



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0436/1
JAM:cdc

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 409**

February 22, 2022 - Offered by Representatives STUBBS, HAYWOOD, BALDEH, DRAKE, MOORE OMOKUNDE, ANDERSON, BILLINGS, BROSTOFF, CONLEY, CONSIDINE, EMERSON, GOYKE, HONG, B. MEYERS, NEUBAUER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, SUBECK, VINING and VRUWINK.

1 **AN ACT to amend** 230.08 (2) (fs); and **to create** 15.04 (4), 15.105 (25), 15.107 (20),
2 16.02, 20.923 (6) (ak), 20.923 (6) (ar) and 230.08 (2) (ym) of the statutes;
3 **relating to:** creating the Council for Equity and Inclusion and the Office for
4 Equity and Inclusion, funding for UW System and special education aid, and
5 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates the Council for Equity and Inclusion and the Office for Equity and Inclusion, both attached to the Department of Administration. Under the bill, the council must do all of the following: establish and annually update a statewide plan for equity and inclusion in this state; designate individuals to coordinate with the Office for Equity and Inclusion to implement and enforce the plan established by the council; review individual agency plans for equity and inclusion; and submit annual reports of activities and updates to the statewide plan for equity and inclusion to the governor and the legislature. Under the bill, the Office for Equity and Inclusion must establish programs to implement and enforce the plan established by the Council for Equity and Inclusion.

Also, under the bill, the head of each executive branch entity represented on the Council for Equity and Inclusion must appoint an officer for equity and inclusion,

and each such officer must develop and implement an annual plan for equity and inclusion that must be submitted to the council for review and approval. The bill also authorizes five full-time equivalent GPR positions for the Office for Equity and Inclusion and one full-time equivalent position for each of the executive branch entities represented on the Council for Equity and Inclusion.

The bill also provides additional funding for the University of Wisconsin System under its general program operations appropriation and for special education aid for school districts, independent charter schools, cooperative educational service agencies, and county children with disabilities education boards for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) OFFICER FOR EQUITY AND INCLUSION. The head of each department or
3 entity listed in s. 15.107 (20) (b) to (v) shall appoint an officer for equity and inclusion
4 to serve at the pleasure of the head of the department or entity outside the classified
5 service.

6 **SECTION 2.** 15.105 (25) of the statutes is created to read:

7 15.105 (25) OFFICE FOR EQUITY AND INCLUSION. There is created an office for
8 equity and inclusion attached to the department of administration under s. 15.03.
9 The office shall be under the direction and supervision of a director, who shall be
10 appointed by the council for equity and inclusion, and serve at the pleasure of the
11 council. The director shall appoint a deputy director in the unclassified service.

12 **SECTION 3.** 15.107 (20) of the statutes is created to read:

13 15.107 (20) COUNCIL FOR EQUITY AND INCLUSION. There is created a council for
14 equity and inclusion, attached to the department of administration under s. 15.03.
15 The council shall meet quarterly and may meet at other times on the call of the

1 chairperson or a majority of its members. The council consists of the following
2 members:

- 3 (a) The governor, or his or her designee, who shall serve as chairperson.
- 4 (b) The secretary of administration, or his or her designee.
- 5 (c) The secretary of agriculture, trade and consumer protection, or his or her
6 designee.
- 7 (d) The secretary of health services, or his or her designee.
- 8 (e) The secretary of children and families, or his or her designee.
- 9 (f) The secretary of workforce development, or his or her designee.
- 10 (g) The secretary of veterans affairs, or his or her designee.
- 11 (h) The secretary of corrections, or his or her designee.
- 12 (i) The state superintendent of public instruction, or his or her designee.
- 13 (j) The secretary of financial institutions, or his or her designee.
- 14 (k) The attorney general, or his or her designee.
- 15 (L) The adjutant general of military affairs, or his or her designee.
- 16 (m) The secretary of natural resources, or his or her designee.
- 17 (n) The secretary of safety and professional services, or his or her designee.
- 18 (o) The secretary of revenue, or his or her designee.
- 19 (p) The secretary of tourism, or his or her designee.
- 20 (q) The secretary of transportation, or his or her designee.
- 21 (r) The commissioner of insurance, or his or her designee.
- 22 (s) The chief executive officer of the Wisconsin Economic Development
23 Corporation, or his or her designee.
- 24 (t) The executive director of the Wisconsin Housing and Economic
25 Development Authority, or his or her designee.

