

1 to fund removal of contaminated sediment under s. 281.87. The state may contract
2 public debt in an amount not to exceed ~~\$32,000,000~~ \$57,000,000 for this purpose.

3 **SECTION 300.** 20.866 (2) (tj) of the statutes is created to read:

4 20.866 (2) (tj) *Natural resources; total maximum daily load grants.* From the
5 capital improvement fund, a sum sufficient for the department of natural resources
6 to provide funds for water pollution control infrastructure project grants under s.
7 281.54. The state may contract public debt in an amount not to exceed \$4,000,000
8 for this purpose.

9 **SECTION 301.** 20.866 (2) (tx) of the statutes is amended to read:

10 20.866 (2) (tx) *Natural resources; dam safety projects.* From the capital
11 improvement fund, a sum sufficient for the department of natural resources to
12 provide financial assistance to counties, cities, villages, towns, and public inland
13 lake protection and rehabilitation districts for dam safety projects under s. 31.385.
14 The state may contract public debt in an amount not to exceed \$25,500,000
15 \$29,500,000 for this purpose.

16 **SECTION 302.** 20.866 (2) (ugm) of the statutes is amended to read:

17 20.866 (2) (ugm) *Transportation; major interstate bridge construction.* From
18 the capital improvement fund, a sum sufficient for the department of transportation
19 to fund major interstate bridge projects under s. 84.016. The state may contract
20 public debt in an amount not to exceed ~~\$245,000,000~~ \$272,000,000 for this purpose.

****NOTE: This is reconciled s. 20.866 (2) (ugm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-2085/p1 and LRB-2131/p1.

21 **SECTION 303.** 20.866 (2) (up) of the statutes is amended to read:

22 20.866 (2) (up) *Transportation; rail passenger route development.* From the
23 capital improvement fund, a sum sufficient for the department of transportation to

1 fund rail passenger route development under s. 85.061 (3). The state may contract
2 public debt in an amount not to exceed ~~\$79,000,000~~ \$124,000,000 for this purpose.
3 Of this amount, not more than \$10,000,000 may be used to fund the purposes
4 specified in s. 85.061 (3) (a) 2. and 3.

5 **SECTION 304.** 20.866 (2) (uup) of the statutes is amended to read:

6 20.866 (2) (uup) *Transportation; southeast rehabilitation projects, southeast*
7 *megaprojects, and high-cost bridge projects.* From the capital improvement fund, a
8 sum sufficient for the department of transportation to fund the Marquette
9 interchange reconstruction project under s. 84.014, as provided under s. 84.555, the
10 reconstruction of the I 94 north-south corridor and the zoo interchange, as provided
11 under s. 84.555 (1m), southeast Wisconsin freeway megaprojects under s. 84.0145,
12 as provided under s. 84.555 (1m), and high-cost state highway bridge projects under
13 s. 84.017, as provided under s. 84.555 (1m). The state may contract public debt in
14 an amount not to exceed \$704,750,000 for these purposes. In addition, the state may
15 contract public debt in an amount not to exceed \$107,000,000 for the reconstruction
16 of the Zoo interchange and I 94 north-south corridor, as provided under s. 84.555
17 (1m), as southeast Wisconsin freeway megaprojects under s. 84.0145, in an amount
18 not to exceed ~~\$216,800,000~~ \$206,800,000 for high-cost state highway bridge projects
19 under s. 84.017, as provided under s. 84.555 (1m), and in an amount not to exceed
20 \$300,000,000 for southeast Wisconsin freeway megaprojects under s. 84.0145, as
21 provided under s. 84.555 (1m), and in an amount not to exceed \$65,000,000 for the
22 reconstruction of the Zoo interchange, as provided under s. 84.555 (1m), as a
23 southeast Wisconsin freeway megaproject under s. 84.0145.

****NOTE: This is reconciled s. 20.866 (2) (uup). This SECTION has been affected by
drafts with the following LRB numbers: LRB-2088/p1 and LRB-2131/p1.

1 **SECTION 305.** 20.866 (2) (uv) of the statutes is amended to read:

2 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
3 improvement fund, a sum sufficient for the department of transportation to provide
4 grants for harbor improvements. The state may contract public debt in an amount
5 not to exceed ~~\$120,000,000~~ \$159,000,000 for this purpose.

6 **SECTION 306.** 20.866 (2) (uw) of the statutes is amended to read:

7 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
8 capital improvement fund, a sum sufficient for the department of transportation to
9 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
10 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
11 The state may contract public debt in an amount not to exceed ~~\$250,300,000~~
12 \$280,300,000 for these purposes.

13 **SECTION 307.** 20.866 (2) (we) of the statutes is amended to read:

14 20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement
15 fund, a sum sufficient for the department of agriculture, trade and consumer
16 protection to provide for soil and water resource management under s. 92.14. The
17 state may contract public debt in an amount not to exceed ~~\$68,075,000~~ \$78,075,000
18 for this purpose.

19 **SECTION 308.** 20.866 (2) (zn) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 309.** 20.866 (2) (zo) of the statutes is amended to read:

21 20.866 (2) (zo) *Veterans affairs; refunding bonds.* From the funds and accounts
22 under s. 18.04 (6) (b), a sum sufficient for the department of veterans affairs to fund,
23 refund, or acquire the whole or any part of public debt as set forth in s. 18.04 (5). The

1 building commission may contract public debt in an amount not to exceed
2 \$1,015,000,000 for these purposes, exclusive of any amount issued to fund public
3 debt contracted under ~~par. s. 20.866 (2) (zn)~~, 2017 stats.

4 **SECTION 310.** 20.867 (4) (q) of the statutes is amended to read:

5 20.867 (4) (q) *Funding in lieu of borrowing.* As a continuing appropriation, all
6 interest earnings of the capital improvement fund accrued after September 30, 1983,
7 except interest earnings arising from the investment of proceeds of public debt
8 contracted under s. 20.866 (2) (zn), 2017 stats., and s. 20.866 (2) (zo) on and after
9 March 24, 1985, to permit funding in lieu of borrowing for the purposes for which the
10 contracting of public debt is authorized under s. 20.866 (2) before March 24, 1985,
11 and under s. 20.866 (2) (s) to (zm) and (zz) on and after March 24, 1985, and under
12 s. 20.866 (2) (s) to (tz), (ug) to (ut), (uv) to (zm) and (zz) on and after August 9, 1989;
13 and to permit funding for the purposes for which the contracting of public debt is
14 authorized under s. 20.866 (2) (u) and (uu), regardless of the borrowing limits under
15 s. 20.866 (2) (u) and (uu), on and after August 9, 1989. Expenditures from this
16 appropriation for each purpose under s. 20.866 (2) (s) to (zm) and (zz) may not exceed
17 the net interest earnings attributable to the corresponding account created under s.
18 18.08 (1) (b). Net interest earnings shall be allocated quarterly to accounts created
19 under s. 18.08 (1) (b), on the basis of the average daily balance of each account during
20 the quarter, except that accounts with a negative average daily balance shall not
21 receive any interest earnings for that quarter. Balances attributable to accounts
22 created under s. 18.08 (1) (b) may temporarily be utilized to support the expenditures
23 of other accounts, pending the sale of public debt to provide funds for the program
24 purposes of other accounts. Notwithstanding s. 20.866 (2) (s) to (zm) and (zz) or any
25 nonstatutory state building program project enumeration, this appropriation may

1 be used in lieu of borrowing under s. 20.866 (2) (s) to (zm) and (zz) on and after March
2 25, 1985, and in lieu of borrowing under s. 20.866 (2) (s) to (tz), (ug) to (ut), (uv) to
3 (zm) and (zz) on and after August 9, 1989; and may be used regardless of the
4 borrowing limits under s. 20.866 (2) (u) and (uu) on and after August 9, 1989.

5 **SECTION 311.** 20.867 (4) (r) of the statutes is amended to read:

6 20.867 (4) (r) *Interest on veterans obligations.* As a continuing appropriation,
7 all interest earnings arising from the investment of proceeds of public debt
8 contracted under s. 20.866 (2) (zn), 2017 stats., and s. 20.866 (2) (zo) on and after
9 March 24, 1985 and all amounts transferred under 1985 Wisconsin Act 6, section 27,
10 to permit the payment of debt service on the public debt.

11 **SECTION 312.** 20.923 (4) (c) 2m. of the statutes is created to read:

12 20.923 (4) (c) 2m. Administration, department of; office of sustainability and
13 clean energy: director.

14 **SECTION 313.** 20.923 (4) (c) 6. of the statutes is repealed.

15 **SECTION 314.** 20.923 (4) (e) 4. of the statutes is amended to read:

16 20.923 (4) (e) 4. Administration Workforce development, department of: labor
17 and industry review commission: member and chairperson.

18 **SECTION 315.** 20.924 (1) (em) of the statutes is amended to read:

19 20.924 (1) (em) May substitute any available source of funding in whole or in
20 part for borrowing authority under s. 20.866 (2) (s) to ~~(zm) and (zz)~~ that is authorized
21 to be used to fund a project enumerated under the authorized state building program.

22 **SECTION 316.** 20.930 of the statutes is amended to read:

23 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 19.49 (2) (b)
24 6., ~~46.27 (7g) (h)~~, 49.496 (3) (f), and 49.682 (6), no state agency in the executive branch
25 may employ any attorney until such employment has been approved by the governor.

1 **SECTION 317.** 20.9315 of the statutes is created to read:

2 **20.9315 False claims; actions by or on behalf of state.** (1) In this section:

3 (b) "Claim" means any request or demand, whether under a contract or
4 otherwise, for money or property and whether the state has title to the money or
5 property, that is presented to an officer, employee, agent, or other representative of
6 the state or to a contractor, grantee, or other person if the money or property is to be
7 spent or used on the state's behalf or to advance a state program or interest, and if
8 the state provides any portion of the money or property which is requested or
9 demanded, or if the state will reimburse directly or indirectly such contractor,
10 grantee, or other person for any portion of the money or property which is requested
11 or demanded. "Claim" includes a request or demand for services from a state agency
12 or as part of a state program. "Claim" does not include requests or demands for
13 money or property that the state has paid to an individual as compensation for state
14 employment or as an income subsidy with no restriction on that individual's use of
15 the money or property.

