determination of the debt upon which the interest or lien of the ~~department~~ office is
5 based is conclusively presumed to be valid.

6 *~~0610/P3.336~~***SECTION 3055.** 102.835 (6) of the statutes is amended to read:
7 102.835 (6) DETERMINATION OF EXPENSES. The ~~department~~ office shall
8 determine its costs and expenses to be paid in all cases of levy.

9 *~~0610/P3.337~~***SECTION 3056.** 102.835 (7) (a) of the statutes is amended to
10 read:

11 102.835 (7) (a) The ~~department~~ office shall apply all money obtained under this
12 section first against the expenses of the proceedings and then against the liability
13 in respect to which the levy was made and any other liability owed to the ~~department~~
14 office by the debtor.

15 *~~0610/P3.338~~***SECTION 3057.** 102.835 (7) (b) of the statutes is amended to
16 read:

17 102.835 (7) (b) The ~~department~~ office may refund or credit any amount left
18 after the applications under par. (a), upon submission of a claim for a refund or credit
19 and satisfactory proof of the claim, to the person entitled to that amount.

20 *~~0610/P3.339~~***SECTION 3058.** 102.835 (8) of the statutes is amended to read:
21 102.835 (8) RELEASE OF LEVY. The ~~department~~ office may release the levy upon
22 all or part of property levied upon to facilitate the collection of the liability or to grant
23 relief from a wrongful levy, but that release does not prevent any later levy.

24 *~~0610/P3.340~~***SECTION 3059.** 102.835 (9) of the statutes is amended to read:

1 102.835 (9) WRONGFUL LEVY. If the department office determines that property
2 has been wrongfully levied upon, the department office may return the property at
3 any time, or may return an amount of money equal to the amount of money levied
4 upon.

5 *~~0610/P3.341~~*SECTION 3060. 102.835 (10) of the statutes is amended to read:

6 102.835 (10) PRESERVATION OF REMEDIES. The availability of the remedy under
7 this section does not abridge the right of the department office to pursue other
8 remedies.

9 *~~0610/P3.342~~*SECTION 3061. 102.835 (12) of the statutes is amended to read:

10 102.835 (12) NOTICE BEFORE LEVY. If no proceeding for review permitted by law
11 is pending, the department office shall make a demand to the debtor for payment of
12 the debt ~~which~~ that is subject to levy and give notice that the department office may
13 pursue legal action for collection of the debt against the debtor. The department
14 office shall make the demand for payment and give the notice at least 10 days prior
15 to the levy, personally or by any type of mail service ~~which~~ that requires a signature
16 of acceptance, at the address of the debtor as it appears on the records of the
17 department office. The demand for payment and notice shall include a statement of
18 the amount of the debt, including costs and fees, and the name of the debtor who is
19 liable for the debt. The debtor's failure to accept or receive the notice does not prevent
20 the department office from making the levy. Notice prior to levy is not required for
21 a subsequent levy on any debt of the same debtor within one year after the date of
22 service of the original levy.

23 *~~0610/P3.343~~*SECTION 3062. 102.835 (13) (a) of the statutes is amended to
24 read:

1 102.835 (13) (a) The ~~department~~ office shall serve the levy upon the debtor and
2 3rd party by personal service or by any type of mail service ~~which~~ that requires a
3 signature of acceptance.

4 *~~-0610/P3.344~~*SECTION 3063. 102.835 (13) (c) of the statutes is amended to
5 read:

6 102.835 (13) (c) The ~~department~~ representative of the office who serves the levy
7 shall certify service of process on the notice of levy form and the person served shall
8 acknowledge receipt of the certification by signing and dating it. If service is made
9 by mail, the return receipt is the certificate of service of the levy.

10 *~~-0610/P3.345~~*SECTION 3064. 102.835 (14) of the statutes is amended to read:

11 102.835 (14) ANSWER BY 3RD PARTY. Within 20 days after the service of the levy
12 upon a 3rd party, the 3rd party shall file an answer with the ~~department~~ office stating
13 whether the 3rd party is in possession of or obligated with respect to property or
14 rights to property of the debtor, including a description of the property or the rights
15 to property and the nature and dollar amount of any such obligation. If the 3rd party
16 is an insurance company, the insurance company shall file an answer with the
17 ~~department~~ office within 45 days after the service of the levy.

18 *~~-0610/P3.346~~*SECTION 3065. 102.835 (19) of the statutes is amended to read:

19 102.835 (19) HEARING. Any debtor who is subject to a levy proceeding made by
20 the ~~department~~ office may request a hearing under s. 102.17 to review the levy
21 proceeding. The hearing is limited to questions of prior payment of the debt that the
22 ~~department~~ office is proceeding against, and mistaken identity of the debtor. The
23 levy is not stayed pending the hearing in any case in which property is secured
24 through the levy.

25 *~~-0610/P3.347~~*SECTION 3066. 102.85 (2) (a) of the statutes is amended to read:

1 102.85 (2) (a) Gives false information about the coverage to his or her
2 employees, the ~~department~~ office, or any other person who contracts with the
3 employer and who requests evidence of worker's compensation coverage in relation
4 to that contract.

5 *~~0610/P3.348~~*SECTION 3067. 102.85 (5) (a) of the statutes is amended to read:

6 102.85 (5) (a) The payment of any judgment under this section may be
7 suspended or deferred for not more than 90 days in the discretion of the court. The
8 court shall suspend a judgment under this section upon the motion of the ~~department~~
9 office, if the ~~department~~ office is satisfied that the employer's violation of s. 102.16
10 (3) or 102.28 (2) was beyond the employer's control and that the employer is no longer
11 violates in violation of s. 102.16 (3) or 102.28 (2). ~~In cases where~~ If a deposit has been
12 made, any forfeitures, surcharges, fees, and costs imposed under ch. 814 shall be
13 taken out of the deposit and the balance, if any, returned to the employer.

14 *~~0610/P3.349~~*SECTION 3068. 102.87 (1) of the statutes is renumbered 102.87
15 (1m).

16 *~~0610/P3.350~~*SECTION 3069. 102.87 (1d) of the statutes is created to read:

17 102.87 (1d) In this section, "deputy" means any person employed by the office
18 who is designated as a deputy, who possesses special, technical, scientific,
19 managerial or personal abilities or qualities in matters within the jurisdiction of the
20 office, and who may be engaged in the performance of duties under the direction of
21 the commissioner, calling for the exercise of those abilities or qualities.

22 *~~0610/P3.351~~*SECTION 3070. 102.87 (2) (intro.) of the statutes is amended to
23 read:

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1 102.87 (2) (intro.) A citation under this section shall be signed by a ~~department~~
2 deputy, or by an officer who has authority to make arrests for the violation, and shall
3 contain substantially the following information:

4 *~~0610/P3.352~~**SECTION 3071.** 102.87 (2) (b) of the statutes is amended to read:

5 102.87 (2) (b) The name and office or department of the issuing ~~department~~
6 deputy or officer.

7 *~~0610/P3.353~~**SECTION 3072.** 102.87 (3) of the statutes is amended to read:

8 102.87 (3) A defendant issued a citation under this section may deposit the
9 amount of money that the issuing ~~department~~ deputy or officer directs by mailing or
10 delivering the deposit and a copy of the citation before the court appearance date to
11 the clerk of the circuit court in the county where the violation occurred, to the
12 ~~department~~ office, or to the sheriff's office or police headquarters of the officer who
13 issued the citation. The basic amount of the deposit shall be determined under a
14 deposit schedule established by the judicial conference. The judicial conference shall
15 annually review and revise the schedule. In addition to the basic amount determined
16 by the schedule, the deposit shall include the costs, fees, and surcharges imposed
17 under ch. 814.

18 *~~0610/P3.354~~**SECTION 3073.** 102.87 (9) of the statutes is amended to read:

19 102.87 (9) A ~~department~~ deputy or an officer who collects under this section a
20 forfeiture and costs, fees, and surcharges imposed under ch. 814 ~~under this section~~
21 shall pay the money to the county treasurer within 20 days after its receipt. If the
22 ~~department~~ deputy or officer fails to make timely payment, the county treasurer may
23 collect the payment from the ~~department~~ deputy or officer by an action in the
24 treasurer's name of office and upon the official bond of the ~~department~~ deputy or

1 officer, with interest at the rate of ~~12%~~ 12 percent per year from the time when ~~it~~ the
2 payment should have been ~~paid~~ made.

3 *~~0610/P3.355~~*SECTION 3074. 102.88 (1) of the statutes is amended to read:

4 102.88 (1) When a person is convicted of any violation of this chapter or of any
5 ~~department~~ rule or order of the office, and it is alleged in the indictment, information,
6 or complaint, and proved or admitted on trial or ascertained by the court after
7 conviction that the person was previously subjected to a fine or forfeiture within a
8 period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or
9 imprisoned for not more than 90 days or both.

10 *~~0610/P3.356~~*SECTION 3075. 102.89 (1) of the statutes is amended to read:

11 102.89 (1) Whoever is concerned in the commission of a violation of this chapter
12 or of any ~~department~~ rule or order of the office under this chapter for which a
13 forfeiture is imposed is a principal and may be charged with and convicted of the
14 violation although he or she did not directly commit ~~it~~ the violation and although the
15 person who directly committed ~~it~~ the violation has not been convicted of the violation.

16 *~~1461/P2.228~~*SECTION 3076. 103.001 (6) of the statutes is amended to read:

17 103.001 (6) "Employer" means any person, firm, corporation, state, county,
18 town, city, village, school district, sewer district, drainage district, ~~long-term care~~
19 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,
20 representative or other person having control or custody of any employment, place
21 of employment or of any employee.

