

1 ~~administrator~~ director to file an application with the ~~division~~ bureau a reasonable
2 time prior to the proposed examination.

3 *~~1059/9.149~~*SECTION 3712. 230.16 (1) (am) of the statutes is amended to
4 read:

5 230.16 (1) (am) The ~~administrator~~ director may require in connection with the
6 application such supplementary work history, educational transcripts, statements
7 of physicians or others having knowledge of the applicant, as needed for qualification
8 evaluations.

9 *~~1059/9.150~~*SECTION 3713. 230.16 (1) (b) of the statutes is amended to read:

10 230.16 (1) (b) The ~~division~~ bureau shall furnish application forms without
11 charge to all persons requesting them.

12 *~~1059/9.151~~*SECTION 3714. 230.16 (2) of the statutes is amended to read:

13 230.16 (2) Competitive examinations shall be free and open to all applicants
14 who have fulfilled the preliminary requirements stated in the examination
15 announcement. To assure that all applicants have a fair opportunity to compete,
16 examinations shall be held at such times and places as, in the judgment of the
17 ~~administrator~~ director, most nearly meet the convenience of applicants and needs of
18 the service.

19 *~~1059/9.152~~*SECTION 3715. 230.16 (3) of the statutes is amended to read:

20 230.16 (3) The ~~administrator~~ director may appoint boards of examiners of at
21 least 2 persons for the purpose of conducting oral examinations as a part of the
22 examination procedure for certain positions. All board members shall be
23 well-qualified and impartial. All questions asked and answers made in any
24 examination of applicants shall be recorded and made a part of the records of the
25 applicants.

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1 ***-1059/9.153***SECTION 3716. 230.16 (5) of the statutes is amended to read:

2 230.16 (5) In the interest of sound personnel management, consideration of
3 applicants and service to agencies, the ~~administrator~~ director may set a standard for
4 proceeding to subsequent steps in an examination, provided that all applicants are
5 fairly treated and due notice has been given. The standard may be at or above the
6 passing point set by the ~~administrator~~ director for any portion of the examination.
7 The ~~administrator~~ director shall utilize appropriate scientific techniques and
8 procedures in administering the selection process, in rating the results of
9 examinations and in determining the relative ratings of the competitors.

10 ***-1059/9.154***SECTION 3717. 230.16 (6) of the statutes is amended to read:

11 230.16 (6) If any applicant is unable to complete the examination in the form
12 presented to the applicant due to a disability, the ~~division~~ bureau shall provide a
13 reader, an appropriate place to take the examination or other similar prerequisites
14 to ensure equality of opportunity in the examination.

15 ***-1059/9.155***SECTION 3718. 230.16 (7m) (b) (intro.) of the statutes is amended
16 to read:

17 230.16 (7m) (b) (intro.) The ~~office~~ division shall accept an application after its
18 due date from a veteran if all of the following apply:

19 ***-1059/9.156***SECTION 3719. 230.16 (7m) (c) of the statutes is amended to read:

20 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
21 (b), the ~~office~~ division shall give the applicant an examination.

22 ***-1059/9.157***SECTION 3720. 230.16 (9) of the statutes is amended to read:

23 230.16 (9) The officials in control of state, municipal and county buildings,
24 upon requisition by the ~~administrator~~ director, shall furnish without charge
25 adequate rooms and building services for the administration of examinations.

1 *~~1059/9.158~~*SECTION 3721. 230.16 (11) of the statutes is amended to read:

2 230.16 (11) Records of examinations, including a transcript or recorded tape
3 of oral examinations, given under this subchapter shall be retained for at least one
4 year. Inspection of such records shall be regulated by rules of the ~~administrator~~
5 director.

6 *~~1059/9.159~~*SECTION 3722. 230.17 of the statutes is amended to read:

7 **230.17 Applicants and eligibles may be barred; bonds may be required.**

8 (1) The ~~administrator~~ director shall provide by rule, the conditions, not otherwise
9 provided by law, under which an applicant may be refused examination or
10 reexamination, or an eligible refused certification. These conditions shall be based
11 on sufficient reason and shall reflect sound technical personnel management
12 practices and those standards of conduct, deportment and character necessary and
13 demanded to the orderly, efficient and just operation of the state service.

14 (2) If the ~~administrator~~ director refuses to examine an applicant, or after an
15 examination to certify an eligible, as provided in this section, the ~~administrator~~
16 director, if requested by the applicant so rejected within 10 days of the date of receipt
17 of the notice of rejection, shall give the applicant a full and explicit statement of the
18 exact cause of such refusal to examine or to certify. Applicants may appeal to the
19 commission the decision of the ~~administrator~~ director to refuse to examine or certify
20 under s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service
21 position who has a disability, the department of health services shall obtain from the
22 ~~administrator~~ director a detailed description of all duties entailed by such position
23 and shall determine and report its findings to the ~~administrator~~ director, as to the
24 ability of the applicant, or eligible, to perform the duties of such position. Such
25 findings shall be conclusive as to the qualifications of any applicant, or eligible, so

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1 examined. A notice of rejection shall notify an applicant or eligible of his or her rights
2 under this subsection.

3 (3) When any position to be filled involves fiduciary responsibility, the
4 appointing authority shall conduct a criminal history background check before
5 offering employment to an applicant for the position. If otherwise permitted by law,
6 the appointing authority may require the appointee to furnish bond or other security,
7 and shall notify the ~~administrator~~ director of the amount and other details thereof.
8 Any surety company authorized to do business in this state shall be a sufficient
9 security on any such bond.

10 *-1059/9.160*SECTION 3723. 230.18 of the statutes is amended to read:

11 **230.18 Discrimination prohibited.** No question in any form of application
12 or in any examination may be so framed as to elicit information concerning the
13 partisan political or religious opinions or affiliations of any applicant nor may any
14 inquiry be made concerning such opinions or affiliations and all disclosures thereof
15 shall be discountenanced except that the ~~administrator~~ director may evaluate the
16 competence and impartiality of applicants for positions such as clinical chaplain in
17 a state institutional program. No discriminations may be exercised in the
18 recruitment, application, examination or hiring process against or in favor of any
19 person because of the person's political or religious opinions or affiliations or because
20 of age, sex, disability, race, color, sexual orientation, national origin or ancestry
21 except as otherwise provided.

22 *-1059/9.161*SECTION 3724. 230.19 (1) of the statutes is amended to read:

23 230.19 (1) The ~~administrator~~ director shall provide employees with reasonable
24 opportunities for career advancement, within a classified service structure designed

1 to achieve and maintain a highly competent work force, with due consideration given
2 to affirmative action.

3 ***-1059/9.162*SECTION 3725.** 230.19 (2) of the statutes is amended to read:

4 230.19 (2) If, in the judgment of the ~~administrator~~ director, the group of
5 applicants best able to meet the requirements for vacancies in positions in the
6 classified service are available within the classified service, the vacancies shall be
7 filled by competition limited to persons in the classified service who are not employed
8 under s. 230.26 or 230.27 and persons with the right of restoration resulting from
9 layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to
10 be consistent with an approved affirmative action plan or program. The
11 ~~administrator~~ director may also limit competition for promotion to the employees of
12 an agency or an employing unit within an agency if the resulting group of applicants
13 would fairly represent the proportion of members of racial and ethnic, gender or
14 disabled groups in the relevant labor pool for the state.

15 ***-1059/9.163*SECTION 3726.** 230.21 (1) of the statutes is amended to read:

16 230.21 (1) Subject to s. 230.275, the ~~administrator~~ director may, to meet the
17 needs of the service, establish separate recruitment, examination and certification
18 procedures for filling positions in unskilled labor and service classes.

19 ***-1059/9.164*SECTION 3727.** 230.21 (1m) (a) (intro.) of the statutes is amended
20 to read:

21 230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random
22 certification to determine which applicants for an unskilled labor or service position
23 will receive further consideration for the position, the ~~administrator~~ director shall
24 do all of the following:

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1 *~~1059/9.165~~*SECTION 3728. 230.21 (1m) (b) of the statutes is amended to
2 read:

3 230.21 (1m) (b) If the ~~administrator~~ director uses the method of random
4 certification to determine which applicants for an unskilled labor or service position
5 will receive further consideration for the position and the appointing authority does
6 not select a veteran or a person the hiring of whom would serve affirmative action
7 purposes, the appointing authority shall make and retain a written record of the
8 appointing authority's reasons for selecting the person who was appointed. The
9 appointing authority shall make the written records available to the ~~office~~ division
10 and annually submit a report to the ~~office~~ division summarizing the reasons
11 contained in the written records.

12 *~~1059/9.166~~*SECTION 3729. 230.21 (2) of the statutes is amended to read:

13 230.21 (2) The ~~administrator~~ director may designate classifications in which
14 applicants are in critically short supply and may develop such recruitment,
15 examination and certification processes as will provide agencies with prompt
16 certification when qualified applicants can be found, provided that due notice has
17 been given and proper competitive standards have been maintained.

18 *~~1059/9.167~~*SECTION 3730. 230.21 (3) of the statutes is amended to read:

19 230.21 (3) The ~~administrator~~ director shall designate classifications in prison
20 industries in the department of corrections as critical positions requiring expeditious
21 hiring and shall develop such recruitment, examination and certification processes
22 as will provide the department with prompt certification when qualified applicants
23 can be found, provided that due notice has been given and proper competitive
24 standards have been maintained.

25 *~~1059/9.168~~*SECTION 3731. 230.213 of the statutes is amended to read:

1 **230.213 Affirmative action procedures for corrections positions.** The
2 administrator director may, to meet affirmative action objectives, establish such
3 recruitment, examination and certification procedures for positions in the
4 department of corrections as will enable the department of corrections to increase the
5 number of employees of a specified gender or a specified racial or ethnic group in
6 those positions. The administrator director shall design the procedures to obtain a
7 work force in the department of corrections that reflects the relevant labor pool. The
8 administrator director may determine the relevant labor pool from the population
9 of the state or of a particular geographic area of the state, whichever is more
10 appropriate for achieving the affirmative action objective.