16 (d) "Knowingly" means, with respect to information, having actual knowledge
17 of the information, acting in deliberate ignorance of the truth or falsity of the
18 information, or acting in reckless disregard of the truth or falsity of the information.
19 "Knowingly" does not mean specifically intending to defraud.

20 (de) "Material" means having a natural tendency to influence, or be capable of
21 influencing, the payment or receipt of money or property or the receipt of services.

22 (dm) "Medical assistance" has the meaning given under s. 49.43 (8).

23 (dr) "Obligation" has the meaning given in 31 USC 3729 (b) (3).

24 (dt) "Original source" has the meaning given in 31 USC 3730 (e) (4) (B).

1 (e) "Proceeds" includes damages, civil penalties, surcharges, payments for costs
2 of compliance, and any other economic benefit realized by this state as a result of an
3 action or settlement of a claim.

4 (2) Except as provided in sub. (3), any person who does any of the following is
5 liable to this state for 3 times the amount of the damages that were sustained by the
6 state or would have been sustained by the state, whichever is greater, because of the
7 actions of the person, and shall forfeit, for each violation, an amount within the range
8 specified under 31 USC 3729 (a):

9 (a) Knowingly presents or causes to be presented a false or fraudulent claim
10 to a state agency, including a false or fraudulent claim for medical assistance.

11 (b) Knowingly makes, uses, or causes to be made or used, a false record or
12 statement material to a false or fraudulent claim to a state agency, including a false
13 or fraudulent claim for medical assistance.

14 (dg) Knowingly makes, uses, or causes to be made or used, a false record or
15 statement material to an obligation to pay or transmit money or property to the
16 Medical Assistance program, or knowingly conceals or knowingly and improperly
17 avoids or decreases an obligation to pay or transmit money or property to the Medical
18 Assistance program.

19 (dm) Knowingly makes, uses, or causes to be made or used a false record or
20 statement material to an obligation to pay or transmit money or property to a state
21 agency, or knowingly conceals or knowingly and improperly avoids or decreases an
22 obligation to pay or transmit money or property to a state agency.

23 (dr) Conspires to commit a violation under par. (a), (b), (dg), or (dm).

24 (3) The court may assess against a person who violates sub. (2) not less than
25 2 nor more than 3 times the amount of the damages sustained by the state because

1 of the acts of the person, and shall not assess any forfeiture, if the court finds all of
2 the following:

3 (a) The person who commits the acts furnished the attorney general with all
4 information known to the person about the acts within 30 days after the date on
5 which the person obtained the information.

6 (b) The person fully cooperated with any investigation of the acts by this state.

7 (c) At the time that the person furnished the attorney general with information
8 concerning the acts, no criminal prosecution or civil or administrative enforcement
9 action had been commenced with respect to any such act, and the person did not have
10 actual knowledge of the existence of any investigation into any such act.

11 (5) (a) Except as provided in subs. (10) and (12), any person may bring a civil
12 action as a qui tam plaintiff against a person who commits an act in violation of sub.
13 (2) for the person and the state in the name of the state.

14 (b) The plaintiff shall serve upon the attorney general a copy of the complaint
15 and documents disclosing substantially all material evidence and information that
16 the person possesses. The plaintiff shall file a copy of the complaint with the court
17 for inspection in camera. Except as provided in par. (c), the complaint shall remain
18 under seal for a period of 60 days from the date of filing, and shall not be served upon
19 the defendant until the court so orders. Within 60 days from the date of service upon
20 the attorney general of the complaint, evidence, and information under this
21 paragraph, the attorney general may intervene in the action.

22 (bm) Any complaint filed by the state in intervention, whether filed separately
23 or as an amendment to the qui tam plaintiff's complaint, shall relate back to the filing
24 date of the qui tam plaintiff's complaint, to the extent that the state's claim arises

1 out of the conduct, transactions, or occurrences set forth, or attempted to be set forth,
2 in the qui tam plaintiff's complaint.

3 (c) The attorney general may, for good cause shown, move the court for one or
4 more extensions of the period during which a complaint in an action under this
5 subsection remains under seal.

6 (d) Before the expiration of the period during which the complaint remains
7 under seal, the attorney general shall do one of the following:

8 1. Proceed with the action or an alternate remedy under sub. (10), in which case
9 the action or proceeding under sub. (10) shall be prosecuted by the state.

10 2. Notify the court that he or she declines to proceed with the action, in which
11 case the person bringing the action may proceed with the action.

12 (e) If a person brings a valid action under this subsection, no person other than
13 the state may intervene or bring a related action while the original action is pending
14 based upon the same facts underlying the pending action.

****NOTE: This provision may require additional consideration in light of recent changes made to s. 803.09 in 2017 Wisconsin Act 369. Act 369 created s. 803.09 (2m) which provides that "[w]hen a party to an action challenges in state or federal court the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, the assembly, the senate, and the legislature may intervene as set forth under s. 13.365 at any time in the action as a matter of right by serving a motion upon the parties as provided in s. 801.14." Because par. (e) limits intervention, a case could give rise to issues with the intervention rights described under s. 803.09 (2m). One way to address any issue would be to add the same "except" language that this draft adds for s. 803.09 (1) and (2) (i.e., "[e]xcept as provided in s. 20.9315"). See SECTIONS 2064 and 2065 of this draft. I included those exceptions as they recreate the law as it existed prior to enactment of 2015 Wisconsin Act 55. However, I wanted to flag the provision with respect to s. 803.09 (2m), as it relates to the new language enacted in 2017 Wisconsin Act 369.

15 (f) In any action or other proceeding under sub. (10) brought under this
16 subsection, the plaintiff is required to prove all essential elements of the cause of
17 action or complaint, including damages, by a preponderance of the evidence.

1 (6) If the state proceeds with an action under sub. (5) or an alternate remedy
2 under sub. (10), the state has primary responsibility for prosecuting the action or
3 proceeding under sub. (10). The state is not bound by any act of the person bringing
4 the action, but that person has the right to continue as a party to the action.

5 (7) (b) With the approval of the governor, the attorney general may compromise
6 and settle an action under sub. (5) or an administrative proceeding under sub. (10)
7 to which the state is a party, notwithstanding objection of the person bringing the
8 action, if the court determines, after affording to the person bringing the action the
9 right to a hearing at which the person is afforded the opportunity to present evidence
10 in opposition to the proposed settlement, that the proposed settlement is fair,
11 adequate, and reasonable considering the relevant circumstances pertaining to the
12 violation.

 ****NOTE: This provision may be affected by changes made in 2017 Wisconsin Act
369, specifically changes made to s. 165.08. 2017 Wisconsin Act 369 changes the attorney
general's authority to settle in civil actions prosecuted by the attorney general, modifying
the approval from approval of the governor to approval by a legislative intervenor under
new s. 803.09 (2m), if any, or, if none, the joint committee on finance. It is possible that
the above specific provision might control, but I don't think that is entirely clear. The
draft could address the issue by adding "notwithstanding" language to this provision (s.
20.9315 (7) (b) (created by the draft)) or by adding language to s. 165.08 to clarify the
authority of the attorney general to settle in actions relating to false claims under s.
20.9315 (i.e., indicating which provision would control). I would be happy to discuss
options.

13 (c) Upon a showing by the state that unrestricted participation in the
14 prosecution of an action under sub. (5) or an alternate proceeding to which the state
15 is a party by the person bringing the action would interfere with or unduly delay the
16 prosecution of the action or proceeding, or would result in consideration of
17 repetitious or irrelevant evidence or evidence presented for purposes of harassment,
18 the court may limit the person's participation in the prosecution, such as:

- 19 1. Limiting the number of witnesses that the person may call.

1 2. Limiting the length of the testimony of the witnesses.

2 3. Limiting the cross-examination of witnesses by the person.

3 4. Otherwise limiting the participation by the person in the prosecution of the
4 action or proceeding.

5 (d) Upon showing by a defendant that unrestricted participation in the
6 prosecution of an action under sub. (5) or alternate proceeding under sub. (10) to
7 which the state is a party by the person bringing the action would result in
8 harassment or would cause the defendant undue burden or unnecessary expense, the
9 court may limit the person's participation in the prosecution.

10 (8) Except as provided in sub. (7), if the state elects not to participate in an
11 action filed under sub. (5), the person bringing the action may prosecute the action.
12 If the attorney general so requests, the attorney general shall, at the state's expense,
13 be served with copies of all pleadings and deposition transcripts in the action. If the
14 person bringing the action initiates prosecution of the action, the court, without
15 limiting the status and rights of that person, may permit the state to intervene at a
16 later date upon showing by the state of good cause for the proposed intervention.

17 (9) Whether or not the state participates in an action under sub. (5), upon
18 showing in camera by the attorney general that discovery by the person bringing the
19 action would interfere with the state's ongoing investigation or prosecution of a
20 criminal or civil matter arising out of the same facts as the facts upon which the
21 action is based, the court may stay such discovery in whole or in part for a period of
22 not more than 60 days. The court may extend the period of any such stay upon
23 further showing in camera by the attorney general that the state has pursued the
24 criminal or civil investigation of the matter with reasonable diligence and the

1 proposed discovery in the action brought under sub. (5) will interfere with the
2 ongoing criminal or civil investigation or prosecution.

3 (10) The attorney general may pursue a claim relating to an alleged violation
4 of sub. (2) through an alternate remedy available to the state or any state agency,
5 including an administrative proceeding to assess a civil forfeiture. If the attorney
6 general elects any such alternate remedy, the attorney general shall serve timely
7 notice of his or her election upon the person bringing the action under sub. (5), and
8 that person has the same rights in the alternate venue as the person would have had
9 if the action had continued under sub. (5). Any finding of fact or conclusion of law
10 made by a court or by a state agency in the alternate venue that has become final is
11 conclusive upon all parties named in an action under sub. (5). For purposes of this
12 subsection, a finding or conclusion is final if it has been finally determined on appeal,
13 if all time for filing an appeal or petition for review with respect to the finding or
14 conclusion has expired, or if the finding or conclusion is not subject to judicial review.

15 (11) (a) Except as provided in pars. (b) and (e), if the state proceeds with an
16 action brought by a person under sub. (5) or the state pursues an alternate remedy
17 relating to the same acts under sub. (10), the person who brings the action shall
18 receive at least 15 percent but not more than 25 percent of the proceeds of the action
19 or settlement of the claim, depending upon the extent to which the person
20 contributed to the prosecution of the action or claim.