22 *~~0971/P5.578~~*SECTION 3077. 103.49 (1) (f) of the statutes is amended to read:

23 103.49 (1) (f) "State agency" means any office, department, independent
24 agency, institution of higher education, association, society or other body in state
25 government created or authorized to be created by the constitution or any law,

1 including the legislature and the courts. “State agency” also includes the University
2 of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin System
3 Authority, the Fox River Navigational System Authority, and the Wisconsin
4 Aerospace Authority.

5 ***-0389/P3.6***SECTION 3078. 103.50 (2) of the statutes is amended to read:

6 103.50 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. No person performing
7 the work described in sub. (2m) in the employ of a contractor, subcontractor, agent
8 or other person performing any work on a project under a contract based on bids as
9 provided in s. 84.06 (2), or under a contract under s. 84.06 (2m) (e), to which the state
10 is a party for the construction or improvement of any highway may be permitted to
11 work a greater number of hours per day or per week than the prevailing hours of
12 labor; nor may he or she be paid a lesser rate of wages than the prevailing wage rate
13 in the area in which the work is to be done determined under sub. (3); except that any
14 such person may be permitted or required to work more than such prevailing hours
15 of labor per day and per week if he or she is paid for all hours worked in excess of the
16 prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of
17 pay.

18 ***-1241/P2.7***SECTION 3079. 106.05 (2) (b) (intro.) of the statutes is amended
19 to read:

20 106.05 (2) (b) (intro.) Subject to par. (c) and sub. (3), from the appropriation
21 under s. 20.445 (1) ~~(d)~~ (b), the department ~~shall~~ may provide to an apprentice
22 described in par. (a) 1. or the apprentice’s sponsor a completion award equal to 25
23 percent of the cost of tuition incurred by the apprentice or sponsor or \$1,000,
24 whichever is less. If the department provides a completion award under this
25 subsection, the department shall pay the award as follows:

1 *~~1241/P2.8~~**SECTION 3080.** 106.05 (3) (a) of the statutes is amended to read:

2 106.05 (3) (a) If the amount of funds to be distributed under sub. (2) exceeds
3 the amount available in the appropriation under s. 20.445 (1) (d) (b) for completion
4 awards under sub. (2), the department may reduce the reimbursement percentage
5 or deny applications for completion awards that would otherwise qualify under sub.
6 (2). In that case, the department shall determine the reimbursement percentage and
7 eligibility on the basis of the dates on which apprentices and sponsors become eligible
8 for completion awards.

9 *~~1241/P2.9~~**SECTION 3081.** 106.13 (1) of the statutes is amended to read:

10 106.13 (1) The department ~~shall~~ may provide a youth apprenticeship program
11 ~~that includes. If the department provides that program, the program may include~~
12 ~~the grant programs under subs. (3m) and (4) program under sub. (3m).~~

13 *~~1241/P2.10~~**SECTION 3082.** 106.13 (3m) (a) of the statutes is renumbered
14 106.13 (3m) (a) (intro.) and amended to read:

15 106.13 (3m) (a) (intro.) In this subsection, ~~“local partnership”~~:

16 1. “Local partnership” means one or more school districts, or any combination
17 of one or more school districts, other public agencies, ~~as defined in sub. (4) (a) 2.,~~
18 nonprofit organizations, ~~as defined in sub. (4) (a) 1r.,~~ individuals, or other persons,
19 who have agreed to be responsible for implementing and coordinating a local youth
20 apprenticeship program.

21 *~~1241/P2.11~~**SECTION 3083.** 106.13 (3m) (b) (intro.) of the statutes is
22 amended to read:

23 106.13 (3m) (b) (intro.) From the appropriation under s. 20.445 (1) (e) (b), the
24 department ~~shall~~ may award grants to applying local partnerships for the
25 implementation and coordination of local youth apprenticeship programs. A local

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1 partnership shall include in its grant application the identity of each public agency,
2 nonprofit organization, individual, and other person who is a participant in the local
3 partnership, a plan to accomplish the implementation and coordination activities
4 specified in subds. 1. to 6., and the identity of a fiscal agent who shall be responsible
5 for receiving, managing, and accounting for the grant moneys received under this
6 paragraph. Subject to par. (c), a local partnership that is awarded a grant under this
7 paragraph may use the grant moneys awarded for any of the following
8 implementation and coordination activities:

9 ***-1241/P2.12*SECTION 3084.** 106.13 (4) (a) (intro.) of the statutes is repealed.

10 ***-1241/P2.13*SECTION 3085.** 106.13 (4) (a) 1d. of the statutes is repealed.

11 ***-1241/P2.14*SECTION 3086.** 106.13 (4) (a) 1r. of the statutes is renumbered
12 106.13 (3m) (a) 1r.

13 ***-1241/P2.15*SECTION 3087.** 106.13 (4) (a) 2. of the statutes is renumbered
14 106.13 (3m) (a) 2.

15 ***-1241/P2.16*SECTION 3088.** 106.13 (4) (b) of the statutes is repealed.

16 ***-1241/P2.17*SECTION 3089.** 106.13 (4) (c) of the statutes is repealed.

17 ***-1241/P2.18*SECTION 3090.** 106.13 (4) (d) of the statutes is repealed.

18 ***-1215/P3.334*SECTION 3091.** 106.16 (2) of the statutes is amended to read:

19 106.16 (2) Any company that receives a loan or grant from a state agency or
20 an authority under ch. 231 ~~or 234~~ shall notify the department and the local workforce
21 development board established under 29 USC 2832, of any position in the company
22 that is related to the project for which the grant or loan is received to be filled in this
23 state within one year after receipt of the loan or grant. The company shall provide
24 this notice at least 2 weeks prior to advertising the position.

25 ***-1215/P3.335*SECTION 3092.** 106.16 (3) of the statutes is repealed.

1 ***-0944/P1.1*SECTION 3093.** 106.27 (1) of the statutes is amended to read:

2 106.27 (1) WORKFORCE TRAINING GRANTS. From the appropriation under s.
3 20.445 (1) (b), the department shall award grants to public and private organizations
4 for the development and implementation of workforce training programs. An
5 organization that is awarded a grant under this subsection may use the grant for the
6 training of unemployed and underemployed workers and incumbent employees of
7 businesses in this state and for the hiring and training of apprentices in this state.
8 As a condition of receiving a grant under this subsection, the department may
9 require a public or private organization to provide matching funds at a percentage
10 to be determined by the department.

11 ***-1215/P3.336*SECTION 3094.** 106.27 (2m) of the statutes is amended to read:

12 106.27 (2m) CONSULTATION. The department shall consult with the technical
13 college system board and the ~~Wisconsin Economic Development Corporation~~
14 Forward Wisconsin Development Authority in implementing this section.

15 ***-0944/P1.2*SECTION 3095.** 106.27 (3) of the statutes is amended to read:

16 106.27 (3) ANNUAL REPORT. Annually, by December 31, the department shall
17 submit a report to the governor and the cochairpersons of the joint committee on
18 finance providing an account of the department's activities and expenditures under
19 this section during the preceding fiscal year. The report shall include information
20 on the number of unemployed and underemployed workers ~~and~~, incumbent
21 employees, and apprentices who participate in training programs under sub. (1); the
22 number of unemployed workers who obtain gainful employment, underemployed
23 workers who obtain new employment, ~~and~~ incumbent employees who receive
24 increased compensation, and apprentices who obtain gainful employment or new
25 employment or who receive increased compensation after participating in such a

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1 training program; and the wages earned by those workers ~~and~~, employees, and
2 apprentices both before and after participating in such a training program. The
3 report shall also include information on the extent to which waiting lists for
4 enrollment in courses and programs provided by technical colleges in high-demand
5 fields are reduced as a result of grants under sub. (1g) (a), on the number of high
6 school pupils who participate in certification programs under sub. (1g) (b), and on the
7 number of persons with disabilities who participate in employment enhancement
8 activities under sub. (1g) (c).

9 *~~1241/P2.19~~***SECTION 3096.** 106.273 of the statutes is created to read:

10 **106.273 Career and technical education incentive grants.** From the
11 appropriation under s. 20.445 (1) (b), the department may provide grants to school
12 districts for the development of programs that are designed to mitigate workforce
13 shortages in industries and occupations that are experiencing a workforce shortage,
14 as determined by the department, and to assist pupils in graduating with
15 industry-recognized certifications in those industries and occupations.

16 *~~1013/P2.2~~***SECTION 3097.** 106.32 (title) of the statutes is renumbered 45.435
17 (title).

18 *~~1013/P2.3~~***SECTION 3098.** 106.32 (1) (intro.) of the statutes is renumbered
19 45.435 (1) (intro.).

20 *~~1013/P2.4~~***SECTION 3099.** 106.32 (1) (a) of the statutes is renumbered 45.435
21 (1) (a) and amended to read:

22 45.435 (1) (a) “Disabled veteran” means a veteran who is verified by the
23 department of ~~veterans affairs~~ to have a service-connected disability rating of at
24 least 50 percent under 38 USC 1114 or 1134.

1 ***-1013/P2.5***SECTION 3100. 106.32 (1) (b) and (c) of the statutes are
2 renumbered 45.435 (1) (b) and (c).

3 ***-1013/P2.6***SECTION 3101. 106.32 (1) (d) of the statutes is repealed.

4 ***-1013/P2.7***SECTION 3102. 106.32 (2) of the statutes is renumbered 45.435
5 (2), and 45.435 (2) (a) (intro.), as renumbered, is amended to read:

6 45.435 (2) (a) (intro.) ~~Beginning on July 2, 2013, from~~ From the appropriation
7 account under s. ~~20.445 (1)~~ 20.485 (2) (q), the department shall award a grant in any
8 of the following amounts to any person who hires a disabled veteran to work at a
9 business in this state:

10 ***-1013/P2.8***SECTION 3103. 106.32 (3) of the statutes is renumbered 45.435
11 (3), and 45.435 (3) (b), as renumbered, is amended to read:

12 45.435 (3) (b) The department shall pay a grant under this section only for
13 hiring a disabled veteran who has received unemployment ~~compensation~~ insurance
14 benefits for at least one week prior to being hired by the applicant, who was receiving
15 such benefits at the time that he or she was hired by the applicant, and who was
16 eligible to receive such benefits at the time the benefits were paid.