11 *–1059/9.169*SECTION 3732. 230.215 (3) (a) of the statutes is amended to read:

12 230.215 (3) (a) An agency may, with the approval of the ~~director~~ administrator
13 and with the approval of the secretary of administration under s. 16.50, restructure
14 budgeted permanent positions as such positions become vacant or if an employee
15 voluntarily requests a job-sharing or permanent part-time employment
16 opportunity. No employee occupying a full-time permanent position may be
17 involuntarily terminated, demoted, transferred or reassigned in order to restructure
18 that position for permanent part-time employment and no such employee may be
19 required to accept a permanent part-time position as a condition of continued
20 employment.

21 *–1059/9.170*SECTION 3733. 230.215 (3) (b) of the statutes is amended to read:

22 230.215 (3) (b) If the ~~director~~ administrator, upon review of the report
23 submitted under sub. (4), determines that an agency's past or proposed actions
24 relating to permanent part-time employment opportunities do not adequately

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1 reflect the policy under sub. (1) (e), the ~~director~~ administrator may recommend
2 procedures designed to enable the agency to effect such policy.

3 ***-1059/9.171*SECTION 3734.** 230.215 (4) of the statutes is amended to read:

4 230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall
5 include a report on the progress or failure of the plans of such agency in achieving
6 the policies stated under sub. (1) and shall submit a copy of such report to the ~~director~~
7 administrator.

8 ***-1059/9.172*SECTION 3735.** 230.22 of the statutes is amended to read:

9 **230.22 Entry professional selection.** (1) The ~~director~~ administrator may
10 establish by rule an entry professional class program for use in a wide range of entry
11 professional positions.

12 (2) In connection with this program the ~~director~~ administrator may establish
13 separate classifications and corresponding pay provisions to provide agencies an
14 entry professional program, through which they can compete on campuses and in the
15 labor market for the best available applicants.

16 (3) Subject to s. 230.275, the ~~administrator~~ director may establish separate
17 recruitment, evaluation and certification procedures for certain entry professional
18 positions. Vacancies in entry professional positions may be limited to persons with
19 a degree from an institution of higher education, as defined in s. 108.02 (18), or a
20 degree under an associate degree program, as defined in s. 38.01 (1).

21 (4) The ~~administrator~~ director may provide for cooperative programs leading
22 to eligibility for permanent appointment in order to enable institutions of higher
23 education and agencies to attract and train the highest caliber of undergraduate or
24 graduate students for government employment.

25 ***-1059/9.173*SECTION 3736.** 230.24 (1) of the statutes is amended to read:

1 230.24 (1) The ~~director~~ administrator may by rule develop a career executive
2 program that emphasizes excellence in administrative skills in order to provide
3 agencies with a pool of highly qualified executive candidates, to provide outstanding
4 administrative employees a broad opportunity for career advancement and to
5 provide for the mobility of such employees among the agencies and units of state
6 government for the most advantageous use of their managerial and administrative
7 skills. To accomplish the purpose of this program, the ~~administrator~~ director may
8 provide policies and standards for recruitment, examination, probation,
9 employment register control, certification, transfer, promotion and reemployment,
10 and the director may provide policies and standards for classification and salary
11 administration, separate from procedures established for other employment. The
12 ~~director~~ administrator shall determine the positions which may be filled from career
13 executive employment registers.

14 *~~-1059/9.174~~***SECTION 3737.** 230.24 (1m) of the statutes is amended to read:

15 230.24 (1m) The policy established by the ~~administrator~~ director under sub.
16 (1) that deals with probation shall provide the option of extending the probationary
17 period for individuals with disabilities, as defined in s. 111.32 (8), who are employees
18 in a manner consistent with s. 230.28 (1) (bm).

19 *~~-1059/9.175~~***SECTION 3738.** 230.25 (1) of the statutes is amended to read:

20 230.25 (1) Appointing authorities shall give written notice to the ~~administrator~~
21 director of any vacancy to be filled in any position in the classified service. The
22 ~~administrator~~ director shall certify, under this subchapter and the rules of the
23 ~~administrator~~ director, from the register of eligibles appropriate for the kind and
24 type of employment, the grade and class in which the position is classified, any
25 number of names at the head thereof. In determining the number of names to certify,

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1 the ~~administrator~~ director shall use statistical methods and personnel management
2 principles that are designed to maximize the number of certified names that are
3 appropriate for filling the specific position vacancy. Up to 2 persons considered for
4 appointment 3 times and not selected may be removed from the register for each 3
5 appointments made. Certification under this subsection shall be made before
6 granting any preference under s. 230.16 (7).

7 ***-1059/9.176*SECTION 3739.** 230.25 (1g) of the statutes is amended to read:

8 230.25 (1g) For every position to be filled by promotion from a promotional
9 register, the ~~administrator~~ director shall, after certifying names under sub. (1),
10 additionally certify the name of the highest ranked disabled veteran whose disability
11 is at least 70%.

12 ***-1059/9.177*SECTION 3740.** 230.25 (1n) (a) (intro.) of the statutes is amended
13 to read:

14 230.25 (1n) (a) (intro.) After certifying names under subs. (1), (1g) and (1m),
15 the ~~administrator~~ director may engage in expanded certification by doing one or
16 more of the following:

17 ***-1059/9.178*SECTION 3741.** 230.25 (1n) (b) of the statutes is amended to read:

18 230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1.
19 or 2. only if an agency requests expanded certification in order to comply with an
20 approved affirmative action plan or program. The ~~administrator~~ director may certify
21 names under par. (a) 3. only if an agency requests expanded certification in order to
22 hire persons with a disability.

23 ***-1059/9.179*SECTION 3742.** 230.25 (1p) of the statutes is amended to read:

24 230.25 (1p) If an appointing authority appoints a person certified under this
25 section and the person is not a veteran, the spouse of a veteran or a person the hiring

1 of whom would serve affirmative action purposes, the appointing authority shall
2 make and retain a written record of the appointing authority's reasons for selecting
3 the person who was appointed. The appointing authority shall make the written
4 records available to the ~~office~~ division and annually submit a report to the ~~office~~
5 division summarizing the reasons contained in the written records. The ~~office~~
6 division shall annually prepare a report summarizing, for each agency, the reasons
7 contained in the records prepared by appointing authorities under this subsection.

8 *~~1059/9.180~~*SECTION 3743. 230.25 (2) of the statutes is amended to read:

9 230.25 (2) (a) When certifying names to appointing authorities under this
10 section, the ~~administrator~~ director shall specify whether the certification includes
11 qualifying veterans or persons the hiring of whom would serve affirmative action
12 purposes, without divulging the names of those individuals. The ~~administrator~~
13 director shall not disclose any applicant's test score, with or without the addition of
14 veterans preference points under s. 230.16 (7), to the appointing authority.

15 (b) Unless otherwise provided in this subchapter or the rules of the
16 ~~administrator~~ director, appointments shall be made by appointing authorities to all
17 positions in the classified service from among those certified to them in accordance
18 with this section. Appointments shall be made within 60 days after the date of
19 certification unless an exception is made by the ~~administrator~~ director. If an
20 appointing authority does not make an appointment within 60 days after
21 certification, he or she shall immediately report in writing to the ~~administrator~~
22 director the reasons therefor. If the ~~administrator~~ director determines that the
23 failure to make an appointment is not justified under the merit system, the
24 ~~administrator~~ director shall issue an order directing that an appointment be made.

25 *~~1059/9.181~~*SECTION 3744. 230.25 (3) (b) of the statutes is amended to read:

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1 230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after
2 3 months, but only after considering the impact of such an action on the policy of this
3 state to provide for equal employment opportunity and to take affirmative action, as
4 specified in s. 230.01 (2).

5 *~~1059/9.182~~*SECTION 3745. 230.25 (4) of the statutes is amended to read:

6 230.25 (4) (a) The ~~administrator~~ director may establish a new and separate
7 register for a specific position or class only when in the ~~administrator's~~ director's
8 judgment there is no appropriate existing register from which appointments may be
9 made.

10 (b) The ~~administrator~~ director may establish separate registers for various
11 geographic areas of the state if the needs of the service so require, provided proper
12 publicity has been given of the intent to establish such registers.

13 *~~1059/9.183~~*SECTION 3746. 230.25 (5) of the statutes is amended to read:

14 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
15 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.
16 230.275 and the appointing authority has requested a certification for the position,
17 the ~~administrator~~ director shall provide the appointing authority the names of all
18 disabled veterans certified for appointment to the position and who satisfy the
19 condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans
20 who are on any other employment register that is identified by the appointing
21 authority.

22 *~~1059/9.184~~*SECTION 3747. 230.26 (1) of the statutes is amended to read:

23 230.26 (1) The ~~administrator~~ director may provide by rule for selection and
24 appointment for limited term appointments, which are provisional appointments or
25 appointments for less than 1,044 hours per year.

1 *~~1059/9.185~~**SECTION 3748.** 230.26 (1m) of the statutes is amended to read:

2 230.26 (1m) An appointing authority may not appoint a person who is not a
3 state resident to a limited term appointment unless approved by the ~~administrator~~
4 director.

5 *~~1059/9.186~~**SECTION 3749.** 230.26 (2) of the statutes is amended to read:

6 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
7 the classified service and the ~~administrator~~ director is unable to certify to the
8 appointing authority, upon requisition by the latter, a list of persons eligible for
9 appointment from an appropriate employment register, the appointing authority
10 may nominate a person to the ~~administrator~~ director for noncompetitive
11 examination. If the nominee is certified by the ~~administrator~~ director as qualified,
12 the nominee may be appointed provisionally to fill the vacancy until an appointment
13 can be made from a register established after announcement of competition for the
14 position, except that no provisional appointment may be continued for more than 45
15 working days after the date of certification from the register. Successive
16 appointments may not be made under this subsection. This subsection does not
17 apply to a person appointed to a vacant position in the classified service under s.
18 230.275.

19 *~~1059/9.187~~**SECTION 3750.** 230.26 (5) of the statutes is amended to read:

20 230.26 (5) If the ~~administrator~~ director determines that an agency is not in
21 compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)
22 regarding a particular employee, the ~~administrator~~ director shall direct the
23 appointing authority to terminate the employee.