21 (b) Except as provided in par. (e), if an action or claim is one in which the court
22 or other adjudicator finds to be based primarily upon disclosures of specific
23 information not provided by the person who brings an action under sub. (5) relating
24 to allegations or transactions specifically in a criminal, civil, or administrative
25 hearing, or in a legislative or administrative report, hearing, audit, or investigation,

1 or report made by the news media, the court or other adjudicator may award such
2 amount as it considers appropriate, but not more than 10 percent of the proceeds of
3 the action or settlement of the claim, depending upon the significance of the
4 information and the role of the person bringing the action in advancing the
5 prosecution of the action or claim.

6 (c) Except as provided in par. (e), in addition to any amount received under par.
7 (a) or (b), a person bringing an action under sub. (5) shall be awarded his or her
8 reasonable expenses necessarily incurred in bringing the action together with the
9 person's costs and reasonable actual attorney fees. The court or other adjudicator
10 shall assess any award under this paragraph against the defendant.

11 (d) Except as provided in par. (e), if the state does not proceed with an action
12 or an alternate proceeding under sub. (10), the person bringing the action shall
13 receive an amount that the court decides is reasonable for collection of the civil
14 penalty and damages. The amount shall be not less than 25 percent and not more
15 than 30 percent of the proceeds of the action and shall be paid from the proceeds. In
16 addition, the person shall be paid his or her expenses, costs, and fees under par. (c).

17 (e) Whether or not the state proceeds with the action or an alternate proceeding
18 under sub. (10), if the court or other adjudicator finds that an action under sub. (5)
19 was brought by a person who planned or initiated the violation upon which the action
20 or proceeding is based, then the court may, to the extent that the court considers
21 appropriate, reduce the share of the proceeds of the action that the person would
22 otherwise receive under par. (a), (b), or (d), taking into account the role of that person
23 in advancing the prosecution of the action or claim and any other relevant
24 circumstance pertaining to the violation, except that if the person bringing the action
25 is convicted of criminal conduct arising from his or her role in a violation of sub. (2),

1 the court or other adjudicator shall dismiss the person as a party and the person shall
2 not receive any share of the proceeds of the action or claim or any expenses, costs, and
3 fees under par. (c).

4 (12) Except if the action is brought by the attorney general or the person
5 bringing the action is an original source of the information, the court shall dismiss
6 an action or claim under this section, unless opposed by the state, if substantially the
7 same allegations or transactions as alleged in the action or claim were publicly
8 disclosed in any of the following ways:

9 (a) In a federal criminal, civil, or administrative hearing in which the state or
10 its agent is a party.

11 (b) In a congressional, government accountability office, or other federal report,
12 hearing, audit, or investigation.

13 (c) From the news media.

14 (13) The state is not liable for any expenses incurred by a private person in
15 bringing an action under sub. (5).

16 (14) Any employee, contractor, or agent who is discharged, demoted,
17 suspended, threatened, harassed, or in any other manner discriminated against in
18 the terms and conditions of employment because of lawful actions taken by the
19 employee, contractor, agent, or by others in furtherance of an action or claim filed
20 under this section or on behalf of the employee, contractor, or agent, including
21 investigation for, initiation of, testimony for, or assistance in an action or claim filed
22 or to be filed under sub. (5) is entitled to all necessary relief to make the employee,
23 contractor, or agent whole. Such relief shall in each case include reinstatement with
24 the same seniority status that the employee, contractor, or agent would have had but
25 for the discrimination, 2 times the amount of back pay, interest on the back pay at

1 the legal rate, and compensation for any special damages sustained as a result of the
2 discrimination, including costs and reasonable attorney fees. An employee,
3 contractor, or agent may bring an action to obtain the relief to which the employee,
4 contractor, or agent is entitled under this subsection within 3 years after the date the
5 retaliation occurred.

6 (15) A civil action may be brought based upon acts occurring prior to the
7 effective date of this subsection [LRB inserts date], if the action is brought within
8 the period specified in s. 893.9815.

9 (16) A judgment of guilty entered against a defendant in a criminal action in
10 which the defendant is charged with fraud or making false statements estops the
11 defendant from denying the essential elements of the offense in any action under sub.
12 (5) that involves the same elements as in the criminal action.

13 (17) The remedies provided for under this section are in addition to any other
14 remedies provided for under any other law or available under the common law.

15 (18) This section shall be liberally construed and applied to promote the public
16 interest and to effect the congressional intent in enacting 31 USC 3729 to 3733, as
17 reflected in the act and the legislative history of the act.

18 **SECTION 318.** 20.940 of the statutes is repealed.

****NOTE: This is reconciled s. 20.940. This SECTION has been affected by drafts
with the following LRB numbers: -1566/P1, 0943/P3, 1567/P1, 1885/P2, and 1927/P3.

19 **SECTION 319.** 23.09 (2) (d) (intro.) of the statutes is amended to read:

20 23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or
21 agreement, and receive by gifts or devise, lands or waters suitable for the purposes
22 enumerated in this paragraph, and maintain such lands and waters for such
23 purposes; and, ~~except for the purpose specified under subd. 12.,~~ may condemn lands

1 or waters suitable for such purposes after obtaining approval of the appropriate
2 standing committees of each house of the legislature as determined by the presiding
3 officer thereof:

4 **SECTION 320.** 23.0915 (2c) (d) of the statutes is amended to read:

5 23.0915 (2c) (d) No moneys may be committed for expenditure from the
6 appropriation under s. 20.866 (2) (tz) after June 30, ~~2020~~ 2022.

7 **SECTION 321.** 23.0917 (3) (a) of the statutes is amended to read:

8 23.0917 (3) (a) Beginning with fiscal year 2000-01 and ending with fiscal year
9 ~~2019-20~~ 2021-22, the department may obligate moneys under the subprogram for
10 land acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and
11 grants for these purposes under s. 23.096, except as provided under ss. 23.197 (2m),
12 (3m) (b), (7m), and (8) and 23.198 (1) (a).

13 **SECTION 322.** 23.0917 (3) (bm) of the statutes is amended to read:

14 23.0917 (3) (bm) During the period beginning with fiscal year 2001-02 and
15 ending with fiscal year ~~2019-20~~ 2021-22, in obligating money under the subprogram
16 for land acquisition, the department shall set aside not less than a total of \$ 2,000,000
17 that may be obligated only to provide matching funds for grants awarded to the
18 department for the purchase of land or easements under 16 USC 2103c.

19 **SECTION 323.** 23.0917 (3) (br) 2. of the statutes is amended to read:

20 23.0917 (3) (br) 2. For each fiscal year beginning with 2015-16 and ending with
21 ~~2019-20~~ 2021-22, \$7,000,000.

22 **SECTION 324.** 23.0917 (3) (bt) 2. of the statutes is amended to read:

23 23.0917 (3) (bt) 2. For each fiscal year beginning with 2015-16 and ending with
24 fiscal year ~~2019-20~~ 2021-22, \$9,000,000.

25 **SECTION 325.** 23.0917 (3) (bw) of the statutes is amended to read:

1 23.0917 (3) (bw) In obligating moneys under the subprogram for land
2 acquisition, the department shall set aside \$5,000,000 for each fiscal year beginning
3 with 2015-16 and ending with ~~2019-20~~ 2021-22 to be obligated only to provide
4 grants to counties under s. 23.0953.

5 **SECTION 326.** 23.0917 (3) (dm) 7. of the statutes is amended to read:

6 23.0917 (3) (dm) 7. For each fiscal year beginning with 2015-16 and ending
7 with fiscal year ~~2019-20~~ 2021-22, \$21,000,000.

8 **SECTION 327.** 23.0917 (4) (a) of the statutes is amended to read:

9 23.0917 (4) (a) Beginning with fiscal year 2000-01 and ending with fiscal year
10 ~~2019-20~~ 2021-22, the department may obligate moneys under the subprogram for
11 property development and local assistance. Moneys obligated under this
12 subprogram may be only used for nature-based outdoor recreation, except as
13 provided under par. (cm).

14 **SECTION 328.** 23.0917 (4) (d) 1m. e. of the statutes is amended to read:

15 23.0917 (4) (d) 1m. e. For each fiscal year beginning with 2015-16 and ending
16 with fiscal year ~~2019-20~~ 2021-22, \$9,750,000.

17 **SECTION 329.** 23.0917 (4) (d) 2r. of the statutes is amended to read:

18 23.0917 (4) (d) 2r. Beginning with fiscal year 2013-14 and ending with fiscal
19 year ~~2019-20~~ 2021-22, the department shall obligate \$6,000,000 in each fiscal year
20 for local assistance.

21 **SECTION 330.** 23.0917 (4) (d) 3. a. and b. of the statutes are amended to read:

22 23.0917 (4) (d) 3. a. Beginning with fiscal year 2013-14 and ending with fiscal
23 year 2014-15, \$7,000,000 in each fiscal year.

24 b. Beginning with fiscal year 2015-16 and ending with fiscal year ~~2019-20~~
25 2021-22, \$3,750,000 in each fiscal year.

1 **SECTION 331.** 23.0917 (4j) (b) of the statutes is amended to read:

2 23.0917 **(4j)** (b) For fiscal year 2007-08, the department may not obligate more
3 than \$1,500,000 for cost-sharing with local governmental units for recreational
4 boating projects under s. 30.92. For each fiscal year beginning with fiscal year
5 2008-09 and ending with fiscal year ~~2019-20~~ 2021-22, the department may not
6 obligate more than \$2,500,000 for cost-sharing with local governmental units for
7 recreational boating projects under s. 30.92.

8 **SECTION 332.** 23.0917 (5g) (a) of the statutes is amended to read:

9 23.0917 **(5g)** (a) Except as provided in pars. (b), (c), (d), and (e), if for a given
10 fiscal year, the department obligates an amount from the moneys appropriated
11 under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that is less than the
12 annual bonding authority under that subprogram for that given fiscal year, the
13 department may not obligate the unobligated amount in subsequent fiscal years.
14 This subsection applies beginning with fiscal year 2011-12 and ending with fiscal
15 year ~~2019-20~~ 2021-22.

16 **SECTION 333.** 23.0917 (12) of the statutes is amended to read:

17 23.0917 **(12)** EXPENDITURES AFTER ~~2020~~ 2022. No moneys may be obligated from
18 the appropriation under s. 20.866 (2) (ta) after June 30, ~~2020~~ 2022.