1 (u) The chairperson of the public service commission, or his or her designee.

2 (v) The executive secretary of the higher educational aids board, or his or her
3 designee.

4 (w) One representative to the assembly appointed by the speaker of the
5 assembly.

6 (x) One representative to the assembly appointed by the minority leader of the
7 assembly.

8 (y) One senator appointed by the majority leader of the senate.

9 (z) One senator appointed by the minority leader of the senate.

10 (aa) One current judge or former judge appointed by the director of state courts.

11 (ab) One individual designated by the board of directors of the Great Lakes
12 Inter-Tribal Council, Inc.

13 **SECTION 4.** 16.02 of the statutes is created to read:

14 **16.02 Equity and inclusion. (1) DEFINITIONS.** In this section:

15 (a) “Council” means the council for equity and inclusion.

16 (b) “Director” means the director appointed under s. 15.105 (25).

17 (c) “Office” means the office for equity and inclusion.

18 **(2) DUTIES OF THE COUNCIL.** The council shall do all of the following:

19 (a) Establish and annually review and update a statewide plan with the
20 purpose of promoting equity and inclusion in this state.

21 (b) Designate individuals from each entity represented on the council, who
22 shall meet at least twice quarterly, to coordinate with the office regarding the
23 implementation and enforcement of the plan established by the council under par.

24 (a).

1 (c) Review and approve, or request revision of, a plan for equity and inclusion
2 submitted under sub. (6).

3 (d) Not later than December 31 of each year, submit a report on the activities
4 of the council, and updates to the plan established under par. (a), to the governor and
5 to the chief clerk of each house of the legislature, for distribution to the appropriate
6 standing committees under s. 13.172 (3).

7 **(3) DUTIES OF THE DIRECTOR.** The director shall coordinate the activities of the
8 council and entities with a representative on the council.

9 **(4) DUTIES OF THE OFFICE.** The office shall do all of the following:

10 (a) Distribute to all state agencies an electronic copy of the most recent plan
11 established by the council under sub. (2) (a).

12 (b) Establish programs to implement and enforce the plan established by the
13 council under sub. (2) (a).

14 (c) Post on the office's Internet site the most recent plan established by the
15 council under sub. (2) (a).

16 **(5) DUTIES OF STATE AGENCIES.** State agencies shall do all of the following:

17 (a) Cooperate with the council, the office, and individuals designated under
18 sub. (2) (b) in the implementation and enforcement of the plan established by the
19 council under sub. (2) (a).

20 (b) Post on the agency's Internet site the most recent plan established by the
21 council under sub. (2) (a) and, as applicable, the most recent plan developed under
22 sub. (6).

23 **(6) ENTITY PLANS FOR EQUITY AND INCLUSION.** Each officer for equity and
24 inclusion appointed under s. 15.04 (4) shall develop and implement a plan for equity

1 and inclusion for the department or entity. Annually, the officer shall submit the
2 plan to the council for review and approval or revision.

3 **SECTION 5.** 20.923 (6) (ak) of the statutes is created to read:

4 20.923 (6) (ak) Administration, department of; office for equity and inclusion:
5 director.

6 **SECTION 6.** 20.923 (6) (ar) of the statutes is created to read:

7 20.923 (6) (ar) Each officer for equity and inclusion appointed under s. 15.04
8 (4).

9 **SECTION 7.** 230.08 (2) (fs) of the statutes is amended to read:

10 230.08 (2) (fs) All deputies of department secretaries appointed under s. 15.04
11 (2), assistant deputy secretaries to department secretaries appointed under s. 15.05
12 (3), officers for equity and inclusion appointed under s. 15.04 (4), and executive
13 assistants appointed by the attorney general, the adjutant general, the director of
14 the technical college system, and the state superintendent of public instruction.

15 **SECTION 8.** 230.08 (2) (ym) of the statutes is created to read:

16 230.08 (2) (ym) The director and deputy director of the office for equity and
17 inclusion in the department of administration.

18 **SECTION 9. Nonstatutory provisions.**

19 (1) The council for equity and inclusion shall first submit the plan established
20 under s. 16.02 (2) (a) by December 31, 2022.

21 (2) The authorized FTE positions for the department of agriculture, trade and
22 consumer protection are increased by 1.0 GPR position, to be funded from the
23 appropriation under s. 20.115 (1) (a), for the officer for equity and inclusion appointed
24 under s. 15.04 (4).