24 *~~1059/9.188~~**SECTION 3751.** 230.27 (1m) (b) of the statutes is amended to
25 read:

SECTION 3751

1 230.27 (1m) (b) The ~~administrator~~ director may waive the prohibition under
2 par. (a) if there is a critical need for employees in a specific classification or position
3 or a critical shortage of residents of this state possessing the skills or qualifications
4 required for a position.

5 *~~1059/9.189~~**SECTION 3752.** 230.27 (2) of the statutes is amended to read:

6 230.27 (2) Subject to s. 230.275, the ~~administrator~~ director may provide by rule
7 for the selection and appointment of a person to a project position.

8 *~~1059/9.190~~**SECTION 3753.** 230.27 (2k) of the statutes is amended to read:

9 230.27 (2k) If an appointing authority selects, for a project position, a person
10 who is not a veteran or is not a person the hiring of whom would serve affirmative
11 action purposes, the appointing authority shall make and retain a written record of
12 the appointing authority's reasons for selecting the person who was appointed. The
13 appointing authority shall make the written records available to the ~~office~~ division
14 and annually submit a report to the ~~office~~ division summarizing the reasons
15 contained in the written records. The ~~office~~ division shall annually prepare a report
16 summarizing, for each agency, the information submitted by appointing authorities
17 under this subsection.

18 *~~1059/9.191~~**SECTION 3754.** 230.275 (1) (d) of the statutes is amended to read:

19 230.275 (1) (d) The appointing authority notifies the ~~administrator~~ director in
20 writing that the position is to be filled with a disabled veteran on a noncompetitive
21 basis.

22 *~~1059/9.192~~**SECTION 3755.** 230.28 (1) (a) of the statutes is amended to read:

23 230.28 (1) (a) All original and all promotional appointments to permanent,
24 sessional and seasonal positions, with the exception of those positions designated as
25 supervisor or management under s. 111.81, in the classified service shall be for a

1 probationary period of 6 months, but the ~~administrator~~ director at the request of the
2 appointing authority and in accordance with the rules related thereto may extend
3 any such period for a maximum of 3 additional months. Dismissal may be made at
4 any time during such periods. Upon such dismissal, the appointing authority shall
5 report to the ~~administrator~~ director and to the employee removed, the dismissal and
6 the reason therefor. The ~~administrator~~ director may remove an employee during the
7 employee's probationary period if the ~~administrator~~ director finds, after giving notice
8 and an opportunity to be heard, that such employee was appointed as a result of
9 fraud or error.

10 ***-1059/9.193*SECTION 3756.** 230.28 (1) (b) of the statutes is amended to read:

11 230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary
12 period not to exceed 2 years for any administrative, technical or professional
13 position, in order to provide the appointing authority assurance that the employee
14 has had adequate exposure to the various responsibilities which are a part of the
15 position or classification.

16 ***-1059/9.194*SECTION 3757.** 230.28 (1) (bm) (intro.) of the statutes is amended
17 to read:

18 230.28 (1) (bm) (intro.) At the request of an appointing authority and an
19 employee, the ~~administrator~~ director may authorize, at any time before the
20 completion of the probationary period, an extended probationary period of up to one
21 additional year for an individual with a disability, as defined in s. 111.32 (8), who is
22 the employee to allow the employee to do any of the following:

23 ***-1059/9.195*SECTION 3758.** 230.28 (1) (c) of the statutes is amended to read:

SECTION 3758

1 230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~
2 director may waive any portion of the lengthened probationary period but in no case
3 before a 6-month probationary period has been served.

4 *~~1059/9.196~~*SECTION 3759. 230.28 (3) of the statutes is amended to read:

5 230.28 (3) If an employee is removed from a position during the probationary
6 period, and the ~~administrator~~ director determines that the person is suitable for
7 appointment to another position, the person's name may be restored to the list from
8 which it was certified.

9 *~~1059/9.197~~*SECTION 3760. 230.28 (4) of the statutes is amended to read:

10 230.28 (4) A person reinstated in an employing unit other than one in which
11 the person previously served in permanent status in the class in which the person
12 is being reinstated, an employee who transfers from one employing unit to another,
13 an employee who moves to a different employing unit in conjunction with a voluntary
14 demotion, and a person who had not obtained permanent status in class in a
15 supervisory or management position prior to appointment to another supervisory or
16 management position, may be required by the appointing authority to serve a
17 probationary period. Provisions for the duration of such probationary period shall
18 be provided in the rules of the ~~administrator~~ director.

19 *~~1059/9.198~~*SECTION 3761. 230.29 of the statutes is amended to read:

20 **230.29 Transfers.** A transfer may be made from one position to another only
21 if specifically authorized by the ~~administrator~~ director.

22 *~~1059/9.199~~*SECTION 3762. 230.30 (1) of the statutes is amended to read:

23 230.30 (1) Each agency shall constitute an employing unit for purposes of
24 personnel transactions, except where appropriate functional, organizational or
25 geographic breakdowns exist within the agency and except as provided in sub. (2).

1 These breakdowns may constitute a separate employing unit for one or more types
2 of personnel transactions under an overall employing unit plan if requested by the
3 appointing authority of that agency and approved by the ~~administrator~~ director. If
4 the ~~administrator~~ director determines, after conferring with the appointing
5 authority of the employing agency, that an employing unit is or has become
6 inappropriate to carry out sound personnel management practices due to factors
7 including, but not limited to, the size or isolated location of portions of the employing
8 unit, the ~~administrator~~ director may revise the employing unit structure of the
9 agency to effect the remedy required.

10 *~~1059/9.200~~*SECTION 3763. 230.31 (1) (b) of the statutes is amended to read:

11 230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status,
12 the person shall be placed, in inverse order of layoff, on an appropriate mandatory
13 restoration register for the unit used for layoff and on a restoration register for the
14 agency from which the person was laid off. Use of such registers shall be subject to
15 the rules of the ~~administrator~~ director.

16 *~~1059/9.201~~*SECTION 3764. 230.31 (2) of the statutes is amended to read:

17 230.31 (2) The ~~administrator~~ director may also provide for the reinstatement
18 of persons who have served in seasonal and sessional employment and for persons
19 who separate from a position while serving a probationary period.

20 *~~1059/9.202~~*SECTION 3765. 230.315 (1) (c) of the statutes is amended to read:

21 230.315 (1) (c) The employee has received a military leave of absence under s.
22 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
23 of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division
24 or is eligible for reemployment with the state under s. 321.64 after completion of his
25 or her service in the U.S. armed forces.

SECTION 3766

1 *~~1059/9.203~~SECTION 3766. 230.32 (3) of the statutes is amended to read:

2 230.32 (3) (a) Any classified employee who leaves state service and enters the
3 armed forces of the United States shall, under this section, be granted written
4 military leave of absence by the appointing authority. Notice of such leave from state
5 service and the terms of any such leave shall be given in writing by the appointing
6 authority to the ~~director~~ administrator for purposes of record.

7 (b) Any classified employee who leaves state service for civilian employment
8 in response to a specific request or order of the federal government or any of its
9 agencies in connection with manpower redistribution and utilization shall, under
10 this section, make written application to the appointing authority for civilian leave
11 of absence presenting such specific request or order of the federal government as
12 supporting evidence. Such civilian leave shall be allowed by the appointing
13 authority and its terms, which shall conform to the rules of the ~~director~~
14 administrator, shall be in writing. Notice of such leave from state service shall be
15 made in writing by the appointing authority to the ~~director~~ administrator for
16 purposes of record.

17 (c) All such military or civilian leaves of absence as heretofore may have been
18 granted are validated and shall be deemed to be sufficient and effective hereunder.
19 Such leaves shall be recorded with the ~~director~~ administrator.

20 *~~1059/9.204~~SECTION 3767. 230.32 (4) of the statutes is amended to read:

21 230.32 (4) Any person appointed to fill the position of an employee on such
22 military or civilian leave shall be designated as a substitute or replacement employee
23 and upon the return and reemployment of the original employee the substitute
24 employee shall be transferred to a similar position with the same employing agency
25 if one is available, or if not, he or she shall be eligible for reinstatement or have the

1 right of restoration in accordance with this subchapter and the rules of the
2 ~~administrator~~ director. The status of any person who is appointed to fill the place
3 of an employee on military or civilian leave under this section shall be governed by
4 the rules of the ~~administrator~~ director pursuant thereto.

5 ***-1059/9.205*SECTION 3768.** 230.32 (5) of the statutes is amended to read:

6 230.32 (5) The restoration of classified former employees of the state shall be
7 governed by this section and by the rules of the ~~administrator~~ director.

8 ***-1059/9.206*SECTION 3769.** 230.33 (2) of the statutes is amended to read:

9 230.33 (2) A person appointed to an unclassified position by an appointing
10 authority other than an appointing authority described under sub. (1), to a
11 department other than the one in which the person was a classified employee may
12 be granted a leave of absence without pay at the option of the person's former
13 appointing authority in accordance with the leave of absence provisions in the rules
14 of the ~~director~~ administrator. An employee granted a leave of absence shall have the
15 same restoration rights and reinstatement privileges as under sub. (1m). If not
16 granted a leave of absence, the employee shall be entitled only to the reinstatement
17 privileges under sub. (1m).

18 ***-0807/P6.377*SECTION 3770.** 230.339 of the statutes is repealed.

19 ***-1059/9.207*SECTION 3771.** 230.34 (1) (c) of the statutes is amended to read:

20 230.34 (1) (c) The ~~director~~ administrator shall establish guidelines for uniform
21 application of this authority among the various agencies.

22 ***-1059/9.208*SECTION 3772.** 230.34 (2) (b) of the statutes is amended to read:

23 230.34 (2) (b) The ~~administrator~~ director shall promulgate rules governing
24 layoffs and appeals therefrom and alternative procedures in lieu of layoff to include
25 voluntary and involuntary demotion and the exercise of a displacing right to a

1 comparable or lower class, as well as the subsequent employee right of restoration
2 or eligibility for reinstatement.

3 ***-1059/9.209*SECTION 3773.** 230.34 (2m) of the statutes is amended to read:

4 230.34 (2m) Employees in positions funded by nonstate funds made available
5 contingent on special employee eligibility requirements such as length of prior
6 unemployment, specific occupational disadvantages or need for remedial work
7 experience, shall be exempt from inclusion with the employees whose positions are
8 in classes considered for layoff under sub. (2). In the case of reduction in force in such
9 nonstate funded positions, layoffs and layoff procedures established pursuant to the
10 rules of the ~~administrator~~ director may be limited to employees whose positions are
11 dependent upon specific funding contingencies.