19 **SECTION 334.** 23.0953 (2) (a) (intro.) of the statutes is amended to read:

20 23.0953 **(2)** (a) (intro.) Beginning with fiscal year 2010-11 and ending with
21 fiscal year ~~2019-20~~ 2021-22, the department shall establish a grant program under
22 which the department may award a grant to a county for any of the following:

23 **SECTION 335.** 23.096 (2m) (intro.) of the statutes is amended to read:

24 23.096 **(2m)** (intro.) Notwithstanding sub. (2) (b), in each fiscal year beginning
25 with fiscal year 2010-11 and ending with fiscal year ~~2019-20~~ 2021-22, the

1 department may award grants under this section that equal up to 75 percent of the
2 acquisition costs of the property if the natural resources board determines that all
3 of the following apply:

4 **SECTION 336.** 25.17 (1) (ge) of the statutes is repealed.

5 **SECTION 337.** 25.17 (1) (xp) of the statutes is repealed.

6 **SECTION 338.** 25.36 (1) of the statutes is amended to read:

7 25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred
8 by law shall constitute the veterans trust fund which shall be used for the lending
9 of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the
10 veterans programs under ss. 20.485 (2) (m), (tm), (u), and (z), and (5) (mn), (v), (vo),
11 and (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 (1m), 45.41, 45.42, 45.43, and 45.82
12 and administered by the department of veterans affairs, including all moneys
13 received from the federal government for the benefit of veterans or their dependents,
14 and for the veteran grant jobs pilot program under s. 38.31 administered by the
15 technical college system board; all moneys paid as interest on and repayment of loans
16 under the post-war rehabilitation fund; soldiers rehabilitation fund, veterans
17 housing funds as they existed prior to July 1, 1961; all moneys paid as interest on
18 and repayment of loans under this fund; all moneys paid as expenses for, interest on,
19 and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.;
20 all moneys paid as expenses for, interest on, and repayment of veterans personal
21 loans; the net proceeds from the sale of mortgaged properties related to veterans
22 personal loans; all mortgages issued with the proceeds of the 1981 veterans home
23 loan revenue bond issuance purchased with moneys in the veterans trust fund; all
24 moneys received from the state investment board under s. 45.42 (8) (b); all moneys
25 received from the veterans mortgage loan repayment fund under s. 45.37 (7) (a) and

1 (e); and all gifts of money received by the board of veterans affairs for the purposes
2 of this fund.

3 **SECTION 339.** 25.43 (3) of the statutes is amended to read:

4 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),
5 the environmental improvement fund may be used only for the purposes authorized
6 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) and (2) (r), (s), and (x), 20.370 (4) (mt),
7 (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y), 281.58,
8 281.59, 281.60, 281.61, 281.62, and 283.31.

9 **SECTION 340.** 25.47 (4m) of the statutes is amended to read:

10 25.47 (4m) The payments under s. ~~292.64~~ 168.225 (3).

11 **SECTION 341.** 25.79 of the statutes is repealed.

12 **SECTION 342.** 27.01 (2) (a) of the statutes is amended to read:

13 27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable
14 for state park purposes and may acquire such lands and waters by condemnation
15 after obtaining approval of the senate and assembly committees on natural
16 resources. ~~The power of condemnation may not be used for the purpose of~~
17 ~~establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01~~
18 ~~(5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s.~~
19 ~~346.02 (8) (a).~~

20 **SECTION 343.** 27.019 (10) of the statutes is amended to read:

21 27.019 (10) ACQUISITION OF LAND. Any county in which there does not exist a
22 county park commission acting through its rural planning committee may acquire
23 by gift, grant, devise, donation, purchase, condemnation or otherwise, with the
24 consent of the county board, a sufficient tract or tracts of land for the reservation for
25 public use of river fronts, lake shores, picnic groves, outlook points from hilltops,

1 places of special historic interest, memorial grounds, parks, playgrounds, sites for
2 public buildings, and reservations in and about and along and leading to any or all
3 of the same, and to develop and maintain the same for public use. ~~The power of~~
4 ~~condemnation may not be used for the purpose of establishing or extending a~~
5 ~~recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined~~
6 ~~in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

7 **SECTION 344.** 27.05 (3) of the statutes is amended to read:

8 27.05 (3) Acquire, in the name of the county, by purchase, land contract, lease,
9 condemnation, or otherwise, with the approval and consent of the county board, such
10 tracts of land or public ways as it deems suitable for park purposes; including lands
11 in any other county not more than three-fourths of a mile from the county line; but
12 no land so acquired shall be disposed of by the county without the consent of said
13 commission, and all moneys received for any such lands, or any materials, so
14 disposed of, shall be paid into the county park fund hereinafter established. ~~The~~
15 ~~power of condemnation may not be used for the purpose of establishing or extending~~
16 ~~a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as~~
17 ~~defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

18 **SECTION 345.** 27.065 (1) (a) of the statutes is amended to read:

19 27.065 (1) (a) The county board of any county which shall have adopted a
20 county system of parks or a county system of streets and parkways, pursuant to s.
21 27.04, may acquire the lands necessary for carrying out all or part of such plan by
22 gift, purchase, condemnation or otherwise; provided, however, that no lands shall be
23 acquired by condemnation unless and until the common council of the city or the
24 board of trustees of the village or the board of supervisors of the town wherein such
25 land is situated shall consent thereto. ~~The power of condemnation may not be used~~

1 ~~for the purpose of establishing or extending a recreational trail; a bicycle way, as~~
2 ~~defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian~~
3 ~~way, as defined in s. 346.02 (8) (a).~~ The cost of acquiring such lands by purchase or
4 condemnation may be paid in whole or in part by the county or by the property to be
5 benefited thereby, as the county board shall direct but in no case shall the amount
6 assessed to any parcel of real estate exceed the benefits accruing thereto; provided,
7 that no assessment for paying the cost of acquiring lands may be levied or collected
8 against the property to be benefited until the governing body of the city, village or
9 town where such lands are located has by resolution determined that the public
10 welfare will be promoted thereby. Title to all lands acquired hereunder shall be an
11 estate in fee simple.

12 **SECTION 346.** 27.08 (2) (b) of the statutes is amended to read:

13 27.08 (2) (b) To acquire in the name of the city for park, parkway, boulevard or
14 pleasure drive purposes by gift, devise, bequest or condemnation, either absolutely
15 or in trust, money, real or personal property, or any incorporeal right or privilege;
16 ~~except that no lands may be acquired by condemnation for the purpose of~~
17 ~~establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01~~
18 ~~(5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s.~~
19 ~~346.02 (8) (a).~~ Gifts to any city of money or other property, real or personal, either
20 absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall
21 be accepted only after they shall have been recommended by the board to the common
22 council and approved by said council by resolution. Subject to the approval of the
23 common council the board may execute every trust imposed upon the use of property
24 or property rights by the deed, testament or other conveyance transferring the title
25 of such property to the city for park, parkway, boulevard or pleasure drive purposes.

1 **SECTION 347.** 27.08 (2) (c) of the statutes is amended to read:

2 27.08 (2) (c) Subject to the approval of the common council to buy or lease lands
3 in the name of the city for park, parkway, boulevard or pleasure drive purposes
4 within or without the city and, with the approval of the common council, to sell or
5 exchange property no longer required for its purposes. Every city is authorized, upon
6 recommendation of its officers, board or body having the control and management
7 of its public parks, to acquire by condemnation in the name of the city such lands
8 within or without its corporate boundaries as it may need for public parks, parkways,
9 boulevards and pleasure drives. ~~The power of condemnation may not be used for the~~
10 ~~purpose of establishing or extending a recreational trail; a bicycle way, as defined in~~
11 ~~s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as~~
12 ~~defined in s. 346.02 (8) (a).~~

13 **SECTION 348.** 29.024 (11) of the statutes is created to read:

14 29.024 (11) AUTOMATIC REISSUANCE OF APPROVALS. The department may develop
15 a system under which, when a person purchases an approval, the person may opt to
16 automatically purchase the same approval for subsequent years. The department
17 may contract with a 3rd party to store customer information in order to carry out this
18 system.

19 **SECTION 349.** 32.015 of the statutes is repealed.

20 **SECTION 350.** 32.51 (1) (intro.) of the statutes is amended to read:

21 32.51 (1) PURPOSES. (intro.) In addition to the powers granted under subch. I
22 ~~and subject to the limitations under s. 32.015,~~ any city may condemn or otherwise
23 acquire property under this subchapter for:

24 **SECTION 351.** 35.93 (2) (b) 3. im. of the statutes is repealed.

25 **SECTION 352.** 36.11 (3) (a) of the statutes is amended to read:

1 36.11 (3) (a) ~~The Subject to s. 36.25 (56), the~~ board shall establish the policies
2 for admission within the system and within these policies each institution shall
3 establish specific requirements for admission to its courses of instruction. No
4 sectarian or partisan tests or any tests based upon race, religion, national origin of
5 U.S. citizens or sex shall ever be allowed in the admission of students thereto.

6 **SECTION 353.** 36.11 (3) (b) of the statutes is amended to read:

7 36.11 (3) (b) Subject to s. 36.31 (2m), the board shall establish policies for the
8 appropriate transfer of credits between institutions within the system, including
9 postsecondary credits earned by a high school pupil enrolled in a course at an
10 institution within the system under the program under s. ~~118.55~~ 36.25 (56). If the
11 board determines that postsecondary credits earned by a high school pupil under the
12 program under s. ~~118.55~~ 36.25 (56) are not transferable under this paragraph, the
13 board shall permit the individual to take an examination to determine the
14 individual's competency in the subject area of the course and, if the individual
15 receives a passing score on the examination, shall award equivalent credits to the
16 individual.

17 **SECTION 354.** 36.11 (3) (c) of the statutes is amended to read:

18 36.11 (3) (c) Subject to s. 36.31 (2m), the board may establish policies for the
19 appropriate transfer of credits with other educational institutions outside the
20 system, including postsecondary credits earned by a high school pupil enrolled in a
21 course at an educational institution outside the system through the program under
22 s. ~~118.55~~ 36.25 (56). If the board determines that postsecondary credits earned by
23 a high school pupil under the program under s. ~~118.55~~ 36.25 (56) are not transferable
24 under this paragraph, the board shall permit the individual to take an examination
25 to determine the individual's competency in the subject area of the course and, if the

1 individual receives a passing score on the examination, shall award equivalent
2 credits to the individual.