17 ***-0855/2.2***SECTION 3104. 106.34 of the statutes is created to read:

18 **106.34 Reports to technical college system board of high-demand**
19 **fields.** (1) In this section:

20 (a) "Board" has the meaning given in s. 38.01 (2).

21 (b) "District" has the meaning given in s. 38.01 (5).

22 (2) Not later than 30 days after the effective date of this subsection [LRB
23 inserts date], and by December 31 of each year thereafter, the department shall do
24 all of the following:

25 (a) Determine all high-demand fields during that year.

1 (b) Report to the board the information specified in par. (a).

2 *-0602/P4.65*SECTION 3105. 106.52 (1) (d) 1. of the statutes is amended to
3 read:

4 106.52 (1) (d) 1. A bed and breakfast establishment, as defined in s. ~~254.61(1)~~
5 97.01 (1g).

6 *-0602/P4.66*SECTION 3106. 106.52 (1) (d) 2. of the statutes is amended to
7 read:

8 106.52 (1) (d) 2. A hotel, as defined in s. ~~254.61(3)~~ 97.01 (7).

9 *-0602/P4.67*SECTION 3107. 106.52 (1) (d) 3. of the statutes is amended to
10 read:

11 106.52 (1) (d) 3. A tourist rooming house, as defined in s. ~~254.61(6)~~ 97.01 (15k).

12 *-0807/P6.256*SECTION 3108. 107.30 (10) of the statutes is amended to read:
13 107.30 (10) "Mining damage appropriation" means the appropriation under s.
14 ~~20.165(2)~~ 20.142 (4) (a).

15 *-0807/P6.257*SECTION 3109. 107.31 (5) (a) (intro.) of the statutes is amended
16 to read:

17 107.31 (5) (a) *Calculation*. (intro.) The mining damage reserve accumulation
18 is calculated by subtracting the total amount of all mining damages awards paid
19 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
20 or paid from the appropriation under s. ~~20.165(2)~~ 20.142 (4) (a) from the sum of:

21 *-0999/P1.1*SECTION 3110. 108.02 (24g) of the statutes is created to read:

22 108.02 (24g) SUITABLE WORK. "Suitable work" has the meaning specified by the
23 department by rule under s. 108.14 (27).

24 *-0958/P5.3*SECTION 3111. 108.04 (8) (a) of the statutes is amended to read:

1 108.04 (8) (a) If Except as provided in par. (b), if an employee fails, without good
2 cause, to accept suitable work when offered, the employee is ineligible to receive
3 benefits until the employee earns wages after the week in which the failure occurs
4 equal to at least 6 times the employee's weekly benefit rate under s. 108.05 (1) in
5 employment or other work covered by the unemployment insurance law of any state
6 or the federal government. For purposes of requalification, the employee's weekly
7 benefit rate shall be that rate which would have been paid had the failure not
8 occurred. This paragraph does not preclude an employee from establishing a benefit
9 year during a period in which the employee is ineligible to receive benefits under this
10 paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).
11 The department shall charge to the fund's balancing account any benefits otherwise
12 chargeable to the account of an employer that is subject to the contribution
13 requirements under ss. 108.17 and 108.18 whenever an employee of that employer
14 fails, without good cause, to accept suitable work offered by that employer.

15 ***-0958/P5.4***SECTION 3112. 108.04 (8) (b) of the statutes is created to read:

16 108.04 (8) (b) There is a rebuttable presumption that an employee has failed,
17 without good cause, to accept suitable work when offered if the employee declines to
18 submit to a test for the presence of controlled substances in a test conducted on the
19 employee as preemployment screening or the employee tests positive for one or more
20 controlled substances in such a test without evidence of a valid prescription, as
21 evidenced by a report submitted to the department by an employing unit in
22 accordance with s. 108.133 (4). If the employee declines to submit to such a test, the
23 employee shall be ineligible for benefits as if the employee had declined to submit to
24 a test under s. 108.133 (3) (a), beginning with the week in which the department
25 receives the report. If the employee tests positive in such a test without evidence of

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1 a valid prescription, the employee shall be ineligible for benefits as if the employee
2 had tested positive under s. 108.133 (3) (c), beginning with the week in which the
3 department receives the report, except as provided under s. 108.133 (3) (d). The
4 department shall promulgate rules specifying how a claimant may overcome the
5 presumption in this paragraph. The department shall charge to the fund's balancing
6 account any benefits otherwise chargeable to the account of an employer that is
7 subject to the contribution requirements under ss. 108.17 and 108.18 whenever an
8 employee of that employer fails, without good cause, to accept suitable work offered
9 by that employer.

10 ***-0998/P1.1*SECTION 3113.** 108.04 (11) (bh) of the statutes is amended to read:

11 108.04 (11) (bh) In addition to ineligibility for benefits resulting from
12 concealment as provided in par. (be), the department shall assess a penalty against
13 the claimant in an amount equal to ~~15~~ 40 percent of the benefit payments erroneously
14 paid to the claimant as a result of one or more acts of concealment described in pars.
15 (a) and (b).

16 ***-0610/P3.357*SECTION 3114.** 108.10 (4) of the statutes is amended to read:

17 108.10 (4) The department or the employing unit may commence action for the
18 judicial review of a commission decision under this section, provided the department,
19 or the employing unit, after exhausting the remedies provided under this section, has
20 commenced such action within 30 days after such decision was mailed to the
21 employing unit's last-known address. The scope of judicial review, and the manner
22 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In
23 an action commenced by an employing unit under this section, the department shall
24 be an adverse party ~~under s. 102.23 (1) (a)~~ and shall be named as a party in the
25 complaint commencing the action.

1 ***-0958/P5.5**SECTION 3115. 108.133 of the statutes is created to read:

2 **108.133 Testing for controlled substances. (1) DEFINITIONS.** In this
3 section:

4 (a) Notwithstanding s. 108.02 (9), “controlled substance” has the meaning
5 given in 21 USC 802.

6 (b) “Job skills assessment” means an assessment conducted by the department
7 under sub. (2) (d).

8 (c) “Occupation that regularly conducts drug testing” means an occupation
9 identified in the regulations issued by the federal secretary of labor under 42 USC
10 503 (l) (1) (A) (ii).

11 (d) “Screening” means the screening process created by the department under
12 sub. (2) (a) 3.

13 (e) “Substance abuse treatment program” means the program provided by the
14 department under sub. (2) (c).

15 (f) “Valid prescription” means a prescription, as defined in s. 450.01 (19), for a
16 controlled substance for which the supply of the controlled substance indicated by
17 the prescription has not run out.

18 **(2) DRUG TESTING PROGRAM.** The department shall establish a program to test
19 claimants who apply for regular benefits under this chapter for the presence of
20 controlled substances in accordance with this section and shall, under the program,
21 do all of the following:

22 (a) Promulgate rules to establish the program. The department shall do all of
23 the following in the rules promulgated under this paragraph:

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1 1. Establish a process to test claimants for the presence of controlled
2 substances. In establishing the process, the department shall adhere to any
3 applicable federal requirements regarding drug testing.

4 2. Identify the parameters for a substance abuse treatment program for
5 claimants who misuse controlled substances and specify criteria that a claimant
6 must satisfy in order to be considered in full compliance with requirements of the
7 substance abuse treatment program.

8 3. Create a screening process for determining whether a claimant should be
9 required to submit to a test for the presence of controlled substances.

10 4. Identify the parameters for a job skills assessment for claimants who misuse
11 controlled substances and specify criteria that a claimant must satisfy in order to be
12 considered in full compliance with the requirements of the job skills assessment.

13 (am) Promulgate rules identifying occupations for which drug testing is
14 regularly conducted in this state.

15 (b) When a claimant applies for regular benefits under this chapter, do all of
16 the following:

17 1. Determine whether the claimant is an individual for whom suitable work is
18 only available in an occupation that regularly conducts drug testing.

19 2. Determine whether the claimant is an individual for whom suitable work is
20 only available in an occupation identified in the rules promulgated under par. (am).

21 3. If the claimant is determined by the department under subd. 1. to be an
22 individual for whom suitable work is only available in an occupation that regularly
23 conducts drug testing, conduct a screening on the claimant.

24 4. If the claimant is determined by the department under subd. 2. to be an
25 individual for whom suitable work is only available in an occupation identified in the

1 rules promulgated under par. (am), conduct a screening on the claimant if a
2 screening is not already required under subd. 3.

3 5. If a screening conducted as required under subd. 3. or 4. indicates that the
4 claimant should be required to submit to a test for the presence of controlled
5 substances, require that the claimant submit to such a test.

6 (c) Create and provide a substance abuse treatment program in accordance
7 with the rules promulgated under par. (a) 2.

8 (d) Create and conduct job skills assessments in accordance with the rules
9 promulgated under par. (a) 4.

10 **(3) DRUG TESTING.** (a) If a claimant is required under sub. (2) (b) 5. to submit
11 to a test for the presence of controlled substances and the claimant declines to submit
12 to such a test, the claimant is ineligible for benefits under this chapter until 52 weeks
13 after the date of the declining or until the claimant qualifies for benefits in a
14 subsequent benefit year, whichever occurs later.

15 (b) If a claimant who is required under sub. (2) (b) 5. to submit to a test for the
16 presence of controlled substances submits to the test and does not test positive for
17 any controlled substance or the claimant presents evidence satisfactory to the
18 department that the claimant possesses a valid prescription for each controlled
19 substance for which the claimant tests positive, the claimant may receive benefits
20 under this chapter if otherwise eligible and may not be required to submit to any
21 further test for the presence of controlled substances until a subsequent benefit year.