12 ***-1059/9.210*SECTION 3774.** 230.34 (3) of the statutes is amended to read:

13 230.34 (3) The appointing authority shall confer with the ~~administrator~~
14 director relative to a proposed layoff a reasonable time before the effective date
15 thereof in order to assure compliance with the rules.

16 ***-1059/9.211*SECTION 3775.** 230.34 (4) of the statutes is amended to read:

17 230.34 (4) Resignations shall be regulated by the rules of the ~~director~~
18 administrator.

19 ***-1059/9.212*SECTION 3776.** 230.35 (1) (d) of the statutes is amended to read:

20 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
21 sub. (1p) and except that unused annual leave shall, subject to the rules of the
22 ~~director~~ administrator, be used in the year following the one in which it was earned,
23 but no employee shall lose any unused annual leave because the employee's work
24 responsibilities prevented the usage of the unused annual leave during the first 6
25 months of the year following the year in which it was earned.

1 ***-1059/9.213***SECTION 3777. 230.35 (1m) (f) of the statutes is amended to read:

2 230.35 (1m) (f) The continuous service of an employee eligible for annual leave
3 under this subsection shall not be considered interrupted if the employee was on an
4 approved leave of absence to participate in providing specialized disaster relief
5 services or if the employee leaves the service and is reemployed by the state in
6 another position covered under this subsection. Employees appointed to career
7 executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or
8 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the
9 continuous service requirements under sub. (1) (g) if they are reemployed in any of
10 those positions, regardless of the duration of their absence. If the employees are
11 reemployed in a position other than a career executive position or a position
12 designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s.
13 230.08 (2) (e), continuous service shall be established in accordance with rules of the
14 ~~director~~ administrator.

15 ***-0333/P3.34***SECTION 3778. 230.35 (1s) of the statutes is amended to read:

16 230.35 (1s) Annual leave of absence with pay for instructional staff employed
17 by the board of regents of the University of Wisconsin System who provide services
18 for a charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,
19 shall be determined by the governing board of the charter school established by
20 contract under s. 118.40 (2r) (cm), 2013 stats., as approved by the chancellor of the
21 University of Wisconsin–Parkside.

22 ***-0971/P5.645***SECTION 3779. 230.35 (1s) of the statutes, as affected by 2015
23 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 230.35 (1s). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0333/P2 and LRB-0971/P4.

SECTION 3780

1 ***-1059/9.214*****SECTION 3780.** 230.35 (2) of the statutes is amended to read:

2 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
3 without pay, other than annual leave and leave under s. 103.10, shall be regulated
4 by rules of the ~~director~~ administrator, except that unused sick leave shall accumulate
5 from year to year. After July 1, 1973, employees appointed to career executive
6 positions under the program established under s. 230.24 or positions designated in
7 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall
8 have any unused sick leave credits restored if they are reemployed in a career
9 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and
10 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.
11 Restoration of unused sick leave credits if reemployment is to a position other than
12 those specified above shall be in accordance with rules of the ~~director~~ administrator.

13 ***-1059/9.215*****SECTION 3781.** 230.35 (2r) (b) of the statutes is amended to read:

14 230.35 (2r) (b) The ~~director~~ administrator may establish, by rule, a
15 catastrophic leave program that permits employees to donate certain types and
16 amounts of leave credits to other employees who have been absent from pay status
17 because of a catastrophic need for which there is no paid leave benefits or
18 replacement income available. The ~~director~~ administrator shall determine the types
19 and amounts of leave credits that may be donated.

20 ***-1059/9.216*****SECTION 3782.** 230.35 (3) (d) of the statutes is amended to read:

21 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
22 absence to compete in promotional examinations and interviews. The ~~director~~
23 administrator shall promulgate rules governing the lengths of time allowable for
24 such leaves, their frequency and the provisions for their use.

1 ***-1059/9.217***SECTION 3783. 230.35 (3) (e) 2. e. of the statutes is amended to
2 read:

3 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~
4 administrator regarding leaves of absence to provide specialized disaster relief
5 services.

6 ***-1059/9.218***SECTION 3784. 230.35 (3) (e) 5. of the statutes is amended to
7 read:

8 230.35 (3) (e) 5. The ~~director~~ administrator may promulgate any rules
9 necessary to implement this paragraph.

10 ***-1059/9.219***SECTION 3785. 230.35 (5) (b) of the statutes is amended to read:

11 230.35 (5) (b) The standard basis of employment shall be divided into 5 work
12 days of 8 hours each except as provided under s. 230.215 (5), and except that when
13 the conditions of employment cannot be satisfied by adhering to this division or when
14 the public would not be inconvenienced, deviations may be permitted upon
15 recommendation of the appointing authority and subsequent approval by the
16 ~~director~~ administrator.

17 ***-0971/P5.646***SECTION 3786. 230.36 (1m) (b) 2. (intro.) of the statutes is
18 amended to read:

19 230.36 (1m) (b) 2. (intro.) A conservation warden, conservation patrol boat
20 captain, conservation patrol boat engineer, member of the state patrol, state motor
21 vehicle inspector, ~~University of Wisconsin System police officer~~, security officer, or
22 security person, other state facilities police officer, special tax agent, excise tax
23 investigator employed by the department of revenue, and special criminal
24 investigation agent employed by the department of justice at all times while:

SECTION 3787

1 *~~0971/P5.647~~*SECTION 3787. 230.36 (2m) (a) 14. of the statutes is amended
2 to read:

3 230.36 (2m) (a) 14. A ~~University of Wisconsin System police officer or other~~
4 state facilities police officer and patrol officer.

5 *~~1059/9.220~~*SECTION 3788. 230.37 (1) of the statutes is amended to read:

6 230.37 (1) In cooperation with appointing authorities the ~~director~~
7 administrator shall establish an employee performance evaluation program to
8 provide a continuing record of employee development and, when applicable, to serve
9 as a basis for pertinent personnel actions. Similar evaluations shall be conducted
10 during the probationary period but may not infringe upon the authority of the
11 appointing authority to retain or dismiss employees during the probationary period.

12 *~~1059/9.221~~*SECTION 3789. 230.40 (6) of the statutes is amended to read:

13 230.40 (6) The ~~administrator~~ director shall administer this section.

14 *~~1059/9.222~~*SECTION 3790. 230.43 (5) of the statutes is amended to read:

15 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
16 restrain the payment of compensation to any person appointed to or holding any
17 office or place of employment in violation of this subchapter shall not be limited or
18 denied by reason of the fact that the office or place of employment has been classified
19 as, or determined to be, not subject to competitive examination; however, any
20 judgment or injunction in any such action shall be prospective only, and shall not
21 affect payments already made or due to such persons by the proper disbursing
22 officers, in accordance with the rules of the ~~director~~ administrator in force at the time
23 of such payments.

24 *~~1059/9.223~~*SECTION 3791. 230.44 (1) (a) of the statutes is amended to read:

1 230.44 (1) (a) *Decision made or delegated by ~~administrator~~ director*. Appeal of
2 a personnel decision under this subchapter made by the ~~administrator~~ director or by
3 an appointing authority under authority delegated by the ~~administrator~~ director
4 under s. 230.05 (2).

5 *~~1059/9.224~~*SECTION 3792. 230.44 (1) (b) of the statutes is amended to read:

6 230.44 (1) (b) *Decision made or delegated by ~~director~~ administrator*. Appeal of
7 a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~director~~
8 administrator or by an appointing authority under authority delegated by the
9 ~~director~~ administrator under s. 230.04 (1m).

10 *~~1059/9.225~~*SECTION 3793. 230.44 (1) (dm) of the statutes is amended to
11 read:

12 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans*. A
13 personnel action under s. 230.275 by an appointing authority that is alleged to be
14 illegal or an abuse of discretion. The ~~administrator~~ director and the ~~office~~ division
15 may not be a party to any such appeal.

16 *~~1059/9.226~~*SECTION 3794. 230.44 (4) (bm) of the statutes is amended to
17 read:

18 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
19 of the ~~director~~ administrator made under s. 230.09 (2) (a) or (d), the appeal shall be
20 heard by a commissioner or attorney employed by the commission serving as
21 arbitrator under rules promulgated for this purpose by the commission. In such an
22 arbitration, the arbitrator shall orally render a decision at the conclusion of the
23 hearing affirming, modifying or rejecting the decision of the ~~director~~ administrator.
24 The decision of the arbitrator is final and is not subject to review by the commission.
25 An arbitrator's decision may not be cited as precedent in any other proceeding before

SECTION 3794

1 the commission or before any court. The arbitrator shall promptly file his or her
2 decision with the commission. The decision of the arbitrator shall stand as the
3 decision of the commission. The decision of the commission is subject to review under
4 ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption,
5 fraud or undue means or that the arbitrator or the commission exceeded the
6 arbitrator's or the commission's power. The record of a proceeding under this
7 paragraph shall be transcribed as provided in s. 227.44 (8).

8 *~~1059/9.227~~***SECTION 3795.** 230.46 of the statutes is amended to read:

9 **230.46 Duties of council on affirmative action.** The council on affirmative
10 action ~~in the office~~ shall serve in a direct advisory capacity to the ~~director~~
11 administrator and as part of that relationship shall evaluate the progress of
12 affirmative action programs throughout the civil service system, seek compliance
13 with state and federal regulations and recommend improvements in the state's
14 affirmative action efforts as an employer. In carrying out its responsibilities, the
15 council may recommend legislation, consult with agency personnel and other
16 interested persons, conduct hearings and take other appropriate action to promote
17 affirmative action. The council shall report at least once per year to the governor and
18 the legislature.

19 *~~1059/9.228~~***SECTION 3796.** 230.48 (2) of the statutes is amended to read:

20 **230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT.** ~~The office~~ administrator shall
21 appoint, under the classified service, a secretary and such other employees as are
22 necessary to carry out the duties of the state employees suggestion board, and shall
23 provide such facilities and equipment as that board requires for the proper
24 performance of its work. The state employees suggestion board may request and
25 shall receive from any state department any assistance that it requires.