3 **SECTION 355.** 36.112 (1) of the statutes is renumbered 36.112 (1) (intro.) and
4 amended to read:

5 **36.112 (1) DEFINITION DEFINITIONS.** (intro.) In this section,:

6 (a) Notwithstanding s. 36.05 (9), "institution" includes the extension. means
7 any of the following:

8 **SECTION 356.** 36.112 (1) (a) 1., 2. and 3. and (b) of the statutes are created to
9 read:

10 **36.112 (1) (a) 1.** Any university, including any branch campus associated with
11 the university as a result of the system restructuring.

12 **2.** Any operational unit of the University of Wisconsin-Madison assigned
13 former functions of the University of Wisconsin-Extension as a result of the system
14 restructuring.

15 **3.** Any operational unit of system administration assigned former functions of
16 the University of Wisconsin-Extension as a result of the system restructuring.

17 (b) "System restructuring" means the system's restructuring plan approved by
18 the Higher Learning Commission on or about June 28, 2018.

19 **SECTION 357.** 36.112 (2) (b) of the statutes is amended to read:

20 **36.112 (2) (b)** For each goal specified in par. (a), the Board of Regents shall
21 identify at least 4 metrics to measure an institution's progress toward meeting the
22 goal. As the Board of Regents determines is appropriate, the board may specify
23 different metrics for the extension an institution described in sub. (1) (a) 2. or 3.

24 **SECTION 358.** 36.112 (7) (c) of the statutes is amended to read:

1 36.112 (7) (c) Approve a peer group for each institution that includes
2 institutions of higher education with comparable missions and service populations.
3 This paragraph does not apply to an institution described in sub. (1) (a) 2. or 3.

4 **SECTION 359.** 36.115 (9) of the statutes is created to read:

5 36.115 (9) From the appropriation account under s. 20.285 (1) (a), the Board
6 of Regents shall allocate \$1,500,000 in fiscal year 2019-20 and \$2,000,000 in each
7 fiscal year thereafter for extension county-based agriculture positions.

8 **SECTION 360.** 36.25 (56) of the statutes is created to read:

9 36.25 (56) DUAL ENROLLMENT PROGRAM. (a) In this subsection, “transcripted
10 credit” means that the institution in which a high school student is enrolled under
11 this subsection awards postsecondary credit for successful course completion and
12 issues a transcript from the institution documenting successful completion of the
13 course and the credits awarded for the course, if such a transcript is requested.

14 (b) The board shall establish policies and implement a program under which
15 students attending high school in this state are admitted to the system as nondegree
16 students and may enroll in courses of instruction offered for transcripted credit at
17 any institution if all of the following apply:

- 18 1. The student meets the requirements and prerequisites of the course.
- 19 2. There is space available in the course.

20 (c) In establishing the policies and implementing the program under par. (b),
21 the board shall consult with the department of public instruction and coordinate
22 with the school districts and the governing bodies of private schools where the high
23 school students are enrolled.

24 (d) 1. A public school student who intends to enroll in an institution under this
25 subsection shall notify the school board of the school district in which he or she is

1 enrolled and a student attending a private school who intends to enroll in an
2 institution under this subsection shall notify the governing body of the private school
3 he or she attends of that intention no later than March 1 if the student intends to
4 enroll in the fall semester, and no later than October 1 if the student intends to enroll
5 in the spring semester. The notice shall include the titles of the courses in which the
6 student intends to enroll and the number of credits of each course, and shall specify
7 whether the student will be taking the courses for high school credit as well as
8 postsecondary credit.

9 2. If the public school student specifies in the notice under subd. 1. that he or
10 she intends to take a course at an institution for high school credit, the school board
11 shall determine whether the course satisfies any of the high school graduation
12 requirements under s. 118.33 and the number of high school credits to award the
13 student for the course, if any. If the student attending a private school specifies in
14 the notice under subd. 1. that he or she intends to take a course at an institution for
15 high school credit, the governing body of the participating private school shall
16 determine whether the course satisfies any requirements necessary for high school
17 graduation and the number of high school credits to award the student for the course,
18 if any. In cooperation with the system, the state superintendent shall develop
19 guidelines to assist school districts and participating private schools in making the
20 determinations. The school board or governing body shall notify the student of its
21 determinations, in writing, before the beginning of the semester in which the student
22 will be enrolled. If the public school student disagrees with the school board's
23 decision regarding satisfaction of high school graduation requirements or the
24 number of high school credits to be awarded, the student may appeal the school
25 board's decision to the state superintendent within 30 days after the decision. The

1 state superintendent's decision shall be final and is not subject to review under
2 subch. III of ch. 227. If the student attending a participating private school disagrees
3 with any decision of a governing body under this subdivision, the student may appeal
4 the decision to the governing body within 30 days after the decision.

5 (e) The board may not charge any tuition, academic fees, or segregated fees to
6 any high school student, or to the school district or private school in which the
7 student is enrolled, in connection with the student's participation in the program
8 under par. (b) or the student's enrollment in any course under this program.

9 (f) The board shall implement the program under this subsection no later than
10 30 days after the effective date of this paragraph [LRB inserts date]. If at the time
11 the board implements the program under this subsection the institution in which a
12 student is or will be enrolled has already received payment of any tuition, academic
13 fees; or segregated fees as provided in s. 118.55 (5) or (6), 2017 stats., for the first
14 semester commencing after the effective date of this paragraph [LRB inserts
15 date], the board shall refund all such tuition and fees received.

16 **SECTION 361.** 36.25 (57) of the statutes is created to read:

17 **36.25 (57) UNIVERSITY OF WISCONSIN-STEVENS POINT PAPER SCIENCE PROGRAM.**
18 The Board of Regents shall ensure that at least 1.0 full-time equivalent position,
19 funded from the appropriation under s. 20.285 (1) (qm), is created in the paper
20 science program at the University of Wisconsin-Stevens Point.

21 **SECTION 362.** 36.25 (58) of the statutes is created to read:

22 **36.25 (58) ADDITIONAL FUNDING FOR UW COLLEGES.** From the appropriation
23 under s. 20.285 (1) (a), the board shall allocate at least \$2,500,000 in each fiscal year
24 to the University of Wisconsin Colleges for student support services. The amount
25 allocated under this subsection is in addition to any other amount that is allocated

1 to the University of Wisconsin Colleges under s. 36.09 (1) (h) or 36.112 or as part of
2 any other formula or method for the board's distribution of funds to the system's
3 various institutions. The allocation of funding under this subsection shall be a bona
4 fide increase of funding to the University of Wisconsin Colleges above the level that
5 would otherwise be provided in the absence of this subsection.

6 **SECTION 363.** 36.27 (1) (a) of the statutes is amended to read:

7 36.27 (1) (a) Subject to par. (b) and s. 36.25 (56) (e), the board may establish for
8 different classes of students differing tuition and fees incidental to enrollment in
9 educational programs or use of facilities in the system. Except as otherwise provided
10 in this section, the board may charge any student who is not exempted by this section
11 a nonresident tuition. ~~The Subject to s. 36.25 (56) (e), the~~ board may establish special
12 rates of tuition and fees for the extension and summer sessions and such other
13 studies or courses of instruction as the board deems advisable.

14 **SECTION 364.** 36.27 (2) (cr) of the statutes is created to read:

15 36.27 (2) (cr) A person who is a citizen of a country other than the United States
16 is entitled to the exemption under par. (a) if that person meets all of the following
17 requirements:

18 1. The person graduated from a high school in this state or received a
19 declaration of equivalency of high school graduation from this state.

20 2. The person was continuously present in this state for at least 3 years
21 following the first day of attending a high school in this state or immediately
22 preceding receipt of a declaration of equivalency of high school graduation.

23 3. The person enrolls in an institution and provides that institution with proof
24 that the person has filed or will file an application for a permanent resident visa with
25 U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

1 **SECTION 365.** 36.57 of the statutes is created to read:

2 **36.57 Environmental education grants. (1)** In this section:

3 (a) "Corporation" means a nonstock corporation organized under ch. 181 that
4 is a nonprofit corporation, as defined in s. 181.0103 (17).

5 (b) "Lake sanitary district" has the meaning given in s. 30.50 (4q).

6 (c) "Public agency" means a county, city, village, town, public inland lake
7 protection and rehabilitation district, lake sanitary district, or school district or an
8 agency of this state or of a county, city, village, town, public inland lake protection
9 and rehabilitation district, lake sanitary district, or school district.

10 (2) (a) Subject to pars. (b) and (c) and sub. (3) (b), from the appropriation under
11 s. 20.285 (1) (rs), the University of Wisconsin-Stevens Point shall award grants to
12 corporations and public agencies for the development, dissemination, and
13 presentation of environmental education programs. Programs shall be funded on an
14 18-month basis.

15 (b) No grant may be awarded under this section unless the grant recipient
16 matches at least 25 percent of the amount of the grant. Private funds and in-kind
17 contributions may be applied to meet the matching requirement. Grants under this
18 section may not be used to replace funding available from other sources.

19 (c) No more than one-third of the total amount awarded in grants under this
20 section in any fiscal year may be awarded to state agencies.

21 (3) (a) The University of Wisconsin-Stevens Point shall consult with all of the
22 following to assist in identifying needs and establishing priorities for environmental
23 education, including needs for teacher training, curriculum development and the
24 development and dissemination of curriculum materials:

25 1. The state superintendent of public instruction.

1 2. Other system institutions with expertise in the field of environmental
2 education.

3 3. Conservation and environmental groups, including youth organizations and
4 nature and environmental centers.

5 (b) In consultation with the chancellor and faculty of the University of
6 Wisconsin-Stevens Point, the board shall promulgate rules establishing the criteria
7 and procedures for the awarding of grants under sub. (2). The University of
8 Wisconsin-Stevens Point shall use the priorities established under par. (a) for
9 awarding grants if the amount in the appropriation account under s. 20.285 (1) (rs)
10 in any fiscal year is insufficient to fund all applications for grants under this section.

11 (4) In addition to making grants under this section funded from the
12 appropriation account under s. 20.285 (1) (rs), the University of Wisconsin-Stevens
13 Point shall seek private funds for the purpose of making grants under this section
14 from the appropriation under s. 20.285 (1) (ge).