22 (c) If a claimant who is required under sub. (2) (b) 5. to submit to a test for the
23 presence of controlled substances submits to the test and tests positive for one or
24 more controlled substances without presenting evidence satisfactory to the
25 department that the claimant possesses a valid prescription for each controlled

1 substance for which the claimant tested positive, the claimant is ineligible for
2 benefits under this chapter until 52 weeks after the date of the test or until the
3 claimant qualifies for benefits in a subsequent benefit year, whichever occurs later,
4 except as provided in par. (d).

5 (d) A claimant who tests positive for one or more controlled substances without
6 presenting evidence of a valid prescription as described in par. (c) may maintain his
7 or her eligibility for benefits under this chapter by enrolling in the substance abuse
8 treatment program and undergoing a job skills assessment. Such a claimant
9 remains eligible for benefits under this chapter, if otherwise eligible, for each week
10 the claimant is in full compliance with any requirements of the substance abuse
11 treatment program and job skills assessment, as determined by the department in
12 accordance with the rules promulgated under sub. (2) (a) 2. and 4.

13 (4) PREEMPLOYMENT DRUG TESTING. (a) An employing unit may, in accordance
14 with the rules promulgated by the department under par. (b), voluntarily submit to
15 the department the results of a test for the presence of controlled substances that was
16 conducted on an individual as preemployment screening or notify the department
17 that an individual declined to submit to such a test as a condition of employment,
18 along with information necessary to identify the individual. Upon receipt of any such
19 results of a test conducted and certified in a manner approved by the department or
20 notification that an individual declined to submit to such a test, the department shall
21 determine whether the individual is a claimant receiving benefits. If the individual
22 is a claimant receiving benefits, the department shall, in accordance with rules
23 promulgated by the department under par. (b), use that information for purposes of
24 determining eligibility for benefits under s. 108.04 (8) (b).

25 (b) The department shall promulgate rules necessary to implement par. (a).

1 (5) APPLICATION OF THIS SECTION. (a) Notwithstanding subs. (2) (b) 1., 3., and
2 5., (c), and (d) and (3), subs. (2) (b) 1., 3., and 5., (c), and (d) and (3) do not apply until
3 the rules required under sub. (2) (a) take effect. The department shall submit to the
4 legislative reference bureau for publication in the Wisconsin administrative register
5 a notice identifying the date on which subs. (2) (b) 1., 3., and 5., (c), and (d) and (3)
6 will be implemented.

7 (b) Notwithstanding sub. (2) (b) 2. and 4., sub. (2) (b) 2. and 4. do not apply until
8 the rules required under sub. (2) (am) take effect. The department shall submit to
9 the legislative reference bureau for publication in the Wisconsin administrative
10 register a notice identifying the date on which sub. (2) (b) 2. and 4. will be
11 implemented.

12 (c) Notwithstanding sub. (4) (a) and s. 108.04 (8) (b), sub. (4) (a) and s. 108.04
13 (8) (b) do not apply until the rules required under sub. (4) (b) take effect. The
14 department shall submit to the legislative reference bureau for publication in the
15 Wisconsin administrative register a notice identifying the date on which sub. (4) (a)
16 and s. 108.04 (8) (b) will be implemented.

17 (d) The secretary may waive compliance with any provision under this section
18 and s. 108.04 (8) (b) if the secretary determines that waiver of the provision is
19 necessary to permit continued certification of this chapter for grants to this state
20 under Title III of the federal Social Security Act or for maximum credit allowances
21 to employers under the federal Unemployment Tax Act.

22 *~~0958/P5.6~~**SECTION 3116.** 108.14 (8n) (e) of the statutes is amended to read:

23 108.14 (8n) (e) The department shall charge this state's share of any benefits
24 paid under this subsection to the account of each employer by which the employee
25 claiming benefits was employed in the applicable base period, in proportion to the

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1 total amount of wages he or she earned from each employer in the base period, except
2 that if s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b) or
3 108.07 (3), (3r), or (5) (b) would have applied to employment by such an employer who
4 is subject to the contribution requirements of ss. 108.17 and 108.18, the department
5 shall charge the share of benefits based on employment with that employer to the
6 fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied
7 to an employer that is not subject to the contribution requirements of ss. 108.17 and
8 108.18, the department shall charge the share of benefits based on that employment
9 in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the
10 fund's balancing account with any other state's share of such benefits pending
11 reimbursement by that state.

12 ***-0999/P1.2*SECTION 3117.** 108.14 (27) of the statutes is created to read:

13 108.14 (27) The department shall promulgate a rule to define what constitutes
14 suitable work for claimants, which shall specify different levels of suitable work
15 based upon the number of weeks that a claimant has received benefits in a given
16 benefit year.

17 ***-0999/P1.3*SECTION 3118.** 108.141 (3g) (a) 3. (intro.) of the statutes is
18 amended to read:

19 108.141 (3g) (a) 3. (intro.) ~~Work~~ Notwithstanding s. 108.02 (24g), work is
20 suitable within the meaning of subd. 2. if:

21 ***-0958/P5.7*SECTION 3119.** 108.141 (7) (a) of the statutes is amended to read:

22 108.141 (7) (a) The department shall charge the state's share of each week of
23 extended benefits to each employer's account in proportion to the employer's share
24 of the total wages of the employee receiving the benefits in the employee's base
25 period, except that if the employer is subject to the contribution requirements of ss.

1 108.17 and 108.18 the department shall charge the share of extended benefits to
2 which s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b) or
3 108.07 (3), (3r), or (5) (b) applies to the fund's balancing account.

4 ***-0958/P5.8*SECTION 3120.** 108.16 (6m) (a) of the statutes is amended to read:

5 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
6 (7) (h), (8) (a) or (b), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), 108.14
7 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

8 ***-0807/P6.258*SECTION 3121.** 108.227 (1) (e) 3. of the statutes is amended to
9 read:

10 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
11 conditional license, certification, certification card, registration, permit, training
12 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
13 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), ~~252.23 (2), 252.24 (2),~~
14 254.176, 254.20 (3), ~~255.08 (2) (a),~~ 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
15 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

16 ***-0602/P4.68*SECTION 3122.** 108.227 (1) (e) 3. of the statutes, as affected by
17 2015 Wisconsin Act (this act), is amended to read:

18 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
19 conditional license, certification, certification card, registration, permit, training
20 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
21 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 254.176, 254.20 (3), 256.15
22 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit license for
23 operation of a campground specified in s. ~~254.47 (1)~~ 97.67 (1).

****NOTE: This is reconciled s. 108.227 (1) (e) 3. This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

1 *~~0807/P6.259~~*SECTION 3123. 108.227 (1) (e) 6. of the statutes is amended to
2 read:

3 108.227 (1) (e) 6. A license or certificate of registration issued by the
4 department of financial institutions, or a division of it, under ss. 138.09, 138.12,
5 138.14, 202.12 to 202.14, 202.22, 217.06, 218.0101 to 218.0163, 218.02, 218.04,
6 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch. 551.

7 *~~0610/P3.358~~*SECTION 3124. 108.227 (1) (e) 12. of the statutes is amended
8 to read:

9 108.227 (1) (e) 12. A license issued under s. 102.17 (1) (c), 628.04, 628.92 (1),
10 632.69 (2), or 633.14, a registration under s. 628.92 (2), or a temporary license issued
11 under s. 628.09.

12 *~~0807/P6.260~~*SECTION 3125. 108.227 (1) (f) of the statutes is amended to
13 read:

14 108.227 (1) (f) “Licensing department” means the department of
15 administration; the department of agriculture, trade and consumer protection; the
16 board of commissioners of public lands; the department of children and families; the
17 government accountability board; the department of financial institutions and
18 professional standards; the department of health services; the department of natural
19 resources; the department of public instruction; the department of revenue; the
20 department of safety and professional services; the office of the commissioner of
21 insurance; or the department of transportation.

22 *~~0610/P3.359~~*SECTION 3126. 108.227 (1m) (intro.) of the statutes is amended
23 to read:

24 108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate
25 rules specifying procedures to be used before taking action under sub. (3) (b) or s.

1 ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),
2 or 105.13 (4) with respect to a person whose license or credential is to be denied, not
3 renewed, discontinued, suspended, or revoked, including rules with respect to all of
4 the following:

5 *~~0610/P3.360~~**SECTION 3127.** 108.227 (3) (a) 3. of the statutes is amended to
6 read:

7 108.227 (3) (a) 3. Upon the request of any person whose license or certificate
8 has been previously revoked or denied under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34
9 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or
10 certificate if the applicant is not liable for delinquent contributions.

11 *~~0610/P3.361~~**SECTION 3128.** 108.227 (5) (a) of the statutes is amended to
12 read:

13 108.227 (5) (a) The department of workforce development shall conduct a
14 hearing requested by a license holder or applicant for a license or license renewal or
15 continuation under sub. (2) (b) 1. b., or as requested under s. ~~102.17 (1) (et)~~, 103.275
16 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review
17 a certification or determination of contribution delinquency that is the basis of a
18 denial, suspension, or revocation of a license or certificate in accordance with this
19 section or an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d),
20 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph
21 is limited to questions of mistaken identity of the license or certificate holder or
22 applicant and of prior payment of the contributions that the department of workforce
23 development certified or determined the license or certificate holder or applicant
24 owes the department. At a hearing under this paragraph, any statement filed by the
25 department of workforce development, the licensing department, or the supreme

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1 court, if the supreme court agrees, may be admitted into evidence and is prima facie
2 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to
3 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
4 except as provided in sub. (6).

5 ***-0610/P3.362*SECTION 3129.** 108.227 (5) (b) 1. of the statutes is amended to
6 read:

7 108.227 (5) (b) 1. Issue a nondelinquency certificate to a license holder or an
8 applicant for a license or license renewal or continuation if the department
9 determines that the license holder or applicant is not liable for delinquent
10 contributions. For a hearing requested in response to an action taken under s. ~~102.17~~
11 ~~(1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13
12 (4), the department shall grant a license or certificate or reinstate a license or
13 certificate if the department determines that the applicant for or the holder of the
14 license or certificate is not liable for delinquent contributions, unless there are other
15 grounds for denying the application or revoking the license or certificate.