1 ***-0971/P5.648*****SECTION 3797.** 230.90 (1) (c) of the statutes is amended to read:

2 230.90 (1) (c) “Governmental unit” means any association, authority, board,
3 commission, department, independent agency, institution, office, society or other
4 body in state government created or authorized to be created by the constitution or
5 any law, including the legislature, the office of the governor and the courts.
6 “Governmental unit” does not mean the University of Wisconsin Hospitals and
7 Clinics Authority, the University of Wisconsin System Authority, or any political
8 subdivision of the state or body within one or more political subdivisions which is
9 created by law or by action of one or more political subdivisions.

10 ***-1059/9.229*****SECTION 3798.** 230.90 (2) of the statutes is amended to read:

11 230.90 (2) An employee may bring an action in circuit court against his or her
12 employer or employer’s agent, including this state, if the employer or employer’s
13 agent retaliates, by engaging in a disciplinary action, against the employee because
14 the employee exercised his or her rights under the first amendment to the U.S.
15 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
16 information or because the employer or employer’s agent believes the employee so
17 exercised his or her rights. The employee shall bring the action within 2 years after
18 the action allegedly occurred or after the employee learned of the action, whichever
19 occurs last. No employee may bring an action against the ~~office~~ division of state
20 ~~employment relations personnel management in the department of administration~~
21 as an employer’s agent.

22 ***-0584/P2.1*****SECTION 3799.** 231.02 (2) of the statutes is amended to read:

23 231.02 (2) The authority shall appoint an executive director and associate
24 executive director who shall not be members of the authority and who shall serve at
25 the pleasure of the authority. They shall receive such compensation as the authority

SECTION 3799

1 fixes, except that the compensation of the executive director shall not exceed the
2 maximum of the salary range established under s. 20.923 (1) for positions assigned
3 to executive salary group ~~4~~ 6 and the compensation of each other employee of the
4 authority shall not exceed the maximum of the salary range established under s.
5 20.923 (1) for positions assigned to executive salary group 3. The executive director
6 or associate executive director or other person designated by resolution of the
7 authority shall keep a record of the proceedings of the authority and shall be
8 custodian of all books, documents, and papers filed with the authority, the minute
9 book or journal of the authority, and its official seal. The executive director or
10 associate executive director or other person may cause copies to be made of all
11 minutes and other records and documents of the authority and may give certificates
12 under the official seal of the authority to the effect that such copies are true copies,
13 and all persons dealing with the authority may rely upon such certificates.

14 ***-0807/P6.378*SECTION 3800.** 231.27 (1) of the statutes is amended to read:

15 231.27 (1) In this section, “minority business”, “minority financial adviser” and
16 “minority investment firm” mean a business, financial adviser and investment firm,
17 respectively, certified by ~~the department of administration~~ under s. ~~16.287~~ 203.07
18 (2).

19 ***-0807/P6.379*SECTION 3801.** 231.29 (1) of the statutes is amended to read:

20 231.29 (1) In this section, “business,” “financial adviser,” and “investment firm”
21 mean a business, financial adviser, and investment firm certified by ~~the department~~
22 ~~of administration~~ under s. ~~16.283~~ 203.03 (3).

23 ***-1502/1.27*SECTION 3802.** 232.05 (3) of the statutes is amended to read:

24 232.05 (3) The corporation may ~~not~~:

1 (a) Sell, exchange, or otherwise divest itself of the Bradley center to a sports
2 and entertainment district under subch. VI of ch. 229.

3 (b) Dissolve and wind up its affairs, ~~unless the legislature enacts a law ordering~~
4 ~~dissolution or except as provided in s. 232.07~~ upon the sale, exchange, or other
5 divestiture of the Bradley center.

6 ***-0971/P5.649*SECTION 3803.** 233.01 (3) of the statutes is amended to read:

7 233.01 (3) “Board of regents” means the board of regents of the University of
8 Wisconsin System Authority.

9 ***-0971/P5.650*SECTION 3804.** 233.04 (7) (e) of the statutes is amended to read:

10 233.04 (7) (e) Any provision necessary to ensure that the general management
11 and operation of the on-campus facilities are consistent with the mission of the
12 University of Wisconsin System and responsibilities of the University of Wisconsin
13 System Authority specified in ss. 36.01 and ~~36.09~~ 36.11.

14 ***-1059/9.230*SECTION 3805.** 233.10 (3) (c) 4. of the statutes is amended to
15 read:

16 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
17 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
18 and (4) (e) and, to the extent applicable, rules of the ~~office~~ division of state
19 ~~employment relations~~ personnel management in the department of administration
20 governing such leaves for employees in the classified service as of the last day of the
21 employee’s employment as a state employee if the employee was entitled to those
22 benefits on that day.

23 ***-0971/P5.651*SECTION 3806.** 233.10 (3r) (b) 1. of the statutes is amended to

24 read:

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1 233.10 (3r) (b) 1. Enter into an employment contract for such period with the
2 carry-over employee. For such period, the contract shall provide the carry-over
3 employee with the same procedural guarantees provided to persons having academic
4 staff appointments under s. 36.15, 2013 stats., on June 29, 1996.

5 *~~0971/P5.652~~*SECTION 3807. 233.10 (3r) (b) 3. of the statutes is amended to
6 read:

7 233.10 (3r) (b) 3. Grant to the carry-over employee, except when he or she is
8 on an unpaid leave of absence, a paid holiday on each of the days specified as a
9 holiday in policies and procedures established by the board of regents under s. 36.15
10 (2), 2013 stats., as of the last day of the employee's employment as a state employee
11 and any holiday compensatory time off that may be specified in policies and
12 procedures established by the board of regents under s. 36.15 (2), 2013 stats., as of
13 the last day of the employee's employment in the academic staff appointment.

14 *~~0971/P5.653~~*SECTION 3808. 233.10 (3r) (b) 5. of the statutes is amended to
15 read:

16 233.10 (3r) (b) 5. Grant to the carry-over employee military leave, treatment
17 of military leave, jury service leave and voting leave in accordance with policies and
18 procedures established by the board of regents under s. 36.15 (2), 2013 stats., and,
19 as of the last day of the employee's employment in the academic staff appointment.

20 *~~0971/P5.654~~*SECTION 3809. 233.10 (3r) (b) 6. of the statutes is amended to
21 read:

22 233.10 (3r) (b) 6. Grant to the carry-over employee the same opportunity for
23 any employee training that may be provided under policies and procedures
24 established by the board of regents under s. 36.15 (2), 2013 stats., as of the last day
25 of his or her employment in the academic staff appointment.

SECTION 3817

1 235.40 (3m) “Collateral” means a 3rd-party note, mortgage, guaranty,
2 insurance policy, bond, letter of credit, security agreement, or other instrument
3 securing the repayment of an economic development loan or a mortgage loan.

4 *~~1215/P3.351~~*SECTION 3818. 234.01 (4) of the statutes is renumbered 235.40
5 (4).

6 *~~1215/P3.352~~*SECTION 3819. 234.01 (4m) of the statutes is repealed.

7 *~~1215/P3.353~~*SECTION 3820. 234.01 (4n) of the statutes is repealed.

8 *~~1215/P3.354~~*SECTION 3821. 234.01 (5) of the statutes is renumbered 235.40
9 (5).

10 *~~1215/P3.355~~*SECTION 3822. 234.01 (5k) of the statutes is renumbered
11 235.40 (5k).

12 *~~1215/P3.356~~*SECTION 3823. 234.01 (5m) of the statutes is renumbered
13 235.40 (5m) and amended to read:

14 235.40 (5m) “Homeownership mortgage loan” has the meaning given under s.
15 ~~234.59~~ 235.59 (1) (f).

16 *~~1215/P3.357~~*SECTION 3824. 234.01 (6) of the statutes is renumbered 235.40
17 (6), and 235.40 (6) (a) and (b), as renumbered, are amended to read:

18 235.40 (6) (a) If the corporation receives any loan or advance from the authority
19 under this chapter subchapter, it may enter into an agreement with the authority
20 providing for regulation with respect to rents, profits, dividends, and disposition of
21 property or franchises; and.

22 (b) If the corporation receives a loan or advance under this chapter subchapter,
23 the chairperson of the board of the authority, or his or her designee, acting with the
24 prior approval of the majority of the members of the authority board, may, if he or
25 she determines that any such loan or advance is in jeopardy of not being repaid, that

1 the proposed development for which such loan or advance was made is in jeopardy
2 of not being constructed, or that the corporation is not carrying out the intent and
3 purposes of this ~~chapter~~ subchapter, appoint to the board of directors of such
4 corporation a number of new directors, which number shall be sufficient to constitute
5 a majority of ~~such~~ that board of directors, notwithstanding any other provision of
6 such articles of incorporation or of any other provision of law.

7 *~~1215/P3.358~~**SECTION 3825.** 234.01 (7) of the statutes is renumbered 235.40
8 (7).

9 *~~1215/P3.359~~**SECTION 3826.** 234.01 (7m) of the statutes is renumbered
10 235.40 (7m) and amended to read:

11 235.40 (7m) "Housing rehabilitation loan" means a low interest housing
12 rehabilitation loan as defined in s. ~~234.49~~ 235.49 (1) (f) and (fm).

13 *~~1215/P3.360~~**SECTION 3827.** 234.01 (8) of the statutes is renumbered 235.40
14 (8), and 235.40 (8) (a) and (b), as renumbered, are amended to read:

15 235.40 (8) (a) As a condition of acceptance of a loan or advance under this
16 ~~chapter~~ subchapter, the limited-profit entity shall enter into an agreement with the
17 authority providing for limitations of rents, profits, dividends, and disposition of
18 property or franchises; ~~and~~.