15 **SECTION 366.** 36.60 (2) (a) 2. of the statutes is amended to read:

16 36.60 (2) (a) 2. The board may repay, on behalf of a physician or dentist who
17 agrees under sub. (3) to practice in a rural area, up to \$100,000 in educational loans
18 obtained by the physician or dentist from a public or private lending institution for
19 education in an accredited school of medicine or dentistry or for postgraduate
20 medical or dental training.

21 **SECTION 367.** 36.60 (4m) (intro.) of the statutes is amended to read:

22 36.60 (4m) LOAN REPAYMENT; RURAL PHYSICIANS AND DENTISTS. (intro.) If a
23 physician or dentist agrees under sub. (3) to practice in a rural area, principal and
24 interest due on the loan, exclusive of any penalties, may be repaid by the board at
25 the following rate:

1 **SECTION 368.** 36.61 (1) (ak) of the statutes is created to read:

2 36.61 (1) (ak) "Dental therapist" means an individual licensed under s. 447.04
3 (1m).

4 **SECTION 369.** 36.61 (1) (b) of the statutes is amended to read:

5 36.61 (1) (b) "Health care provider" means a dental therapist, dental hygienist,
6 physician assistant, nurse-midwife, or nurse practitioner.

7 **SECTION 370.** 36.61 (3) (a) of the statutes is amended to read:

8 36.61 (3) (a) The board shall enter into a written agreement with the health
9 care provider. In the agreement, the health care provider shall agree to practice at
10 least 32 clinic hours per week for 3 years in one or more eligible practice areas in this
11 state or in a rural area, except that a health care provider in the expanded loan
12 assistance program under sub. (8) who is not a dental therapist or dental hygienist
13 may only agree to practice at a public or private nonprofit entity in a health
14 professional shortage area.

15 **SECTION 371.** 36.61 (5) (b) 1. of the statutes is amended to read:

16 36.61 (5) (b) 1. The degree to which there is an extremely high need for medical
17 care in the eligible practice area, health professional shortage area, or rural area in
18 which an eligible applicant who is not a dental therapist or dental hygienist desires
19 to practice and the degree to which there is an extremely high need for dental care
20 in the dental health shortage area or rural area in which an eligible applicant who
21 is a dental therapist or dental hygienist desires to practice.

22 **SECTION 372.** 36.61 (8) (c) 3. of the statutes is amended to read:

23 36.61 (8) (c) 3. Practice at a public or private nonprofit entity in a health
24 professional shortage area, if the health care provider is not a dental therapist or

1 dental hygienist, or in a dental health shortage area, if the health care provider is
2 a dental therapist or dental hygienist.

3 **SECTION 373.** 36.615 of the statutes is created to read:

4 **36.615 Nurse educators. (1)** Subject to sub. (2), the Board of Regents shall
5 establish a program for providing all of the following:

6 (a) Fellowships to students who enroll in programs for degrees in doctor of
7 nursing practice or doctor of philosophy in nursing.

8 (b) Postdoctoral fellowships to recruit faculty for system nursing programs.

9 (c) Educational loan repayment assistance to recruit and retain faculty for
10 system nursing programs.

11 (2) The program established under sub. (1) shall require individuals who
12 receive fellowships under sub. (1) (a) or (b) or assistance under sub. (1) (c) to make
13 a commitment to teach for 3 consecutive years in a system nursing program.

14 (3) Costs associated with the program established under sub. (1) shall be
15 funded from the appropriation under s. 20.285 (1) (f).

16 **SECTION 374.** 38.001 (3) (e) of the statutes is amended to read:

17 38.001 (3) (e) Provide education and services which address barriers created
18 by stereotyping and discriminating and assist individuals with disabilities,
19 minorities, women, and the ~~handicapped or~~ disadvantaged to participate in the work
20 force and the full range of technical college programs and activities.

21 **SECTION 375.** 38.04 (11) (a) 2. of the statutes is amended to read:

22 38.04 (11) (a) 2. In consultation with the state superintendent of public
23 instruction, the board shall establish, by rule, a uniform format for district boards
24 to use in reporting the number of pupils attending district schools under ~~ss. 38.12~~
25 ~~(14) and s.~~ 118.15 (1) (b), (cm), and (d) and in reporting pupil participation in

1 technical preparation programs under s. 118.34, including the number of courses
2 taken for advanced standing in the district's associate degree program and for
3 ~~technical college credit.~~

4 **SECTION 376.** 38.04 (21) (a) of the statutes is amended to read:

5 38.04 (21) (a) The number of pupils who attended district schools under ss.
6 ~~38.12 (14) and s. 118.15 (1) (b), (cm), and (d)~~ in the previous school year.

7 **SECTION 377.** 38.04 (21) (c) of the statutes is repealed.

8 **SECTION 378.** 38.12 (14) of the statutes is repealed.

9 **SECTION 379.** 38.12 (15) of the statutes is created to read:

10 38.12 (15) DUAL ENROLLMENT PROGRAM. (a) In this subsection, "transcripted
11 credit" means that the technical college in which a high school student is enrolled
12 under this subsection awards postsecondary credit for successful course completion
13 and issues a transcript from the technical college documenting successful completion
14 of the course and the credits awarded for the course, if such a transcript is requested.

15 (b) Each district board shall establish policies and implement a program under
16 which students attending high school in this state and residing in the district are
17 admitted to the technical colleges of the district as nondegree students and may
18 enroll in courses of instruction offered for transcripted credit at any such technical
19 college if all of the following apply:

- 20 1. The student meets the requirements and prerequisites of the course.
- 21 2. There is space available in the course.

22 (c) In establishing the policies and implementing the program under par. (b),
23 the district board shall consult with the department of public instruction and
24 coordinate with the school districts and the governing bodies of private schools where
25 the high school students are enrolled.

1 (d) 1. A public school student who intends to enroll in a technical college under
2 this subsection shall notify the school board of the school district in which he or she
3 is enrolled and a student attending a private school who intends to enroll in a
4 technical college under this subsection shall notify the governing body of the private
5 school he or she attends of that intention no later than March 1 if the student intends
6 to enroll in the fall semester, and no later than October 1 if the student intends to
7 enroll in the spring semester. The notice shall include the titles of the courses in
8 which the student intends to enroll and the number of credits of each course, and
9 shall specify whether the student will be taking the courses for high school credit as
10 well as postsecondary credit.

11 2. If the public school student specifies in the notice under subd. 1. that he or
12 she intends to take a course at a technical college for high school credit, the school
13 board shall determine whether the course satisfies any of the high school graduation
14 requirements under s. 118.33 and the number of high school credits to award the
15 student for the course, if any. If the student attending a private school specifies in
16 the notice under subd. 1. that he or she intends to take a course at a technical college
17 for high school credit, the governing body of the participating private school shall
18 determine whether the course satisfies any requirements necessary for high school
19 graduation and the number of high school credits to award the student for the course,
20 if any. In cooperation with the board and district boards, the state superintendent
21 shall develop guidelines to assist school districts and participating private schools
22 in making the determinations. The school board or governing body shall notify the
23 student of its determinations, in writing, before the beginning of the semester in
24 which the student will be enrolled. If the public school student disagrees with the
25 school board's decision regarding satisfaction of high school graduation

1 requirements or the number of high school credits to be awarded, the student may
2 appeal the school board's decision to the state superintendent within 30 days after
3 the decision. The state superintendent's decision shall be final and is not subject to
4 review under subch. III of ch. 227. If the student attending a participating private
5 school disagrees with any decision of a governing body under this subdivision, the
6 student may appeal the decision to the governing body within 30 days after the
7 decision.

8 (e) Notwithstanding s. 38.24 (1m), the district board may not charge any fees
9 to any high school student, or to the school district or private school in which the
10 student is enrolled, in connection with the student's participation in the program
11 under par. (b) or the student's enrollment in any course under this program.

12 (f) The district board shall implement the program under this subsection no
13 later than 30 days after the effective date of this paragraph [LRB inserts date].
14 If at the time the district board implements the program under this subsection the
15 district board of the technical college in which a student is or will be enrolled has
16 already received payment of fees as provided in s. 38.12 (14) (d), 2017 stats., for the
17 first semester commencing after the effective date of this paragraph [LRB inserts
18 date], the district board shall refund all such fees received.

19 **SECTION 380.** 38.16 (3) (be) of the statutes is amended to read:

20 38.16 (3) (be) Notwithstanding sub. (1), no district board may increase its
21 revenue in the 2014-15 school year or in any school year thereafter by a percentage
22 that exceeds 2 percent, or the district's valuation factor, whichever is greater, except
23 as provided in pars. (bg) and (br).

24 **SECTION 381.** 38.22 (1) (intro.) of the statutes is amended to read:

1 38.22 (1) (intro.) Except as provided in subs. (1m) and (1s) and s. 38.12 ~~(14)~~ (15),
2 every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend
3 a technical college if the person is:

4 **SECTION 382.** 38.22 (6) (e) of the statutes is created to read:

5 38.22 (6) (e) Any person who is a citizen of a country other than the United
6 States if that person meets all of the following requirements:

7 1. The person graduated from a high school in this state or received a
8 declaration of equivalency of high school graduation from this state.

9 2. The person was continuously present in this state for at least 3 years
10 following the first day of attending a high school in this state or immediately
11 preceding receipt of a declaration of equivalency of high school graduation.

12 3. The person enrolls in a district school and provides the district board with
13 proof that the person has filed or will file an application for a permanent resident visa
14 with U.S. Citizenship and Immigration Services as soon as the person is eligible to
15 do so.

16 **SECTION 383.** 38.27 (1) (a) of the statutes is amended to read:

17 38.27 (1) (a) The creation or expansion of adult high school, adult basic
18 education and English as a 2nd language courses. The board shall give priority to
19 courses serving students with disabilities or minority, unemployed, or
20 disadvantaged ~~or handicapped~~ students.

21 **SECTION 384.** 38.28 (1m) (a) 1. of the statutes is amended to read:

22 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
23 technical college district, including debt service charges for district bonds and
24 promissory notes for building programs or capital equipment, but excluding all
25 expenditures relating to auxiliary enterprises and community service programs, all

1 expenditures funded by or reimbursed with federal revenues, all receipts under ss.
2 38.12 (9) ~~and (14)~~, 38.14 (3) and (9), and 118.15 (2) (a), all receipts from grants
3 awarded under ss. 38.04 (8), (28), and (31), 38.14 (11), 38.26, 38.27, 38.31, 38.33,
4 38.38, and 38.42, all fees collected under s. 38.24, and driver education and chauffeur
5 training aids.