16 ***-0610/P3.363*SECTION 3130.** 108.227 (5) (b) 2. of the statutes is amended to
17 read:

18 108.227 (5) (b) 2. Provide notice that the department of workforce development
19 has affirmed its certification of contribution delinquency to a license holder; to an
20 applicant for a license, a license renewal, or a license continuation; and to the
21 licensing department or the supreme court, if the supreme court agrees. For a
22 hearing requested in response to an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2)
23 (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
24 of workforce development shall provide notice to the license or certificate holder or

1 applicant that the department of workforce development has affirmed its
2 determination of contribution delinquency.

3 ~~*-0998/P1.2*~~SECTION 3131. 108.24 (1) of the statutes is renumbered 108.24
4 (1) (a) and amended to read:

5 108.24 (1) (a) Any person who knowingly makes a false statement or
6 representation to obtain any benefit payment under this chapter, either for himself
7 or herself or for any other person, ~~shall be fined not less than \$100 nor more than~~
8 ~~\$500 or imprisoned not more than 90 days, or both; and each such false statement~~
9 ~~or representation constitutes a separate offense. This may be penalized as provided~~
10 ~~in par. (b). Any penalty imposed under par. (b) is in addition to any penalty imposed~~
11 under s. 108.04 (11) (b).

12 ~~*-0998/P1.3*~~SECTION 3132. 108.24 (1) (b) of the statutes is created to read:

13 108.24 (1) (b) Whoever violates par. (a):

14 1. If the value of any benefits obtained does not exceed \$2,500, is subject to a
15 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

16 2. If the value of any benefits obtained exceeds \$2,500 but does not exceed
17 \$5,000, is guilty of a Class I felony.

18 3. If the value of any benefits obtained exceeds \$5,000 but does not exceed
19 \$10,000, is guilty of a Class H felony.

20 4. If the value of any benefits obtained exceeds \$10,000, is guilty of a Class G
21 felony.

22 ~~*-0971/P5.579*~~SECTION 3133. 109.03 (1) (c) of the statutes is amended to read:

23 109.03 (1) (c) ~~Unclassified employees~~ Employees of the University of Wisconsin
24 System Authority.

1 ***-1215/P3.337***SECTION 3134. 109.09 (2) (c) 1. a. of the statutes is amended
2 to read:

3 109.09 (2) (c) 1. a. "Commercial lending institution" has the meaning given for
4 "financial institution" in s. ~~234.01~~ 235.40 (5k).

5 ***-0807/P6.261***SECTION 3135. 111.335 (1) (cx) of the statutes is amended to
6 read:

7 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
8 discrimination because of conviction record to refuse to employ or license, or to bar
9 or terminate from employment or licensure, any individual who has been convicted
10 of any offense under s. ~~38.50~~ 100.67 (13) (c).

11 ***-0971/P5.580***SECTION 3136. 111.70 (1) (i) of the statutes is amended to read:

12 111.70 (1) (i) "Municipal employee" means any individual employed by a
13 municipal employer other than an independent contractor; a supervisor, or, a
14 confidential, managerial or executive employee; or an employee who is employed by
15 the University of Wisconsin System Authority who is academic staff, as defined in
16 s. 36.05 (1), who is faculty, as defined in s. 36.05 (8), or who is employed under s. 36.11
17 (2) (b).

18 ***-0971/P5.581***SECTION 3137. 111.70 (1) (j) of the statutes is amended to read:

19 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
20 metropolitan sewerage district, school district, long-term care district, local cultural
21 arts district created under subch. V of ch. 229, the University of Wisconsin System
22 Authority, or any other political subdivision of the state, or instrumentality of one or
23 more political subdivisions of the state, that engages the services of an employee and
24 includes any person acting on behalf of a municipal employer within the scope of the
25 person's authority, express or implied.

1 ***-1461/P2.229*SECTION 3138.** 111.70 (1) (j) of the statutes, as affected by 2015
2 Wisconsin Act (this act), is amended to read:

3 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
4 metropolitan sewerage district, school district, ~~long-term care district~~, local cultural
5 arts district created under subch. V of ch. 229, the University of Wisconsin System
6 Authority, or any other political subdivision of the state, or instrumentality of one or
7 more political subdivisions of the state, that engages the services of an employee and
8 includes any person acting on behalf of a municipal employer within the scope of the
9 person’s authority, express or implied.

 ****NOTE: This is reconciled s. 111.70 (1) (j). This SECTION has been affected by
drafts with the following LRB numbers: -0971/P4 and -1461/P1.

10 ***-1059/9.66*SECTION 3139.** 111.81 (5) of the statutes is created to read:

11 111.81 (5) “Division” means the division of personnel management in the
12 department of administration.

13 ***-0971/P5.582*SECTION 3140.** 111.81 (7) (ar) of the statutes, as created by
14 2011 Wisconsin Act 32, is repealed.

15 ***-0971/P5.583*SECTION 3141.** 111.81 (7) (at) of the statutes, as created by 2011
16 Wisconsin Act 32, is repealed.

17 ***-0971/P5.584*SECTION 3142.** 111.81 (7) (b) of the statutes is repealed.

18 ***-0333/P3.3*SECTION 3143.** 111.81 (7) (f) of the statutes is amended to read:

19 111.81 (7) (f) Instructional staff employed by the board of regents of the
20 University of Wisconsin System who provide services for a charter school established
21 by contract under s. 118.40 (2r) (cm), 2013 stats.

22 ***-0971/P5.585*SECTION 3144.** 111.81 (7) (f) of the statutes, as affected by 2015
23 Wisconsin Act (this act), is repealed.

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****NOTE: This is reconciled s. 111.81 (7) (f). This SECTION has been affected by drafts with the following LRB numbers: -0971/P5 and -0333/P3.

1 *-0971/P5.586*SECTION 3145. 111.81 (7) (gm) of the statutes is repealed.

2 *-0971/P5.587*SECTION 3146. 111.81 (7) (h) of the statutes is repealed.

3 *-0971/P5.588*SECTION 3147. 111.81 (7) (i) of the statutes is repealed.

4 *-1059/9.67*SECTION 3148. 111.81 (14) of the statutes is repealed.

5 *-0971/P5.589*SECTION 3149. 111.81 (15m) of the statutes is repealed.

6 *-0971/P5.590*SECTION 3150. 111.81 (17m) of the statutes is repealed.

7 *-0971/P5.591*SECTION 3151. 111.81 (19m) of the statutes is repealed.

8 *-1059/9.68*SECTION 3152. 111.815 (1) and (2) of the statutes, as affected by
9 2013 Wisconsin Act 166, are amended to read:

10 111.815 (1) In the furtherance of this subchapter, the state shall be considered
11 as a single employer and employment relations policies and practices throughout the
12 state service shall be as consistent as practicable. The ~~office~~ division shall negotiate
13 and administer collective bargaining agreements. To coordinate the employer
14 position in the negotiation of agreements, the ~~office~~ division shall maintain close
15 liaison with the legislature relative to the negotiation of agreements and the fiscal
16 ramifications of those agreements. Except with respect to the collective bargaining
17 units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the
18 employer functions of the executive branch under this subchapter, and shall
19 coordinate its collective bargaining activities with operating state agencies on
20 matters of agency concern. The legislative branch shall act upon those portions of
21 tentative agreements negotiated by the ~~office~~ division that require legislative action.
22 With respect to the collective bargaining units specified in s. 111.825 (1r), the Board
23 of Regents of the University of Wisconsin System is responsible for the employer

1 functions under this subchapter. With respect to the collective bargaining units
2 specified in s. 111.825 (1t), the chancellor of the University of Wisconsin–Madison is
3 responsible for the employer functions under this subchapter. With respect to the
4 collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the
5 charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is
6 responsible for the employer functions under this subchapter.

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: –1059/7 and –0333.

7 ~~(2) The director of the office~~ administrator of the division shall, together with
8 the appointing authorities or their representatives, represent the state in its
9 responsibility as an employer under this subchapter except with respect to
10 negotiations in the collective bargaining units specified in s. 111.825 (1r) and (1t).
11 ~~The director of the office~~ administrator of the division shall establish and maintain,
12 wherever practicable, consistent employment relations policies and practices
13 throughout the state service.

14 ~~*-0971/P5.592*~~**SECTION 3153.** 111.815 (1) of the statutes, as affected by 2013
15 Wisconsin Act 166 and 2015 Wisconsin Act (this act), is amended to read:

16 111.815 (1) In the furtherance of this subchapter, the state shall be considered
17 as a single employer and employment relations policies and practices throughout the
18 state service shall be as consistent as practicable. The division shall negotiate and
19 administer collective bargaining agreements. To coordinate the employer position
20 in the negotiation of agreements, the division shall maintain close liaison with the
21 legislature relative to the negotiation of agreements and the fiscal ramifications of
22 those agreements. ~~Except with respect to the collective bargaining units specified~~
23 ~~in s. 111.825 (1r) and (1t), the~~ The division is responsible for the employer functions

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1 of the executive branch under this subchapter, and shall coordinate its collective
2 bargaining activities with operating state agencies on matters of agency concern.
3 The legislative branch shall act upon those portions of tentative agreements
4 negotiated by the division that require legislative action. ~~With respect to the~~
5 ~~collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the~~
6 ~~University of Wisconsin System is responsible for the employer functions under this~~
7 ~~subchapter. With respect to the collective bargaining units specified in s. 111.825~~
8 ~~(1t), the chancellor of the University of Wisconsin-Madison is responsible for the~~
9 ~~employer functions under this subchapter. With respect to the collective bargaining~~
10 ~~unit specified in s. 111.825 (1r) (ef), the governing board of the charter school~~
11 ~~established by contract under s. 118.40 (2r) (cm), 2013 stats., is responsible for the~~
12 ~~employer functions under this subchapter.~~

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

13 ***-1059/9.69*SECTION 3154.** 111.815 (3) of the statutes is amended to read:

14 111.815 (3) With regard to collective bargaining activities involving employees
15 who are assistant district attorneys, the ~~director of the office~~ administrator of the
16 division shall maintain close liaison with the secretary of administration.