19 (b) If the limited-profit entity receives a loan or advance under this ~~chapter~~
20 subchapter, the chairperson of the board of directors of the authority, or his or her
21 designee, acting with the prior approval of the ~~majority of members of the authority~~
22 board, may, if he or she determines that any such loan or advance is in jeopardy of
23 not being repaid, that the proposed development for which such loan or advance was
24 made is in jeopardy of not being constructed, or that the limited-profit entity is
25 otherwise not carrying out the intent and purposes of this ~~chapter~~ subchapter,

SECTION 3827

1 appoint to the board of directors or other comparable controlling body of such
2 limited-profit entity a number of new directors or persons, which number shall be
3 sufficient to constitute a voting majority of such board or controlling body,
4 notwithstanding any other provisions of the limited-profit entity's articles of
5 incorporation or other documents of organization, or of any other provisions of law.

6 ***-1215/P3.361*SECTION 3828.** 234.01 (9) of the statutes is renumbered 235.40
7 (9), and 235.40 (9) (a) 5., as renumbered, is amended to read:

8 235.40 (9) (a) 5. That if the corporation receives a loan or advance under this
9 ~~chapter subchapter~~, the chairperson of the board of directors of the authority, or his
10 or her designee, acting with the prior approval of the ~~majority of the members of the~~
11 authority board, may, on determination that any such loan or advance is in jeopardy
12 of not being repaid, that the proposed development for which such loan or advance
13 was made is in jeopardy of not being constructed, that some part of the net income
14 or net earnings of the corporation is inuring to the benefit of any private person, that
15 the corporation is in some manner controlled or under the direction of or acting in
16 the substantial interest of any private person seeking to derive benefit or gain
17 therefrom or seeking to eliminate or minimize losses in any dealings or transactions
18 therewith, or that the corporation is not carrying out the intent and purposes of this
19 ~~chapter subchapter~~, appoint to the board of directors of such corporation a number
20 of new directors, which number shall be sufficient to constitute a majority of such
21 board, notwithstanding any other provisions of such articles of incorporation or of
22 any other provisions of law.

23 ***-1215/P3.362*SECTION 3829.** 234.01 (10) of the statutes is renumbered
24 235.40 (10) and amended to read:

1 235.40 (10) “Persons and families of low and moderate income” means persons
2 and families who cannot afford to pay the amounts at which private enterprise,
3 without ~~federally-aided~~ federally aided mortgages or loans from the authority, can
4 provide a substantial supply of decent, safe and sanitary housing and who fall within
5 income limitations set by the authority in its ~~rules~~ policies and procedures. In
6 determining such income limitations the authority shall consider the amounts of the
7 total income of such persons available for housing needs, the size of the family, the
8 cost and condition of available housing facilities, standards established for various
9 federal programs, and any other factors determined by the authority to be
10 appropriate in arriving at such limitations. Among low- or moderate-income
11 persons and families, preference shall be given to those displaced by governmental
12 action.

13 *~~1215/P3.363~~*SECTION 3830. 234.02 of the statutes is repealed.

14 *~~1215/P3.364~~*SECTION 3831. 234.03 of the statutes is repealed.

15 *~~1215/P3.365~~*SECTION 3832. 234.032 of the statutes is repealed.

16 *~~1215/P3.366~~*SECTION 3833. 234.034 of the statutes is renumbered 235.401.

17 *~~1215/P3.367~~*SECTION 3834. 234.04 of the statutes is renumbered 235.402,
18 and 235.402 (2), as renumbered, is amended to read:

19 235.402 (2) The authority may make or participate in the making and enter
20 into commitments for the making of long-term mortgage loans to eligible sponsors
21 of housing projects for occupancy by persons and families of low and moderate
22 income, or for the making of homeownership mortgage loans or housing
23 rehabilitation loans or loans for the refinancing of qualified subprime loans under
24 s. ~~234.592~~ 235.592 to persons and families of low and moderate income, an applicant
25 under s. ~~234.59~~ ~~or 234.592~~ 235.59 to 235.592, or other eligible beneficiaries as defined

SECTION 3834

1 in s. ~~234.49~~ 235.49. The loans may be made only upon the determination by the
2 authority that they are not otherwise available from private lenders upon reasonably
3 equivalent terms and conditions. The authority may not make a loan to a person
4 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
5 unless the person provides to the authority a payment agreement that has been
6 approved by the county child support agency under s. 59.53 (5) and that is consistent
7 with rules promulgated under s. 49.858 (2) (a). The authority may employ, for such
8 compensation as it determines, the services of any financial institution in connection
9 with any loan.

10 *~~1215/P3.368~~*SECTION 3835. 234.05 of the statutes is renumbered 235.403.

11 *~~1215/P3.369~~*SECTION 3836. 234.06 of the statutes is renumbered 235.404.

12 *~~1215/P3.370~~*SECTION 3837. 234.07 of the statutes is renumbered 235.405,
13 and 235.405 (1), as renumbered, is amended to read:

14 235.405 (1) Except as provided in sub. (2), a limited-profit entity ~~which~~ that
15 receives loans from the authority may not make distributions, other than from funds
16 contributed to the limited-profit entity by stockholders, partners, members, or
17 holders of beneficial interest in the limited-profit entity, in any one year with respect
18 to a project financed by the authority in excess of 6% of its equity in such project on
19 a cumulative basis. The equity in a project shall consist of the difference between the
20 amount of the mortgage loan and the total project cost. Total project cost shall
21 include construction or rehabilitation costs including job overhead and a builder's
22 and sponsor's profit and risk fee, architectural, engineering, legal, and accounting
23 costs, organizational expenses, land value, interest, and financing charges paid
24 during construction, the cost of landscaping and off-site improvements, whether or
25 not such costs have been paid in cash or in a form other than cash. With respect to

1 every project the authority shall, pursuant to ~~rules policies and procedures~~ adopted
2 by it, establish the entity's equity at the time of making of the final mortgage advance
3 and, for purposes of this section, that figure shall remain constant during the life of
4 the authority's loan with respect to such project. Upon the dissolution of the
5 limited-profit entity any surplus in excess of the distributions allowed by this section
6 shall be paid to the authority. For this purpose surplus shall not be deemed to include
7 any increase in net worth of any limited-profit entity by reason of a reduction of
8 mortgage indebtedness, by amortization or similar payments or by reason of the sale
9 or disposition of any assets of a limited-profit entity to the extent such surplus can
10 be attributed to any increase in market value of any real or tangible personal
11 property accruing during the period the assets were owned and held by the
12 limited-profit entity.

13 *~~1215/P3.371~~***SECTION 3838.** 234.08 (title) of the statutes is renumbered
14 235.02 (title).

15 *~~1215/P3.372~~***SECTION 3839.** 234.08 (1) of the statutes is renumbered 235.02
16 (1) and amended to read:

17 235.02 (1) The authority may issue its negotiable notes and bonds in such
18 principal amount, as, in the opinion of the authority, is necessary to provide sufficient
19 funds for achieving its corporate purposes, ~~including the purchase of certain~~
20 ~~mortgages and securities and the making of secured loans for low- and~~
21 ~~moderate-income housing, for the rehabilitation of existing structures and for the~~
22 ~~construction of facilities appurtenant thereto as provided in this chapter; for the~~
23 ~~making of secured loans to assist eligible elderly homeowners in paying property~~
24 ~~taxes and special assessments; for the payment of interest on notes and bonds of the~~
25 ~~authority during construction; for the establishment of reserves to secure such notes~~

SECTION 3839

1 ~~and bonds; for the provision of moneys for the housing development fund in order to~~
2 ~~make temporary loans to sponsors of housing projects as provided in this chapter;~~
3 ~~and for all other expenditures of the authority incident to and necessary or~~
4 ~~convenient to carry out its corporate purposes and powers.~~

5 *~~1215/P3.373~~*SECTION 3840. 234.08 (2) of the statutes is renumbered 235.02
6 (2).

7 *~~1215/P3.374~~*SECTION 3841. 234.08 (3) of the statutes is renumbered 235.02
8 (3).

9 *~~1215/P3.375~~*SECTION 3842. 234.08 (4) of the statutes is renumbered 235.02
10 (4).

11 *~~1215/P3.376~~*SECTION 3843. 234.08 (5) of the statutes is repealed.

12 *~~1215/P3.377~~*SECTION 3844. 234.08 (6) of the statutes is repealed.

13 *~~1215/P3.378~~*SECTION 3845. 234.08 (7) of the statutes is renumbered 235.02
14 (7).

15 *~~1215/P3.379~~*SECTION 3846. 234.09 of the statutes is renumbered 235.021
16 and amended to read:

17 **235.021 Same Notes and bonds; authorization; terms.** The authority's
18 notes and bonds shall be authorized by resolution of the members of the authority
19 board; shall bear such date or dates, and shall mature at such time or times, in the
20 case of any note, or any renewal thereof, not exceeding 5 years, from the date of issue
21 of such original note, and in the case of any bond not exceeding 50 years from the date
22 of issue, as the resolution provides. The notes and bonds shall bear interest at such
23 rate or rates, be in such denominations of \$1,000 or more, be in such form, either
24 coupon or registered, carry such registration privileges, be executed in such manner,
25 be payable in such medium of payment, at such place and be subject to such terms

1 of redemption as the resolution provides. The bonds may be issued as serial bonds
2 payable in annual installments or as term bonds or as a combination thereof. The
3 notes and bonds of the authority may be sold by the authority, at public or private
4 sale, at the price determined by the authority.

5 *~~1215/P3.380~~*SECTION 3847. 234.10 of the statutes is renumbered 235.0215,
6 and 235.0215 (title) and (9), as renumbered, are amended to read:

7 **235.0215 (title) Same Notes and bonds; resolution authorizing**
8 **issuance, contents.**

9 (9) Vesting in a trustee such property, rights, powers, and duties in trust as the
10 authority determines, which may include any or all of the rights, powers, and duties
11 of the trustee appointed by the noteholders or bondholders pursuant to s. ~~234.20~~
12 235.0265 and limiting or abrogating the right of the noteholders or bondholders to
13 appoint a trustee under s. ~~234.20~~ 235.0265 or limiting the rights, powers, and duties
14 of such trustee, in which event s. ~~234.20~~ 235.0265 shall not apply.