6 SECTION 385. 38.38 of the statutes is amended to read:

7 **38.38 Services for handicapped students with disabilities.** Annually the
8 board may award a grant to each district board, from the appropriation under s.
9 20.292 (1) (f), to assist in funding transitional services for handicapped students with
10 disabilities. Each district board shall contribute matching funds equal to 25 percent
11 of the amount awarded.

12 SECTION 386. 39.11 (16) of the statutes is created to read:

13 39.11 (16) When appropriate and related to the programs of the state
14 educational radio and television network, procure or publish instructional material.
15 A reasonable handling charge may be established to cover the costs of providing this
16 material.

17 SECTION 387. 39.285 (1) (b) of the statutes is amended to read:

18 39.285 (1) (b) If the board determines during a fiscal year that any formula
19 approved under par. (a) during the prior fiscal year needs to be modified during the
20 fiscal year in order to expend the entire amount appropriated for grants to students
21 under s. 39.30 or 39.435, except s. 39.435 (2) or (5), in that fiscal year, the board ~~shall~~
22 ~~submit~~ may implement the modified formula ~~to the joint committee on finance.~~ If
23 the cochairpersons of the committee do not notify the board that the committee has
24 scheduled a meeting for the purpose of reviewing the modified formula within 14
25 working days after the date of the submittal, the modified formula may be

1 ~~implemented as proposed by the board. If, within 14 working days after the date of~~
2 ~~the submittal, the cochairpersons of the committee notify the board that the~~
3 ~~committee has scheduled a meeting for the purpose of reviewing the modified~~
4 ~~formula, the modified formula may be implemented only upon approval of the~~
5 ~~committee.~~

6 SECTION 388. 39.36 (title) of the statutes is amended to read:

7 **39.36 (title) Repayment of stipends for teachers of the handicapped**
8 **impaired.**

9 SECTION 389. 39.40 (5) of the statutes is amended to read:

10 39.40 (5) The board may not make loans under sub. (2) after the effective date
11 of this subsection [LRB inserts date]. The board shall administer the repayment
12 and forgiveness of loans made under sub. (2) on or before the effective date of this
13 subsection [LRB inserts date] and under s. 36.25 (16), 1993 stats. The board shall
14 treat such loans made under s. 36.25 (16), 1993 stats., as if they had been made under
15 sub. (2).

16 SECTION 390. 39.435 (2) of the statutes is renumbered 39.435 (2) (a) and
17 amended to read:

18 39.435 (2) (a) The board shall award talent incentive grants to uniquely needy
19 students enrolled at least half-time as first-time freshmen at public and private
20 nonprofit institutions of higher education located in this state and to sophomores,
21 juniors, and seniors who received such grants as freshmen. No grant under this
22 subsection paragraph may exceed \$1,800 for any academic year. The board may
23 award a grant under this subsection paragraph to the same student for up to 10
24 semesters or their equivalent, but may not award such a grant to the same student
25 more than 6 years after the initial grant is awarded to that student. A student need

1 not maintain continuous enrollment at an institution of higher education to remain
2 eligible for a grant under this ~~subsection~~ paragraph. The board shall promulgate
3 rules establishing eligibility criteria for grants under this ~~subsection~~ paragraph.

4 **SECTION 391.** 39.435 (2) (b) of the statutes is created to read:

5 39.435 (2) (b) Before the end of a fiscal biennium, the board may make
6 supplemental talent incentive grants to students to whom the board has awarded
7 talent incentive grants under par. (a) in that fiscal biennium, but only if the board
8 determines that, after the board makes all of the grants under par. (a) in that fiscal
9 biennium, moneys are available in the appropriation account under s. 20.235 (1) (fd)
10 for grants under this paragraph.

11 **SECTION 392.** 39.435 (5) of the statutes is amended to read:

12 39.435 (5) The board shall ensure that grants under this section are made
13 available to students attending private or public institutions in this state who are
14 deaf or hard of hearing or visually ~~handicapped~~ impaired and who demonstrate need.
15 Grants may also be made available to such ~~handicapped~~ students attending private
16 or public institutions in other states under criteria established by the board. In
17 determining the financial need of these students special consideration shall be given
18 to their unique and unusual costs.

19 **SECTION 393.** 40.01 (2) of the statutes is amended to read:

20 40.01 (2) PURPOSE. The public employee trust fund is a public trust and shall
21 be managed, administered, invested and otherwise dealt with solely for the purpose
22 of ensuring the fulfillment at the lowest possible cost of the benefit commitments to
23 participants, as set forth in this chapter, and shall not be used for any other purpose.
24 Revenues collected for and balances in the accounts of a specific benefit plan shall
25 be used only for the purposes of that benefit plan, including amounts allocated under

1 s. ~~20.515 (1) (um) or (ut)~~ or 40.04 (2), and shall not be used for the purposes of any
2 other benefit plan. Each member of the employee trust funds board shall be a trustee
3 of the fund and the fund shall be administered by the department of employee trust
4 funds. All statutes relating to the fund shall be construed liberally in furtherance
5 of the purposes set forth in this section.

6 **SECTION 394.** 40.03 (1) (cm) of the statutes is created to read:

7 40.03 (1) (cm) Shall appoint an internal auditor. The internal auditor shall
8 report directly to the board.

9 **SECTION 395.** 40.03 (1) (i) of the statutes is amended to read:

10 40.03 (1) (i) May determine that some or all of the disability annuities and
11 death benefits provided from the Wisconsin retirement system shall instead be
12 provided through group insurance plans ~~to be established by the group insurance~~
13 ~~board~~ either as separate plans or as integral parts of the group life and income
14 continuation insurance plans established under this chapter.

15 **SECTION 396.** 40.03 (1) (p) of the statutes is amended to read:

16 40.03 (1) (p) May, upon the recommendation of the actuary, transfer in whole
17 or in part the assets and reserves held in any account described in s. 40.04 (9) to a
18 different account described in s. 40.04 (9), for the purpose of providing any group
19 insurance benefit ~~offered by the group insurance board.~~

20 **SECTION 397.** 40.03 (1) (q) of the statutes is created to read:

21 40.03 (1) (q) For the purpose of the group income continuation insurance plan
22 established under ss. 40.61 and 40.62 and the group long-term disability insurance
23 plan established under s. 40.64:

1 1. May, on behalf of the state, enter into a contract or contracts with one or more
2 insurers authorized to transact insurance business in this state for the purpose of
3 providing the plans.

4 2. May, wholly or partially in lieu of subd. 1., on behalf of the state, provide the
5 plans on a self-insured basis.

6 3. May take any action as trustees that is considered advisable and not
7 specifically prohibited or delegated to some other governmental agency to carry out
8 the purpose and intent of the plans.

9 4. May apportion all excess moneys becoming available to the board through
10 operation of the plans to reduce premium payments in following contract years or to
11 establish reserves to stabilize costs in subsequent years. If the board determines
12 that the excess became available due to favorable experience of specific groups of
13 employers or specific employee groups, the board may make the apportionment in
14 a manner designated to benefit the specific employers or employee groups only, or to
15 a greater extent than other employers and employee groups.

16 5. Shall take prompt action to liquidate any actuarial or cash deficit that occurs
17 in the accounts and reserves maintained in the fund for the plans.

18 6. Shall accept timely appeals of determinations made by the department
19 affecting any right or benefit under the plans.

20 **SECTION 398.** 40.03 (2) (i) of the statutes is amended to read:

21 40.03 (2) (i) Shall Except as provided under pars. (ig) and (ir), shall promulgate,
22 with the approval of the board, all rules, except rules promulgated under par. (ig) or
23 (ir), that are required for the efficient administration of the fund or of any of the
24 benefit plans established by this chapter. In addition to being approved by the board,
25 and shall promulgate rules as necessary for a long-term disability insurance plan

1 established under s. 40.64. All rules promulgated under this paragraph are subject
2 to board approval under sub. (1) (m). Except rules promulgated under s. 40.30 (6),
3 the rules promulgated under this paragraph relating to teachers must be approved
4 are subject to approval by the teachers retirement board and under sub. (7) (d).
5 Except rules promulgated under s. 40.30 (6), the rules promulgated under this
6 paragraph relating to participants other than teachers must be approved are subject
7 to approval by the Wisconsin retirement board, except rules promulgated under s.
8 40.30 under sub. (8) (d).

9 **SECTION 399.** 40.03 (2) (ig) of the statutes is amended to read:

10 40.03 (2) (ig) Shall promulgate, with the approval of the group insurance board,
11 all rules required for the administration of the group health, long-term care, income
12 ~~continuation~~ or life insurance plans established under subchs. IV to and VI and
13 health savings accounts under subch. IV.

14 **SECTION 400.** 40.03 (2) (x) of the statutes is repealed.

****NOTE: This is reconciled s. 40.03 (2) (x). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

15 **SECTION 401.** 40.03 (6) (intro.) of the statutes is amended to read:

16 40.03 (6) GROUP INSURANCE BOARD. (intro.) The With respect to the group
17 insurance plans provided for by this chapter other than the group income
18 continuation insurance plan established under ss. 40.61 and 40.62 and the group
19 long-term disability insurance plan established under s. 40.64, the group insurance
20 board:

21 **SECTION 402.** 40.03 (6) (a) 1. of the statutes is amended to read:

22 40.03 (6) (a) 1. Except as provided in par. (m), shall, on behalf of the state, enter
23 into a contract or contracts with one or more insurers authorized to transact

1 insurance business in this state for the purpose of providing the group insurance
2 plans ~~provided for by this chapter; or.~~

3 SECTION 403. 40.03 (6) (d) (intro.) of the statutes is amended to read:

4 40.03 (6) (d) (intro.) May take any action as trustees ~~which~~ that is deemed
5 considered advisable and not specifically prohibited or delegated to some other
6 governmental agency; to carry out the purpose and intent of the group insurance
7 plans ~~provided under this chapter~~, including, but not limited to, provisions in the
8 appropriate contracts relating to:

9 SECTION 404. 40.03 (6) (i) of the statutes is amended to read:

10 40.03 (6) (i) Shall accept timely appeals of determinations made by the
11 department affecting any right or benefit under any the group insurance plan
12 ~~provided for under this chapter~~ plans that are overseen by the group insurance
13 board.