17 ***-0971/P5.593*SECTION 3155.** 111.825 (1r) of the statutes, as affected by 2011
18 Wisconsin Act 32 and 2015 Wisconsin Act ... (this act), is repealed.

****NOTE: This is reconciled s. 111.825 (1r). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0333/P2 and LRB-0971/P4.

19 ***-0333/P3.4*SECTION 3156.** 111.825 (1r) (ef) of the statutes, as affected by 2011
20 Wisconsin Act 32, is amended to read:

1 111.825 (1r) (ef) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 by contract under s. 118.40 (2r) (cm), 2013 stats.

4 *~~0971/P5.594~~*SECTION 3157. 111.825 (1t) of the statutes, as affected by 2011
5 Wisconsin Act 32, is repealed.

6 *~~0971/P5.595~~*SECTION 3158. 111.825 (3) of the statutes, as affected by 2013
7 Wisconsin Act 166, is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), ~~(1r)~~, ~~(1t)~~, and (2).

10 *~~0971/P5.596~~*SECTION 3159. 111.825 (4) of the statutes, as affected by 2013
11 Wisconsin Act 166, is amended to read:

12 111.825 (4) Any labor organization may petition for recognition as the exclusive
13 representative of a collective bargaining unit specified in sub. (1), ~~(1r)~~, ~~(1t)~~, or (2) in
14 accordance with the election procedures set forth in s. 111.83; provided the petition
15 is accompanied by a 30% showing of interest in the form of signed authorization
16 cards. Each additional labor organization seeking to appear on the ballot shall file
17 petitions within 60 days of the date of filing of the original petition and prove,
18 through signed authorization cards, that at least 10% of the employees in the
19 collective bargaining unit want it to be their representative.

20 *~~0971/P5.597~~*SECTION 3160. 111.825 (6) (a) of the statutes, as affected by
21 2011 Wisconsin Act 32, is amended to read:

22 111.825 (6) (a) The commission shall assign only an employee of the
23 department of administration, or the department of transportation, ~~University of~~
24 ~~Wisconsin-Madison, or board of regents of the University of Wisconsin System~~ who
25 engages in the detection and prevention of crime, who enforces the laws and who is

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1 authorized to make arrests for violations of the laws; an employee of the department
2 of administration, or the department of transportation, ~~University of~~
3 ~~Wisconsin-Madison, or board of regents of the University of Wisconsin System~~ who
4 provides technical law enforcement support to such employees; and an employee of
5 the department of transportation who engages in motor vehicle inspection or
6 operator's license examination to a collective bargaining unit under sub. (1) (cm), ~~(1r)~~
7 (cm), or ~~(1t) (cm)~~, whichever is appropriate.

8 *~~0971/P5.598~~**SECTION 3161.** 111.825 (7) of the statutes, as created by 2011
9 Wisconsin Act 32, is repealed.

10 *~~1059/9.70~~**SECTION 3162.** 111.83 (3) (a) of the statutes is amended to read:
11 111.83 (3) (a) Whenever a question arises concerning the representation of
12 employees in a collective bargaining unit the commission shall determine the
13 representative thereof by taking a secret ballot of the employees and certifying in
14 writing the results thereof to the interested parties and to the ~~director of the office~~
15 administrator of the division. There shall be included on any ballot for the election
16 of representatives the names of all labor organizations having an interest in
17 representing the employees participating in the election as indicated in petitions
18 filed with the commission. The name of any existing representative shall be included
19 on the ballot without the necessity of filing a petition. The commission may exclude
20 from the ballot one who, at the time of the election, stands deprived of his or her rights
21 under this subchapter by reason of a prior adjudication of his or her having engaged
22 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
23 representation by anyone named on the ballot. The commission's certification of the
24 results of any election is conclusive as to the findings included therein unless
25 reviewed under s. 111.07 (8).

1 ***-0971/P5.599***SECTION 3163. 111.83 (5) of the statutes, as affected by 2011
2 Wisconsin Act 32, is repealed.

3 ***-0971/P5.600***SECTION 3164. 111.83 (7) of the statutes, as affected by 2011
4 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

5 ***-0971/P5.601***SECTION 3165. 111.84 (2) (c) of the statutes, as affected by 2011
6 Wisconsin Act 32, is amended to read:

7 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
8 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the
9 employer which is the recognized or certified exclusive collective bargaining
10 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
11 bargaining unit or with the certified exclusive collective bargaining representative
12 of employees specified in s. 111.81 (7) ~~(ar) to (f)~~ (c) and (e) in an appropriate collective
13 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
14 refusal to execute a collective bargaining agreement previously orally agreed upon.

15 ***-0971/P5.602***SECTION 3166. 111.85 (5) of the statutes, as affected by 2011
16 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

17 ***-1059/9.71***SECTION 3167. 111.86 (2) of the statutes is amended to read:

18 111.86 (2) The ~~office~~ division shall charge a state department or agency the
19 employer's share of the cost related to grievance arbitration under sub. (1) for any
20 arbitration that involves one or more employees of the state department or agency.
21 Each state department or agency so charged shall pay the amount that the ~~office~~
22 division charges from the appropriation account or accounts used to pay the salary
23 of the grievant. Funds received under this subsection shall be credited to the
24 appropriation account under s. ~~20.545 (1) (km)~~ 20.505 (1) (ks).

25 ***-1059/9.72***SECTION 3168. 111.89 (1) of the statutes is amended to read:

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1 111.89 (1) Upon establishing that a strike is in progress, the employer may
2 either seek an injunction or file an unfair labor practice charge with the commission
3 under s. 111.84 (2) (e) or both. It is the responsibility of the ~~office~~ division to decide
4 whether to seek an injunction or file an unfair labor practice charge. The existence
5 of an administrative remedy does not constitute grounds for denial of injunctive
6 relief.

7 *~~1059/9.73~~**SECTION 3169.** 111.91 (4) of the statutes, as affected by 2011
8 Wisconsin Act 32, is amended to read:

9 111.91 (4) ~~The director of the office~~ administrator of the division, in connection
10 with the development of tentative collective bargaining agreements to be submitted
11 under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each
12 recognized or certified labor organization representing employees or supervisors of
13 employees specified in s. 111.81 (7) (a) and with each certified labor organization
14 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any
15 provision for the payment to any employee of a cumulative or noncumulative amount
16 of compensation in recognition of or based on the period of time an employee has been
17 employed by the state.

18 *~~0971/P5.603~~**SECTION 3170.** 111.91 (4) of the statutes, as affected by 2011
19 Wisconsin Act 32 and 2015 Wisconsin Act (this act), is amended to read:

20 111.91 (4) The administrator of the division, in connection with the
21 development of tentative collective bargaining agreements to be submitted under s.
22 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized
23 or certified labor organization representing employees or supervisors of employees
24 specified in s. 111.81 (7) (a) and with each certified labor organization representing
25 employees specified in s. 111.81 (7) ~~(b) to (c) and~~ (c) and (e) which do not contain any provision

1 for the payment to any employee of a cumulative or noncumulative amount of
2 compensation in recognition of or based on the period of time an employee has been
3 employed by the state.

****NOTE: This is reconciled s. 111.91 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

4 ***-1059/9.74*SECTION 3171.** 111.915 of the statutes is amended to read:

5 **111.915 Labor proposals.** ~~The director of the office~~ administrator of the
6 division shall notify and consult with the joint committee on employment relations,
7 in such form and detail as the committee requests, regarding substantial changes in
8 wages, employee benefits, personnel management, and program policy contract
9 provisions to be included in any contract proposal to be offered to any labor
10 organization by the state or to be agreed to by the state before such proposal is
11 actually offered or accepted.

12 ***-1059/9.75*SECTION 3172.** 111.92 (1) (a) 1. of the statutes, as affected by 2011
13 Wisconsin Act 32, is amended to read:

14 111.92 (1) (a) 1. Any tentative agreement reached between the ~~office~~ division
15 and any labor organization representing a collective bargaining unit specified in s.
16 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization,
17 be submitted by the ~~office~~ division to the joint committee on employment relations,
18 which shall hold a public hearing before determining its approval or disapproval.

19 ***-0971/P5.604*SECTION 3173.** 111.92 (1) (a) 1. and 4. of the statutes, as
20 affected by 2011 Wisconsin Act 32 and 2015 Wisconsin Act (this act), are
21 consolidated, renumbered 111.92 (1) and amended to read:

22 111.92 (1) Any tentative agreement reached between the division and any labor
23 organization representing a collective bargaining unit specified in s. 111.825 (1) or

1 (2) (d) or (e) shall, after official ratification by the labor organization, be submitted
2 by the division to the joint committee on employment relations, which shall hold a
3 public hearing before determining its approval or disapproval. ~~4-~~ If the committee
4 approves ~~a-~~ the tentative agreement ~~under subd. 1., 2., or 3.,~~ it shall introduce in a
5 bill or companion bills, to be put on the calendar or referred to the appropriate
6 scheduling committee of each house, that portion of the tentative agreement which
7 requires legislative action for implementation, such as salary and wage adjustments,
8 changes in fringe benefits, and any proposed amendments, deletions or additions to
9 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
10 (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of
11 the tentative agreement to appropriate legislative committees for advisory
12 recommendations on the proposed terms. The committee shall accompany the
13 introduction of such proposed legislation with a message that informs the legislature
14 of the committee's concurrence with the matters under consideration and which
15 recommends the passage of such legislation without change. If the joint committee
16 on employment relations does not approve the tentative agreement, it shall be
17 returned to the parties for renegotiation. If the legislature does not adopt without
18 change that portion of the tentative agreement introduced by the joint committee on
19 employment relations, the tentative agreement shall be returned to the parties for
20 renegotiation.