15 *~~1215/P3.381~~*SECTION 3848. 234.11 of the statutes is renumbered 235.022
16 and amended to read:

17 **235.022 Same Notes and bonds; validity and effect of pledge.** Any pledge
18 made by the authority shall be valid and binding from the time when the pledge is
19 made; the moneys or property so pledged and thereafter received by the authority
20 shall immediately be subject to the lien of such pledge without any physical delivery
21 thereof or further act; and the lien of any such pledge shall be valid and binding as
22 against all parties having claims of any kind in tort, contract, or otherwise against
23 the authority, irrespective of whether such parties have notice thereof. Neither the
24 resolution nor any other instrument by which a pledge is created need be recorded.

SECTION 3849

1 ***-1215/P3.382***SECTION 3849. 234.12 of the statutes is renumbered 235.0225
2 and amended to read:

3 **235.0225 Same Notes and bonds; personal liability of members of**
4 **authority.** Neither the members of the authority board, nor the members of a
5 committee established by the board, nor any person executing the notes or bonds
6 shall be liable personally on the notes or bonds or be subject to any personal liability
7 or accountability by reason of the issuance thereof.

8 ***-1215/P3.383***SECTION 3850. 234.13 of the statutes is renumbered 235.023,
9 and 235.023 (title), as renumbered, is amended to read:

10 **235.023 (title) Same Notes and bonds; purchase for cancellation.**

11 ***-1215/P3.384***SECTION 3851. 234.14 of the statutes is renumbered 235.0235,
12 and 235.0235 (title), as renumbered, is amended to read:

13 **235.0235 (title) Same Notes and bonds; liability of state.**

14 ***-1215/P3.385***SECTION 3852. 234.15 of the statutes is renumbered 235.024.

15 ***-1215/P3.386***SECTION 3853. 234.16 of the statutes is renumbered 235.0245.

16 ***-1215/P3.387***SECTION 3854. 234.165 of the statutes is renumbered 235.025,
17 and 235.025 (2) (dm), as renumbered, is amended to read:

18 235.025 (2) (dm) The authority shall allocate a portion of its surplus in a plan
19 prepared under par. (b) to the property tax deferral loan program under ss. 234.621
20 ~~to 234.626~~ 235.621 to 235.626.

21 ***-1215/P3.388***SECTION 3855. 234.17 of the statutes is repealed.

22 ***-1215/P3.389***SECTION 3856. 234.18 of the statutes is renumbered 235.0255
23 and amended to read:

24 **235.0255 Limit on amount of outstanding bonds and notes.** The
25 authority may not issue notes and bonds that are secured by a capital reserve fund

1 to which s. ~~234.15~~ 235.024 (4) applies if, upon issuance, the total aggregate
2 outstanding principal amount of notes and bonds that are secured by a capital
3 reserve fund to which s. ~~234.15~~ 235.024 (4) applies would exceed \$600,000,000. This
4 section does not apply to bonds and notes issued to refund outstanding notes and
5 bonds.

6 *~~1215/P3.390~~***SECTION 3857.** 234.19 of the statutes is renumbered 235.026.

7 *~~1215/P3.391~~***SECTION 3858.** 234.20 of the statutes is renumbered 235.0265.

8 *~~1215/P3.392~~***SECTION 3859.** 234.21 of the statutes is renumbered 235.027

9 and amended to read:

10 **235.027 Trustee; additional powers.** The trustee, in addition to the powers
11 granted in s. ~~234.20~~ 235.0265 shall have all of the powers necessary or appropriate
12 for the exercise of any functions specifically set forth in this chapter or incident to
13 the general representation of noteholders or bondholders in the enforcement and
14 protection of their rights.

15 *~~1215/P3.393~~***SECTION 3860.** 234.22 of the statutes is renumbered 235.0271

16 and amended to read:

17 **235.0271 Venue.** The venue of any action or proceeding by the trustee under
18 ss. ~~234.19, 234.20 and 234.21~~ 235.026, 235.0265, and 235.027 shall be in Dane
19 County.

20 *~~1215/P3.394~~***SECTION 3861.** 234.23 of the statutes is renumbered 235.0273.

21 *~~1215/P3.395~~***SECTION 3862.** 234.24 of the statutes is renumbered 235.0275.

22 *~~1215/P3.396~~***SECTION 3863.** 234.25 of the statutes is repealed.

23 *~~1215/P3.397~~***SECTION 3864.** 234.255 of the statutes is repealed.

24 *~~1215/P3.398~~***SECTION 3865.** 234.26 of the statutes is renumbered 235.0277.

SECTION 3866

1 *~~1215/P3.399~~*SECTION 3866. 234.265 of the statutes is renumbered 235.0279
2 and amended to read:

3 **235.0279 Records of the authority.** All records of the authority or any
4 corporation established by the authority shall be open to the public as provided in
5 s. 19.35 (1), except:

6 (1) Those records relating to pending grants, ~~economic development loans,~~
7 ~~economic development projects,~~ or housing projects ~~which that~~, in the opinion of the
8 authority, must remain confidential to protect the competitive nature of the grant,
9 loan, or project.

10 (2) Records or portions of records consisting of personal or financial
11 information provided by a person seeking a grant ~~or~~ loan under ~~s. 234.63, 2007~~
12 ~~stats., or s. 234.04, 234.08, 234.49, 234.59, 234.592, 234.605, 234.61, 234.65, 234.67,~~
13 ~~234.83, 234.84, 234.90, 234.905, 234.907, or 234.91, seeking a loan under ss. 234.621~~
14 ~~to 234.626, seeking financial assistance under s. 234.66, 2005 stats., seeking~~
15 ~~mortgage loan refinancing from a lender under s. 234.605, seeking investment of~~
16 ~~funds under s. 234.03 (18m), or in which the authority has invested funds under s.~~
17 ~~234.03 (18m), unless the person consents to disclosure of the information, tax credit,~~
18 ~~or other assistance from the authority.~~

19 *~~1215/P3.400~~*SECTION 3867. 234.28 of the statutes is renumbered 235.028.

20 *~~1215/P3.401~~*SECTION 3868. 234.29 of the statutes is renumbered 235.0283.

21 *~~1215/P3.402~~*SECTION 3869. 234.30 of the statutes is renumbered 235.0285.

22 *~~1215/P3.403~~*SECTION 3870. 234.31 of the statutes is renumbered 235.0287.

23 *~~1215/P3.404~~*SECTION 3871. 234.32 of the statutes is renumbered 235.0289.

24 *~~0807/P6.380~~*SECTION 3872. 234.35 of the statutes is renumbered 235.0291,
25 and 235.0291 (1), as renumbered, is amended to read:

1 235.0291 (1) In this section, “minority business”, “minority financial adviser”
2 and “minority investment firm” mean a business, financial adviser and investment
3 firm, respectively, certified by ~~the department of administration~~ under s. ~~16.287~~
4 203.07 (2).

 ****NOTE: This is reconciled s. 234.35. This SECTION has been affected by drafts
with the following LRB numbers: -0807/P5 and -1215/P2.

5 *~~-0807/P6.381~~**SECTION 3873.** 234.36 of the statutes is renumbered 235.0293,
6 and 235.0293 (1), as renumbered, is amended to read:

7 235.0293 (1) In this section, “business,” “financial adviser,” and “investment
8 firm” mean a business, financial adviser, and investment firm certified by ~~the~~
9 ~~department of administration~~ under s. ~~16.283~~ 203.03 (3).

 ****NOTE: This is reconciled s. 234.36. This SECTION has been affected by drafts
with the following LRB numbers: -0807/P5 and -1215/P2.

10 *~~-1215/P3.405~~**SECTION 3874.** 234.40 of the statutes is renumbered 235.409,
11 and 235.409 (2), (3) and (4), as renumbered, are amended to read:

12 235.409 (2) Bonds issued under the authority of this section are payable out
13 of revenues or moneys received from the repayment of veterans housing loans and
14 related funds made available in ss. ~~234.42~~ 235.42 and ~~234.43~~ 235.43. All assets and
15 liabilities created through the issuance of bonds to purchase mortgage loans
16 representing veterans housing loans are to be separate from all other assets and
17 liabilities of the authority. No funds of the veterans housing loan program may be
18 commingled with any other funds of the authority.

19 (3) It is the intent of the legislature that the authority be used to finance the
20 veterans housing program. Nothing in this ~~chapter~~ subchapter shall be construed
21 to supersede the powers vested by subch. III of ch. 45 in the department of veterans

SECTION 3874

1 affairs for carrying out program responsibilities for which debt has been incurred by
2 the authority.

3 (4) The limitations established in ss. ~~234.18, 234.50, 234.60, 234.61, and 234.65~~
4 235.0255, 235.50, 235.60, and 235.61 are not applicable to bonds issued under the
5 authority of this section. The authority may not have outstanding at any one time
6 bonds for veterans housing loans in an aggregate principal amount exceeding
7 \$61,945,000, excluding bonds being issued to refund outstanding bonds.

8 ***-1215/P3.406*SECTION 3875.** 234.41 of the statutes is renumbered 235.41,
9 and 235.41 (3), as renumbered, is amended to read:

10 235.41 (3) Moneys of the veterans housing loan fund may be invested as
11 provided in s. ~~234.03 (18)~~ policies and procedures established by the authority. All
12 such investments shall be the exclusive property of the fund. All earnings on or
13 income from such investments shall be credited to the fund, paid over to the
14 department of veterans affairs and deposited in the veterans trust fund after
15 payment or repayment of any deficits arising in the veterans capital reserve fund and
16 after payment of expenses contained in sub. (4).

17 ***-1215/P3.407*SECTION 3876.** 234.42 of the statutes is renumbered 235.42,
18 and 235.42 (1s) and (4), as renumbered, are amended to read:

19 235.42 (1s) The authority shall establish the veterans capital reserve fund to
20 secure the veterans housing bonds sold pursuant to s. ~~234.40~~ 235.409, and shall pay
21 into the veterans capital reserve fund any moneys appropriated and made available
22 by the state for the purposes of such fund, any proceeds of sale of bonds, to the extent
23 provided in the resolution of the authority authorizing the issuance thereof and any
24 other moneys which are made available to the authority for the purpose of such fund
25 from any other source.