14 SECTION 405. 40.03 (6) (n) of the statutes is created to read:

15 40.03 (6) (n) Notwithstanding par. (L), may contract with any entity to provide
16 health and wellness services to any individual who is covered under a group health
17 insurance plan under subch. IV at health clinics that are established within state
18 facilities.

19 SECTION 406. 40.04 (2) (a) of the statutes is amended to read:

20 40.04 (2) (a) An administrative account shall be maintained within the fund
21 from which administrative costs of the department shall be paid, except charges for
22 services performed by the investment board, costs of medical and vocational
23 evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63,
24 40.64, and 40.65, and costs of contracting for insurance data collection and analysis
25 services under s. 40.03 (6) (j).

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1 **SECTION 407.** 40.04 (2) (a) of the statutes is amended to read:

2 40.04 (2) (a) An administrative account shall be maintained within the fund
3 from which administrative costs of the department shall be paid, except charges for
4 services performed by the investment board, ~~costs of medical and vocational~~
5 ~~evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63~~
6 ~~and 40.65 and costs of contracting for insurance data collection and analysis services~~
7 ~~under s. 40.03 (6) (j).~~

8 *This is reconciled s. 40.04 (2)(a). This section has been affected by drafts with the following
CRB numbers: -0760/P4 and -1012/P1.*

8 **SECTION 408.** 40.04 (2) (e) of the statutes is repealed.

9 **SECTION 409.** 40.22 (1) of the statutes is amended to read:

10 40.22 (1) Except as provided in sub. (2) and s. 40.26 (6), each employee
11 currently in the service of, and receiving earnings from, a state agency or other
12 participating employer shall be included within the provisions of the Wisconsin
13 retirement system as a participating employee of that state agency or participating
14 employer.

15 **SECTION 410.** 40.22 (2m) (intro.) of the statutes is amended to read:

16 40.22 (2m) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
17 who was a participating employee before July 1, 2011, who is not expected to work
18 at least one-third of what is considered full-time employment by the department,
19 as determined by rule, and who is not otherwise excluded under sub. (2) from
20 becoming a participating employee shall become a participating employee if he or she
21 is subsequently employed by the state agency or other participating employer for
22 either of the following periods:

23 **SECTION 411.** 40.22 (2r) (intro.) of the statutes is amended to read:

24 40.22 (2r) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
25 who was not a participating employee before July 1, 2011, who is not expected to work

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1 at least two-thirds of what is considered full-time employment by the department,
2 as determined by rule, and who is not otherwise excluded under sub. (2) from
3 becoming a participating employee shall become a participating employee if he or she
4 is subsequently employed by the state agency or other participating employer for
5 either of the following periods:

6 **SECTION 412.** 40.22 (3) (intro.) of the statutes is amended to read:

7 40.22 (3) (intro.) ~~A~~ Except as otherwise provided in s. 40.26 (6), a person who
8 qualifies as a participating employee shall be included within, and shall be subject
9 to, the Wisconsin retirement system effective on one of the following dates:

10 **SECTION 413.** 40.23 (1) (bm) of the statutes is amended to read:

11 40.23 (1) (bm) If an application by a participant age 55 or over, or by a protective
12 occupation participant age 50 or over, for long-term disability insurance benefits
13 under s. 40.64 is disapproved under rules promulgated by the department, the date
14 ~~which that~~ is would have been the effective date for the insurance benefits shall be is
15 the retirement annuity effective date if requested by the applicant within 60 days of
16 the disapproval or, if the disapproval is appealed, within 60 days of the final
17 disposition of the appeal.

18 **SECTION 414.** 40.26 (6) (intro.), (a) and (b) of the statutes are created to read:

19 40.26 (6) (intro.) Subsections (1) to (5) do not apply to a participant who applies
20 for an annuity or lump sum payment during the period in which at least 30 days have
21 elapsed between the participant's termination of employment as a teacher with a
22 school district that is a participating employer, and becoming a teacher as an
23 employee or contractor providing employee services as a teacher with any school
24 district that is a participating employer if all of the following conditions are met:

1 (a) At the time the participant terminates his or her employment as a teacher
2 with a school district, the participant does not have an agreement with any school
3 district that is a participating employer to return to employment as a teacher or enter
4 into a contract to provide employee services as a teacher for the school district.

5 (b) The participant elects on a form provided by the department to not become
6 a participating employee.

7 **SECTION 415.** 40.51 (8) of the statutes is amended to read:

8 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
9 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.728, 632.746
10 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,
11 632.855, 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and
12 632.896.

13 **SECTION 416.** 40.51 (8m) of the statutes is amended to read:

14 40.51 (8m) Every health care coverage plan offered by the group insurance
15 board under sub. (7) shall comply with ss. 631.95, 632.728, 632.746 (1) to (8) and (10),
16 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,
17 632.885, 632.89, and 632.895 ~~(11)~~ (8) and (10) to (17).

18 **SECTION 417.** 40.513 (3) (a) of the statutes is amended to read:

19 40.513 (3) (a) The employee was eligible for an employer contribution under
20 s. 40.05 (4) (ag) during the 2015 calendar year and elected not to receive health care
21 coverage in that calendar year or in any succeeding calendar year.

22 **SECTION 418.** 40.61 (3) of the statutes is amended to read:

23 40.61 (3) ~~Any An~~ employer under s. 40.02 (28), other than the state, may offer
24 to all of its employees an a group income continuation insurance plan through a
25 program offered by the ~~group insurance~~ board. Notwithstanding sub. (2) and ss.

1 40.05 (5) and 40.62, the department may by rule establish different eligibility
2 standards or contribution requirements for ~~such~~ those employees and employers and
3 may by rule limit the categories of employers ~~which~~ that may be included as
4 participating employers under this subchapter.

5 **SECTION 419.** 40.62 (1) of the statutes is amended to read:

6 40.62 (1) The ~~group insurance~~ board shall establish ~~an~~ a group income
7 continuation insurance plan providing for full or partial payment of the financial loss
8 of earnings incurred as a result of injury or illness with separate provisions for
9 short-term insurance with a benefit duration of no more than one year and
10 long-term insurance covering injury or illness of indefinite duration. ~~Employees~~ An
11 employee insured under the plan shall be is eligible for benefits upon exhaustion of
12 accumulated sick leave and completion of the elimination period established by the
13 ~~group insurance~~ board.

14 **SECTION 420.** 40.64 of the statutes is created to read:

15 **40.64 Long-term disability insurance coverage.** The board may establish
16 a group long-term disability insurance plan.

17 **SECTION 421.** 40.65 (2) (a) of the statutes is amended to read:

18 40.65 (2) (a) This paragraph applies to participants who first apply for benefits
19 before May 3, 1988. Any person desiring a benefit under this section must apply to
20 the department of workforce development, which department shall determine
21 whether the applicant is eligible to receive the benefit and the participant's monthly
22 salary. Appeals from the eligibility decision shall follow the procedures under ss.
23 102.16 to 102.26. If it is determined that an applicant is eligible, the department of
24 workforce development shall notify the department of employee trust funds and
25 shall certify the applicant's monthly salary. If at the time of application for benefits

1 an applicant is still employed in any capacity by the employer in whose employ the
2 disabling injury occurred or disease was contracted, that continued employment
3 shall not affect that applicant's right to have his or her eligibility to receive those
4 benefits determined in proceedings before the ~~division of hearings and appeals in the~~
5 ~~department of administration~~ department of workforce development or the labor and
6 industry review commission or in proceedings in the courts. The department of
7 workforce development may promulgate rules needed to administer this paragraph.

8 **SECTION 422.** 40.65 (2) (b) 3. of the statutes is amended to read:

9 40.65 (2) (b) 3. The department shall determine whether or not the applicant
10 is eligible for benefits under this section on the basis of the evidence in subd. 2. An
11 applicant may appeal a determination under this subdivision to the ~~division of~~
12 ~~hearings and appeals in the department of administration~~ department of workforce
13 development.

14 **SECTION 423.** 40.65 (2) (b) 4. of the statutes is amended to read:

15 40.65 (2) (b) 4. In hearing an appeal under subd. 3., the ~~division of hearings and~~
16 ~~appeals in the department of administration~~ department of workforce development
17 shall follow the procedures under ss. 102.16 to 102.26.

18 **SECTION 424.** 41.51 of the statutes is renumbered 41.51 (intro.) and amended
19 to read:

20 **41.51 Definitions.** (intro.) In this subchapter, ~~unless the context requires~~
21 ~~otherwise,~~ "board":

22 (1) "Board" means the arts board.

23 **SECTION 425.** 41.51 (2) of the statutes is created to read:

24 41.51 (2) "State building" means a permanent structure normally occupied by
25 state employees that is wholly or partially enclosed and that is used for performing

1 or facilitating the performance of the functions of a state agency as defined in s.
2 20.001 (1).

3 **SECTION 426.** 41.51 (3) of the statutes is created to read:

4 41.51 (3) "Work of art" means an original creation of visual art or a reproduction
5 of an original creation of visual art if the reproduction is controlled by the artist of
6 the original work as part of a limited edition.

7 **SECTION 427.** 41.58 of the statutes is created to read:

8 **41.58 Art in state buildings. (1) APPLICABILITY.** This section does not apply
9 to any of the following:

10 (a) A contract for the construction, reconstruction, remodeling of, or addition
11 to a state building if the total construction cost of the project is \$250,000 or less.

12 (b) A state building or space within a state building that is not open to the
13 general public in its normal use.

14 (c) Game farms, fish hatcheries, nurseries, and other production facilities
15 operated by the department of natural resources.

16 **(2) MINIMUM EXPENDITURE REQUIRED.** (a) Except as provided in par. (b), at least
17 two-tenths of 1 percent of the appropriation for the construction, reconstruction,
18 remodeling of, or addition to a state building shall be expended to acquire one or more
19 works of art to be incorporated into the state building or to be displayed in or on the
20 grounds of the state building, and to fund all administrative costs that the board
21 incurs in acquiring the works of art.

22 (b) If a state building to which this section applies is located contiguous to other
23 state buildings, the board, after reviewing the recommendations of the advisory
24 committee appointed under sub. (3), may apply the funds set aside under par. (a) to
25 the acquisition, including all associated administrative costs, of one or more works