****NOTE: This is reconciled s. 111.92 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

21 ~~*-0971/P5.605*~~SECTION 3174. 111.92 (1) (a) 2. of the statutes, as created by
22 2011 Wisconsin Act 32, is repealed.

1 ***-0971/P5.606*SECTION 3175.** 111.92 (1) (a) 3. of the statutes, as created by
2 2011 Wisconsin Act 32, is repealed.

3 ***-0333/P3.5*SECTION 3176.** 111.92 (1) (c) of the statutes is amended to read:
4 111.92 (1) (c) Any tentative agreement reached between the governing board
5 of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,
6 acting for the state, and any labor organization representing a collective bargaining
7 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
8 organization and approval by the chancellor of the University of
9 Wisconsin–Parkside, be executed by the parties.

10 ***-0971/P5.607*SECTION 3177.** 111.92 (1) (c) of the statutes, as affected by 2015
11 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 111.92 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0333/P2 and LRB-0971/P4.

12 ***-0971/P5.608*SECTION 3178.** 111.93 (3) (a) and (b) of the statutes, as affected
13 by 2011 Wisconsin Act 32, are amended to read:

14 111.93 (3) (a) If a collective bargaining agreement exists between the employer
15 and a labor organization representing employees in a collective bargaining unit
16 under s. 111.825 (1) (g), the provisions of that agreement shall supersede the
17 provisions of civil service and other applicable statutes, ~~as well as rules and policies~~
18 ~~of the University of Wisconsin–Madison and the board of regents of the University~~
19 ~~of Wisconsin System~~, related to wages, fringe benefits, hours, and conditions of
20 employment whether or not the matters contained in those statutes, rules, and
21 policies are set forth in the collective bargaining agreement.

22 (b) If a collective bargaining agreement exists between the employer and a
23 labor organization representing general employees in a collective bargaining unit,

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1 the provisions of that agreement shall supersede the provisions of civil service and
2 other applicable statutes, ~~as well as rules and policies of the board of regents of the~~
3 ~~University of Wisconsin System,~~ related to wages, whether or not the matters
4 contained in those statutes, rules, and policies are set forth in the collective
5 bargaining agreement.

6 ***-0971/P5.609*SECTION 3179.** 111.935 of the statutes, as affected by 2011
7 Wisconsin Act 32, is repealed.

8 ***-0807/P6.262*SECTION 3180.** 112.07 (1) of the statutes is amended to read:
9 112.07 (1) Notwithstanding any other provision of the statutes, any fiduciary,
10 as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any
11 bank or trust company holding securities as a custodian or managing agent, and any
12 bank or trust company holding securities as custodian for a fiduciary may deposit or
13 arrange for the deposit of such securities in a clearing corporation as defined in s.
14 408.102 (1) (e). When the securities are so deposited, certificates representing
15 securities of the same class of the same issuer may be merged and held in bulk in the
16 name of the nominee of the clearing corporation with any other such securities
17 deposited in that clearing corporation by any person regardless of the ownership of
18 the securities, and certificates of small denomination may be merged into one or more
19 certificates of larger denomination. The records of the fiduciary and the records of
20 the bank or trust company acting as custodian, as managing agent or as custodian
21 for a fiduciary shall at all times show the name of the party for whose account the
22 securities are so deposited. Ownership of, and other interests in, the securities may
23 be transferred by bookkeeping entry on the books of the clearing corporation without
24 physical delivery of certificates representing the securities. A bank or trust company
25 which deposits securities pursuant to this section shall be subject to such rules and

1 regulations as, in the case of state chartered institutions, the ~~division of banking~~
2 department of financial institutions and professional standards and, in the case of
3 national banking associations, the comptroller of the currency may from time to time
4 issue. A bank or trust company acting as custodian for a fiduciary shall, on demand
5 by the fiduciary, certify in writing to the fiduciary the securities deposited by the
6 bank or trust company in a clearing corporation pursuant to this section for the
7 account of the fiduciary. A fiduciary shall, on demand by any party to a judicial
8 proceeding for the settlement of the fiduciary's account or on demand by the attorney
9 for such a party, certify in writing to the party the securities deposited by the
10 fiduciary in the clearing corporation for its account as such fiduciary.

11 ***-1215/P3.338*SECTION 3181.** 114.31 (6) of the statutes is amended to read:

12 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
13 as is reasonably possible, offer the engineering or other technical service of the
14 department, to any municipality desiring them in connection with the construction,
15 maintenance or operation or proposed construction, maintenance or operation of an
16 airport. The secretary may assess reasonable costs for services including services
17 performed while acting as agent for a municipality. Such assessment shall include
18 properly allocated administrative costs. Municipalities are authorized to cooperate
19 with the secretary in the development of aeronautics and aeronautical facilities in
20 this state. ~~The Wisconsin Economic Development Corporation~~ Forward Wisconsin
21 Development Authority and all agencies are authorized and directed to make
22 available such facilities and services, and to cooperate as far as possible to promote
23 the best interests of aeronautics of the state.

24 ***-0333/P3.6*SECTION 3182.** 115.001 (1) of the statutes is amended to read:

1 115.001 (1) CHARTER SCHOOL. “Charter school” means a school under contract
2 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
3 118.40 (2r) (b) 1., or a school established and operated by ~~one of the entities~~ an entity
4 under s. 118.40 (2r) (b) 1. a. to d.

5 ***-0900/3.1*SECTION 3183.** 115.28 (7) (gs) of the statutes is created to read:

6 115.28 (7) (gs) 1. Notwithstanding s. 118.19 (3), (4m), (6) to (9), and (12) to (14),
7 grant a teaching license to any individual who satisfies all of the following:

8 a. Has a bachelor’s degree.

9 b. Demonstrates by passing a competency exam approved by the department
10 that he or she is proficient in the subject or subjects that he or she intends to teach.

11 c. Has relevant experience, as determined by the department, in the subject or
12 subjects that he or she intends to teach.

13 2. A license under this paragraph authorizes the individual to teach only the
14 subject or subjects in which he or she demonstrated proficiency and relevant
15 experience in grades 6 to 12. The license is valid for 3 years and is renewable for
16 3-year periods.

17 ***-0971/P5.610*SECTION 3184.** 115.28 (7g) (a) (intro.) of the statutes is
18 amended to read:

19 115.28 (7g) (a) (intro.) The department shall, in consultation with the
20 governor’s office, the chairpersons of the committees in the assembly and senate
21 whose subject matter is elementary and secondary education and ranking members
22 of those committees, the Board of Regents of the University of Wisconsin System
23 Authority, and the Wisconsin Association of Independent Colleges and Universities,
24 do all of the following:

25 ***-1509/P2.2*SECTION 3185.** 115.28 (54m) of the statutes is created to read:

1 115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the
2 department's Internet site a link to information about all of the educational options
3 available to children in the state who are at least 3 years old but not yet 18 years old,
4 including public schools, private schools participating in a parental choice program,
5 charter schools, virtual schools, full-time open enrollment, youth options, course
6 options, and options for pupils enrolled in a home-based private educational
7 program.

8 *-0541/P3.3*SECTION 3186. 115.28 (61) of the statutes is created to read:

9 115.28 (61) WHOLE GRADE SHARING FEASIBILITY STUDIES. Approve organizations
10 to conduct feasibility studies under s. 118.50 (2) (c).

11 *-0971/P5.611*SECTION 3187. 115.29 (1) of the statutes is amended to read:

12 115.29 (1) DESIGNATE REPRESENTATIVE. Designate the deputy state
13 superintendent or another employee of the department as the state superintendent's
14 representative on any body on which the state superintendent is required to serve,
15 except the board of regents of the University of Wisconsin System Authority.

16 *-0638/P2.1*SECTION 3188. 115.29 (8) of the statutes is created to read:

17 115.29 (8) ALTERNATIVE DATA COLLECTION METHOD; LOW-INCOME PUPILS. Use an
18 alternative data collection method established by the department to identify pupils
19 who satisfy the income eligibility criteria for a free or reduced-price lunch under 42
20 USC 1758 (b) (1).

21 *-1509/P2.3*SECTION 3189. 115.293 of the statutes is created to read:

22 **115.293 Smarter Balanced Assessment Consortium; Common Core**
23 **State Standards Initiative; prohibition.** (1) Beginning on the effective date of
24 this subsection [LRB inserts date], the state superintendent shall cease all
25 participation in the Smarter Balanced Assessment Consortium.

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1 (2) The state superintendent may not give effect to any academic standard
2 developed by the Common Core State Standards Initiative and adopted and
3 implemented in this state before the effective date of this subsection [LRB inserts
4 date]. The state superintendent may not require any school board to give effect to
5 any such academic standard.

6 (3) Beginning on the effective date of this subsection [LRB inserts date], the
7 state superintendent may not take any action to adopt or implement any academic
8 standard developed by the Common Core State Standards Initiative, and may not
9 direct any school board to adopt or implement any such standard.

10 *~~0971/P5.612~~***SECTION 3190.** 115.297 (1) (a) of the statutes is amended to
11 read:

12 115.297 (1) (a) "Agencies" means the department, the board of regents of the
13 University of Wisconsin System Authority, the department of children and families,
14 the department of workforce development, the technical college system board, and
15 the Wisconsin Association of Independent Colleges and Universities.

16 *~~0971/P5.613~~***SECTION 3191.** 115.297 (5) (b) of the statutes is amended to
17 read:

18 115.297 (5) (b) Failure of any of the agencies to enter into a written agreement
19 under sub. (3) does not affect the powers and duties conferred upon the other
20 agencies under this section or under s. ~~36.11 (31)~~ or 38.04 (19).