1 (4) To assure the continued operation and solvency of the authority for the
2 carrying out of the veterans housing loan program of this ~~chapter~~ subchapter, the
3 authority shall accumulate in the veterans capital reserve fund an amount equal to
4 the veterans capital reserve fund requirement. If at any time the veterans capital
5 reserve fund requirement exceeds the amount of the veterans capital reserve fund,
6 the chairperson of the authority shall certify to the secretary of administration, the
7 governor and the joint committee on finance, the amount necessary to restore the
8 veterans capital reserve fund to an amount equal to the veterans capital reserve fund
9 requirement. If such certification is received by the secretary of administration in
10 an even-numbered year prior to the completion of the budget compilation under s.
11 16.43, the secretary shall include the certified amount in the budget compilation. In
12 any case, the joint committee on finance shall introduce in either house, in bill form,
13 an appropriation of the amount so certified to the veterans capital reserve fund of the
14 authority. Recognizing its moral obligation to do so, the legislature hereby expresses
15 its expectation and aspiration that, if ever called upon to do so, it shall make such
16 appropriation.

17 *~~1215/P3.408~~***SECTION 3877.** 234.43 of the statutes is renumbered 235.43,
18 and 235.43 (1), as renumbered, is amended to read:

19 235.43 (1) The authority shall establish the veterans housing bond redemption
20 fund. All mortgages purchased with moneys from the veterans housing loan fund
21 shall be the exclusive property of the bond redemption fund. All moneys received by
22 the authority from the repayment of veterans housing loans shall be deposited into
23 such fund to be used for the repayment of veterans housing bonds issued pursuant
24 to s. 234.40 235.409.

1 ***-1215/P3.409***SECTION 3878. 234.44 of the statutes is renumbered 235.44
2 and amended to read:

3 **235.44 Validation of certain obligations and proceedings.**

4 Notwithstanding any provision of this chapter or any other law, in the absence of
5 fraud, all obligations issued prior to May 4, 1976 purportedly pursuant to ~~this~~
6 ~~chapter ch. 234, 2013 stats.~~, and all proceedings prior to such time taken purportedly
7 pursuant to ~~this chapter ch. 234, 2013 stats.~~, for the authorization and issuance of
8 such obligations or of obligations not yet issued, and the sale, execution, and delivery
9 of such obligations issued prior to May 4, 1976, are hereby validated, ratified,
10 approved, and confirmed, notwithstanding any lack of power, however patent, other
11 than constitutional, of the issuing authority or the governing body or officer thereof,
12 to authorize such obligations, or to sell, execute, or deliver the same, and
13 notwithstanding any defects or irregularities, however patent, other than
14 constitutional, in such proceeding or in such sale, execution, or delivery of such
15 obligations. All such obligations issued prior to May 4, 1976 are binding, legal
16 obligations in accordance with their terms.

17 ***-1215/P3.410***SECTION 3879. 234.49 of the statutes is renumbered 235.49,
18 and 235.49 (1) (intro.) and (2) (a) (intro.), 6. and 8., as renumbered, are amended to
19 read:

20 235.49 (1) DEFINITIONS. (intro.) In ss. ~~234.49~~ 235.49 to ~~234.55~~ 235.55:

21 (2) (a) (intro.) The authority has the following powers for the purpose of
22 implementing this section, in addition to all other powers granted by this ~~chapter~~
23 subchapter:

24 6. To enter into contracts or agreements with authorized lenders and sponsors
25 providing for the maximum and minimum acceptable rates of interest to be charged

1 for various classifications of housing rehabilitation loans. In no event may the stated
2 rate of interest on any housing rehabilitation loan under this section exceed the
3 greater of 8% per year or 3% plus the rate necessary to fully repay interest and
4 principal on housing rehabilitation loan program bonds issued pursuant to s. ~~234.50~~
5 235.50.

6 8. To adopt procedures and forms necessary to effectuate the rehabilitation
7 program or to facilitate the marketing of bonds issued under s. ~~234.50~~ 235.50.

8 *~~1215/P3.411~~***SECTION 3880.** ~~234.50~~ of the statutes is renumbered ~~235.50~~,
9 and ~~235.50~~ (1), (2) and (4), as renumbered, are amended to read:

10 235.50 (1) The authority may issue its negotiable bonds in such principal
11 amount and of such length of maturity as, in the opinion of the authority, is necessary
12 to provide sufficient funds for purchasing housing rehabilitation loans or for funding
13 commitments for loans to lenders for housing rehabilitation loans; for purchasing
14 property tax deferral loans under s. ~~234.49~~ 235.49 (2) (a) 10.; for the establishment
15 of reserves to secure such bonds; and for all other expenditures of the authority
16 incident to or necessary and convenient in connection therewith. The authority may,
17 whenever it deems refunding expedient, refund any bonds by the issuance of new
18 bonds whether the bonds to be refunded have or have not matured, and issue bonds
19 partly to refund bonds then outstanding and partly for the purpose authorized by
20 this section.

21 (2) Bonds issued under the authority of this section shall be special obligations
22 of the authority payable solely out of revenues, moneys or other property received in
23 connection with the housing rehabilitation loan program, including, without
24 limitation, repayments of housing rehabilitation loans, federal insurance or
25 guarantee payments, the proceeds of bonds issued under the authority of this

SECTION 3880

1 section, and the amounts made available under ss. ~~234.54~~ 235.54 and ~~234.55~~ 235.55.

2 All assets and liabilities created through the issuance of bonds to purchase housing
3 rehabilitation loans shall be separate from all other assets and liabilities of the
4 authority. No funds of the housing rehabilitation loan program may be commingled
5 with any other funds of the authority.

6 (4) The limitations established in ss. ~~234.18, 234.40, 234.60, 234.61, and 234.65~~
7 235.0255, 235.409, 235.60, and 235.61 are not applicable to bonds issued under the
8 authority of this section. The authority may not have outstanding at any one time
9 bonds for housing rehabilitation loans in an aggregate principal amount exceeding
10 \$100,000,000, excluding bonds being issued to refund outstanding bonds. The
11 authority shall consult with and coordinate the issuance of bonds with the building
12 commission prior to the issuance of bonds.

13 ***-1215/P3.412*SECTION 3881.** 234.51 of the statutes is renumbered 235.51,
14 and 235.51 (1), (2) (a) and (3), as renumbered, are amended to read:

15 235.51 (1) There is established under the jurisdiction of the authority a housing
16 rehabilitation loan program administration fund. There shall be paid into such fund
17 the amounts appropriated under s. ~~20.490~~ 20.885 (2) ~~(a)~~ (ad), the amounts provided
18 in s. ~~234.55~~ 235.55, any amounts transferred by the authority to such fund from other
19 funds or sources and any other moneys which may be available to the authority for
20 the purpose of such fund from any other source.

21 (2) (a) To pay all administrative costs, expenses, and charges, including
22 origination fees and servicing fees, incurred in conducting the housing rehabilitation
23 loan program other than those described in ss. ~~234.53~~ 235.53 (4) and ~~234.55~~ 235.55
24 (2) (b).

1 (3) Moneys of the fund may be invested as provided in s. ~~234.03 (18)~~ policies
2 and procedures established by the authority. All such investments shall be the
3 exclusive property of the fund. All earnings on or income from such investments
4 shall be credited to the fund.

5 *~~1215/P3.413~~*SECTION 3882. 234.52 of the statutes is renumbered 235.52,
6 and 235.52 (1), (2) and (3), as renumbered, are amended to read:

7 235.52 (1) There is established under the jurisdiction of the authority a housing
8 rehabilitation loan program loan-loss reserve fund. There shall be paid into such
9 fund the amounts appropriated under s. ~~20.490~~ 20.885 (2) (q), the amounts provided
10 under s. ~~234.55~~ 235.55, any amounts transferred by the authority to such fund from
11 other funds or sources and any other moneys which may be available to the authority
12 for the purposes of such fund from any other source.

13 (2) Subject to agreements with bondholders, the authority shall use moneys in
14 the fund solely for transfer to the housing rehabilitation loan program bond
15 redemption fund in amounts equal to losses on housing rehabilitation loans owned
16 by that fund which are not made good by federal insurance or guarantee payments,
17 and solely for the purposes described in s. ~~234.55~~ 235.55 (2) (a). Any balance
18 remaining after payment or due provision for payment of all outstanding bonds
19 issued under the authority of s. ~~234.50~~ 235.50 shall be transferred to the housing
20 rehabilitation loan program administration fund.

21 (3) Moneys of the fund may be invested as provided in s. ~~234.03 (18)~~ policies
22 and procedures established by the authority. All such investments shall be the
23 exclusive property of the fund. All earnings on or income from such investments
24 shall be credited to the fund.

SECTION 3883

1 *~~1215/P3.414~~*SECTION 3883. 234.53 of the statutes is renumbered 235.53,
2 and 235.53 (1), (2) and (3), as renumbered, are amended to read:

3 235.53 (1) The authority shall establish the housing rehabilitation loan fund.
4 All moneys resulting from the sale of bonds issued under the authority of s. ~~234.50~~
5 235.50, not including bonds issued to refund outstanding bonds, and unless credited
6 to the housing rehabilitation loan program capital reserve or bond redemption funds,
7 shall be credited to such fund.

8 (2) The authority shall use moneys in the fund for the purpose of purchasing
9 housing rehabilitation loans or for funding commitments for loans to lenders for
10 housing rehabilitation loans. All disbursements of funds under this section for
11 purchasing such loans shall be made payable to an authorized lender as defined in
12 s. ~~234.49~~ 235.49 (1) (b) or a duly authorized agent thereof.

13 (3) Moneys of the fund may be invested as provided in s. ~~234.03 (18)~~ policies
14 and procedures established by the authority. All such investments shall be the
15 exclusive property of the fund. All earnings on or income from such investments
16 shall be credited to the fund.

17 *~~1215/P3.415~~*SECTION 3884. 234.54 of the statutes is renumbered 235.54,
18 and 235.54 (1r) and (4) (a), as renumbered, are amended to read:

19 235.54 (1r) The authority shall establish the housing rehabilitation loan
20 program capital reserve fund to secure the bonds issued under the authority of s.
21 ~~234.50~~ 235.50, and shall pay into such fund any moneys appropriated and made
22 available by the state for the purposes of such fund, any proceeds of sale of housing
23 rehabilitation bonds to the extent provided in the resolution of the authority
24 authorizing the issuance thereof and any other moneys which are made available to
25 the authority for the purpose of such fund from any other source.