1 (3) The authorized FTE positions for the department of health services are
2 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.435
3 (1) (a), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

4 (4) The authorized FTE positions for the department of children and families
5 are increased by 1.0 GPR position, to be funded from the appropriation under s.
6 20.437 (1) (a), to provide for an officer for equity and inclusion appointed under s.
7 15.04 (4).

8 (5) The authorized FTE positions for the department of workforce development
9 are increased by 1.0 GPR position, to be funded from the appropriation under s.
10 20.445 (1) (a), to provide for an officer for equity and inclusion appointed under s.
11 15.04 (4).

12 (6) The authorized FTE positions for the department of veterans affairs are
13 increased by 1.0 SEG position, to be funded from the appropriation under s. 20.485
14 (2) (u), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

15 (7) The authorized FTE positions for the department of corrections are
16 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.410
17 (1) (a), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

18 (8) The authorized FTE positions for the department of public instruction are
19 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.255
20 (1) (a), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

21 (9) The authorized FTE positions for the department of financial institutions
22 are increased by 1.0 PR position, to be funded from the appropriation under s. 20.144
23 (1) (g), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

1 (10) The authorized FTE positions for the department of justice are increased
2 by 1.0 GPR position, to be funded from the appropriation under s. 20.455 (1) (a), to
3 provide for an officer for equity and inclusion appointed under s. 15.04 (4).

4 (11) The authorized FTE positions for the department of military affairs are
5 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.465
6 (1) (a), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

7 (12) The authorized FTE positions for the department of natural resources are
8 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.370
9 (8) (ma), to provide for an officer for equity and inclusion appointed under s. 15.04
10 (4).

11 (13) The authorized FTE positions for the department of safety and
12 professional services are increased by 1.0 GPR position, to be funded from the
13 appropriation under s. 20.165 (1) (a), to provide for an officer for equity and inclusion
14 appointed under s. 15.04 (4).

15 (14) The authorized FTE positions for the department of revenue are increased
16 by 1.0 GPR position, to be funded from the appropriation under s. 20.566 (1) (a), to
17 provide for an officer for equity and inclusion appointed under s. 15.04 (4).

18 (15) The authorized FTE positions for the department of tourism are increased
19 by 1.0 GPR position, to be funded from the appropriation under s. 20.380 (1) (a), to
20 provide for an officer for equity and inclusion appointed under s. 15.04 (4).

21 (16) The authorized FTE positions for the department of transportation are
22 increased by 1.0 SEG position, to be funded from the appropriation under s. 20.395
23 (4) (aq), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

24 (17) The authorized FTE positions for the office of the commissioner of
25 insurance are increased by 1.0 PR position, to be funded from the appropriation

1 under s. 20.145 (1) (g), to provide for an officer for equity and inclusion appointed
2 under s. 15.04 (4).

3 (18) The authorized FTE positions for the public service commission are
4 increased by 1.0 PR position, to be funded from the appropriation under s. 20.155 (1)
5 (g), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

6 (19) The authorized FTE positions for the higher educational aids board are
7 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.235
8 (2) (aa), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

9 (20) The authorized FTE positions for the department of administration are
10 increased by 1.0 GPR position, to be funded from the appropriation under s. 20.505
11 (1) (a), to provide for an officer for equity and inclusion appointed under s. 15.04 (4).

12 **SECTION 10. Fiscal changes.**

13 (1) OFFICE FOR EQUITY AND INCLUSION; POSITION AUTHORIZATIONS. In the schedule
14 under s. 20.005 (3) for the appropriation to the department of administration under
15 s. 20.505 (1) (a), the dollar amount for fiscal year 2021-22 is increased by \$347,700
16 to increase the authorized FTE positions for the department by 5.0 GPR positions for
17 providing staff for the office for equity and inclusion. In the schedule under s. 20.005
18 (3) for the appropriation to the department of administration under s. 20.505 (1) (a),
19 the dollar amount for fiscal year 2022-23 is increased by \$615,000 to provide funding
20 for the positions authorized under this subsection.

21 (2) SPECIAL EDUCATION AID. In the schedule under s. 20.005 (3) for the
22 appropriation to the department of public instruction under s. 20.255 (2) (b), the
23 dollar amount for fiscal year 2022-23 is increased by \$390,000 to increase funding
24 for aids for special education under s. 115.88.