21 *~~0638/P2.2~~***SECTION 3192.** 115.343 (2) (b) of the statutes is amended to read:

22 115.343 (2) (b) The child meets the income eligibility standard for a free or
23 reduced-price lunch in the federal school lunch program under 42 USC 1758 (b) (1).

24 *~~1241/P2.20~~***SECTION 3193.** 115.367 of the statutes is repealed.

1 ***-1509/P2.4*SECTION 3194.** 115.385 (1) (a) (intro.) of the statutes is amended
2 to read:

3 115.385 (1) (a) (intro.) Multiple measures to determine a school's performance
4 or a school district's improvement, including all of the following categorized by
5 English language proficiency, disability, income level, and race or ethnicity:

6 ***-1509/P2.5*SECTION 3195.** 115.385 (1) (a) 1. of the statutes is amended to
7 read:

8 115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.

9 ***-1509/P2.6*SECTION 3196.** 115.385 (1) (a) 1m. of the statutes is created to
10 read:

11 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,
12 calculated using a value-added methodology.

13 ***-1509/P2.7*SECTION 3197.** 115.385 (1) (a) 2. of the statutes is repealed.

14 ***-1509/P2.8*SECTION 3198.** 115.385 (1) (a) 3. of the statutes is amended to
15 read:

16 115.385 (1) (a) 3. ~~Gaps~~ Gap closure in pupil achievement in reading and
17 mathematics and, when available, rates of graduation, ~~categorized by race, English~~
18 ~~language proficiency, disability, and income level.~~

19 ***-1509/P2.9*SECTION 3199.** 115.385 (1) (a) 4. of the statutes is created to read:

20 115.385 (1) (a) 4. Rates of attendance or of high school graduation.

21 ***-1509/P2.10*SECTION 3200.** 115.385 (1) (b) of the statutes is renumbered
22 115.385 (1) (b) (intro.) and amended to read:

23 115.385 (1) (b) (intro.) An index system to identify a school's level of
24 performance and a school district's level of improvement and to annually place assign

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1 to each school into and school district one of -5 performance categories. the following
2 grade levels:

3 ***-1509/P2.11*SECTION 3201.** 115.385 (1) (b) 1. of the statutes is created to
4 read:

5 115.385 (1) (b) 1. “A — Significantly Exceeds Expectations.”

6 ***-1509/P2.12*SECTION 3202.** 115.385 (1) (b) 2. of the statutes is created to
7 read:

8 115.385 (1) (b) 2. “B — Exceeds Expectations.”

9 ***-1509/P2.13*SECTION 3203.** 115.385 (1) (b) 3. of the statutes is created to
10 read:

11 115.385 (1) (b) 3. “C — Meets Expectations.”

12 ***-1509/P2.14*SECTION 3204.** 115.385 (1) (b) 4. of the statutes is created to
13 read:

14 115.385 (1) (b) 4. “D — Meets Few Expectations.”

15 ***-1509/P2.15*SECTION 3205.** 115.385 (1) (b) 5. of the statutes is created to
16 read:

17 115.385 (1) (b) 5. “F — Fails to Meet Expectations.”

18 ***-1509/P2.16*SECTION 3206.** 115.385 (1) (c) of the statutes is created to read:

19 115.385 (1) (c) A qualitative definition for each of the 5 grade levels in par. (b).

20 ***-1509/P2.17*SECTION 3207.** 115.385 (1m) of the statutes is created to read:
21 115.385 (1m) For purposes of determining a school’s performance or a school
22 district’s improvement under sub. (1) all of the following apply:

23 (a) The department may not include the following pupils or pupil assessment
24 scores:

1 a. A pupil who attended a private school under the program under s. 118.60 or
2 119.23 in the 8th grade and who transfers to a public school, including a charter
3 school, for the 9th grade.

4 b. A pupil who was enrolled in a public school, including a charter school, in the
5 8th grade and who transfers to a private school under the program under s. 118.60
6 or 119.23 for the 9th grade.

7 c. A pupil, other than a pupil enrolled in the 9th grade, who was enrolled in the
8 school or school district for less than one year prior to taking the pupil assessment.

9 (b) 1. Subject to subd. 2., if the department uses pupil assessment scores to
10 determine a school's performance or a school district's improvement, the department
11 shall account for the length of time a pupil was enrolled in the school or school district
12 prior to taking the pupil assessment by weighting pupil assessment scores as follows:

13 a. For a pupil who was enrolled in the school or school district for at least one
14 year but less than 2 years prior to taking the pupil assessment, multiply by 1.

15 b. For a pupil who was enrolled in the school or school district for at least 2 years
16 but less than 3 years prior to taking the pupil assessment, multiply by 2.

17 c. For a pupil who was enrolled in the school or school district for more than 3
18 years prior to taking the pupil assessment, multiply by 3.

19 2. The department may not, for purposes of determining a school's
20 performance, account for the length of time a 9th grade pupil was enrolled in the
21 school.

22 (c) The department shall consider the impact of poverty on pupil achievement
23 and growth by adjusting the importance given to the measures under sub. (1) (a) 1.
24 and 1m. based on the percentage of pupils in the school or school district who are
25 economically disadvantaged. In this paragraph, an economically disadvantaged

1 pupil is a pupil that satisfies either the income eligibility criteria for a free or
2 reduced-price lunch under 42 USC 1758 (b) (1) or other measures of poverty, as
3 determined by the department. Of the total weight the department allocates to the
4 measures under sub. (1) (a) 1. and 1m. for the purpose of determining a school's
5 performance or a school district's improvement, the department shall do as follows:

6 1. If 5 percent or less of the school or school district membership is comprised
7 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 90
8 percent and the measure under sub. (1) (a) 1m. at 10 percent.

9 2. If 65 percent or more of the school or school district membership is comprised
10 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 10
11 percent and the measure under sub. (1) (a) 1m. at 90 percent.

12 3. If the percentage of economically disadvantaged pupils in the school or school
13 district membership is more than 5 percent but less than 65 percent, the department
14 shall determine the weight of the measures under sub. (1) (a) 1. as follows:

15 a. Divide 80 by 60.

16 b. Multiply the quotient determined under subd. 3. a. by the percentage of
17 economically disadvantaged pupils in the school or school district membership.

18 c. Add 3.35 to the result under subd. 3. b.

19 4. If the percentage of economically disadvantaged pupils in the school or school
20 district membership is more than 5 percent but less than 65 percent, the department
21 shall determine the weight of the measures under sub. (1) (a) 1m. by subtracting the
22 weight given to the measures under sub. (1) (a) 1. as determined under subd. 3. from
23 100.

24 ***-1509/P2.18*SECTION 3208.** 115.385 (2) of the statutes is amended to read:

1 115.385 (2) ~~Beginning one year after a charter school established under s.~~
2 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
3 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
4 ~~(b), or begins using a system that is interoperable with that system, the~~ with the
5 accountability report published for the 2015–16 school year, the department shall
6 include the school in its annual school accountability report under sub. (1) charter
7 schools established under s. 118.40 (2r) and private schools participating in a
8 parental choice program under s. 118.60 or 119.23. The department shall use the
9 same criteria to measure the performance of all schools included in the annual school
10 accountability report.

11 *~~1509/P2.19~~SECTION 3209. 115.385 (3) of the statutes is created to read:

12 115.385 (3) On an accountability report published for a private school
13 participating in a program under s. 118.60 or 119.23, the department shall specify
14 the percentage of pupils attending the private school under the program and comply
15 with one of the following:

16 (a) For a private school that submits achievement data only for those pupils
17 attending the private school under the program, identify the grade derived from data
18 about those pupils as the choice pupil grade.

19 (b) For a private school that submits achievement data for those pupils
20 attending the private school under s. 118.60 or 119.23 and achievement data for all
21 other pupils attending the private school, identify the grade derived from data about
22 pupils attending the school under s. 118.60 or 119.23 as the choice pupil grade. The
23 department shall also identify a 2nd grade, derived from data about all pupils
24 attending the private school including pupils attending the private school under s.
25 118.60 or 119.23, as the private school grade.

SECTION 3210

1 ***-1509/P2.20***SECTION 3210. 115.385 (4) of the statutes is created to read:

2 115.385 (4) Annually, each public school, including a charter school, and each
3 private school participating in a parental choice program under s. 118.60 or 119.23
4 shall provide a copy of the school's accountability report to the parent or guardian of
5 each pupil enrolled in or attending the school. Each school shall simultaneously
6 provide to the parent or guardian of each pupil enrolled in the school a list of the
7 educational options available to children who reside in the pupil's resident school
8 district, including public schools, private schools participating in a parental choice
9 program, charter schools, virtual schools, full-time open enrollment, youth options,
10 course options, and options for pupils enrolled in a home-based private educational
11 program.

12 ***-1509/P2.21***SECTION 3211. 115.385 (5) of the statutes is created to read:

13 115.385 (5) Beginning in the 2017-18 school year and biennially thereafter, the
14 appropriate standing committee of each house of the legislature shall conduct a
15 review of school and school district accountability reports published under this
16 section.

17 ***-0638/P2.3***SECTION 3212. 115.42 (2) (c) of the statutes is amended to read:

18 115.42 (2) (c) The amount of each grant under par. (a) shall be \$5,000 in any
19 school year in which the recipient is employed in a school in which at least 60 percent
20 of the pupils enrolled ~~are eligible~~ satisfy the income eligibility criteria for a free or
21 reduced-price lunch under 42 USC 1758 (b) (1).

22 ***-0638/P2.4***SECTION 3213. 115.43 (1) of the statutes is amended to read:

23 115.43 (1) DEFINITION. In this section, "economically disadvantaged pupil"
24 means a pupil who ~~is eligible~~ satisfies the income eligibility criteria for a free or
25 reduced-price lunch under 42 USC 1758 (b) (1).