



State of Wisconsin
2023 - 2024 LEGISLATURE

September 2023 Special Session

LRBa0582/1
ALL:all

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

October 17, 2023 – Offered by Senators PFAFF, AGARD, CARPENTER, HESSELBEIN, L. JOHNSON, LARSON, ROYS, SMITH, SPREITZER, TAYLOR and WIRCH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 4, line 13: delete “and granting rule-making authority” and substitute
3 “granting rule-making authority; and making an appropriation”.

4 **2.** Page 12, line 1: delete the material beginning with that line and ending with
5 page 25, line 25, and substitute:

6 **“SECTION 1.** 18.08 (2) of the statutes is amended to read:

7 18.08 (2) The capital improvement fund may be expended, pursuant to
8 appropriations, only for the purposes and in the amounts for which the public debts
9 have been contracted, for the payment of principal and interest on loans or on notes,
10 for the payment due, if any, under an agreement or ancillary arrangement entered
11 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes

1 identified under s. 20.867 (2) (v), (3) (x), and (4) (q), and for expenses incurred in
2 contracting public debt.

3 **SECTION 2.** 18.08 (7) (a) of the statutes, as created by 2023 Wisconsin Act 19,
4 is renumbered 18.08 (7) and amended to read:

5 18.08 (7) Notwithstanding sub. (3), moneys transferred under 2023 Wisconsin
6 Act 19, section 9251 (1), cannot be commingled with other moneys in the capital
7 improvement fund and all earnings on or income from investments of the moneys
8 transferred under 2023 Wisconsin Act 19, section 9251 (1), and all excess moneys so
9 transferred that are not used to fund building projects authorized in the 2023-25
10 Authorized State Building Program or are not used to offset cost adjustments with
11 respect to any building project authorized in the 2023-25 Authorized State Building
12 Program, shall be deposited into or transferred to the general fund.

13 **SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
14 the following amounts for the purposes indicated:

				2023-24	2024-25
15	20.255 Public instruction, department of				
16	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
17	(ch) Grow your own programs;				
18	teacher pipeline capacity build-				
19	ing	GPR	A	-0-	5,000,000
20	(3) AIDS TO LIBRARIES, INDIVIDUALS AND				
21	ORGANIZATIONS				

				2023-24	2024-25
1	(ci) Teacher improvement program				
2	stipends	GPR	A	-0-	2,400,000
3	(cL) Library intern stipend payments	GPR	A	-0-	50,000
4	(cs) Student teacher stipends	GPR	A	-0-	7,000,000
5	(ct) Cooperating teacher stipends	GPR	A	-0-	2,033,000
6	20.437 Children and families, department of				
7	(2) ECONOMIC SUPPORT				
8	(c) Child care quality improvement				
9	program	GPR	A	81,389,400	222,719,300
10	(d) Child care partnership grant				
11	program	GPR	A	11,198,000	11,198,000
12	20.445 Workforce development, department of				
13	(1) WORKFORCE DEVELOPMENT				
14	(bw) Health care workforce innova-				
15	tion grants	GPR	C	100,000,000	-0-
16	(bx) Health care workforce opportu-				
17	nity grants	GPR	C	8,500,000	8,500,000

2023-24 **2024-25**

1 (6) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE
2 PROGRAM

3 (r) Administrative expenses; family
4 and medical leave benefits insur-
5 ance trust fund SEG B 65,767,800 18,779,000

6 **SECTION 4.** 20.255 (1) (hg) of the statutes is amended to read:

7 20.255 (1) (hg) *Personnel licensure, teacher supply, information and analysis*
8 *and teacher improvement.* The amounts in the schedule to fund licensure
9 administrative costs under s. 115.28 (7) (d) and 118.19 (10), teacher supply,
10 information and analysis costs under s. 115.29 (5), and teacher improvement under
11 s. 115.41 (1). Ninety percent of all moneys received from the licensure of school and
12 public library personnel under s. 115.28 (7) (d), and all moneys received under s.
13 115.41 (1), shall be credited to this appropriation.

14 **SECTION 5.** 20.255 (2) (ch) of the statutes is created to read:

15 20.255 (2) (ch) *Grow your own programs; teacher pipeline capacity building.*
16 The amounts in the schedule for grants under s. 115.422 to school districts and
17 operators of a charter school under s. 118.40 (2r) or (2x).

18 **SECTION 6.** 20.255 (3) (ci) of the statutes is created to read:

19 20.255 (3) (ci) *Teacher improvement program stipends.* The amounts in the
20 schedule for payments to individuals under s. 115.41 (2).

21 **SECTION 7.** 20.255 (3) (cL) of the statutes is created to read:

22 20.255 (3) (cL) *Library intern stipend payments.* The amounts in the schedule
23 for library intern stipend payments under s. 43.05 (12m).

1 **SECTION 8.** 20.255 (3) (cs) of the statutes is created to read:

2 20.255 (3) (cs) *Student teacher stipends.* The amounts in the schedule for
3 payments to student teachers under s. 115.421.

4 **SECTION 9.** 20.255 (3) (ct) of the statutes is created to read:

5 20.255 (3) (ct) *Cooperating teacher stipends.* The amounts in the schedule for
6 payments to teachers under s. 115.424.

7 **SECTION 10.** 20.435 (4) (bm) of the statutes is amended to read:

8 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
9 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
10 amounts in the schedule to provide a portion of the state share of administrative
11 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
12 Badger Care health care program under s. 49.665 and to provide the state share of
13 administrative costs for the food stamp program under s. 49.79, other than payments
14 under s. 49.78 (8), to develop and implement a registry of recipient immunizations,
15 to reimburse 3rd parties for their costs under s. 49.475, for costs associated with
16 outreach activities, for state administration of state supplemental grants to
17 supplemental security income recipients under s. 49.77, for state administration and
18 evaluation of the health care provider innovation grants program under s. 46.48 (22),
19 and for services of resource centers under s. 46.283. No state positions may be funded
20 in the department of health services from this appropriation, except positions for the
21 performance of duties under a contract in effect before January 1, 1987, related to
22 the administration of the Medical Assistance program between the subunit of the
23 department primarily responsible for administering the Medical Assistance
24 program and another subunit of the department. Total administrative funding

1 authorized for the program under s. 49.665 may not exceed 10 percent of the amounts
2 budgeted under pars. (p) and (x).

3 **SECTION 11.** 20.437 (2) (c) of the statutes is created to read:

4 20.437 (2) (c) *Child care quality improvement program.* The amounts in the
5 schedule for the program under s. 49.133.

6 **SECTION 12.** 20.437 (2) (d) of the statutes is created to read:

7 20.437 (2) (d) *Child care partnership grant program.* The amounts in the
8 schedule for the grants under s. 49.132.

9 **SECTION 13.** 20.445 (1) (bw) of the statutes is created to read:

10 20.445 (1) (bw) *Health care workforce innovation grants.* As a continuing
11 appropriation, the amounts in the schedule for health care workforce innovation
12 grants under s. 106.29.

13 **SECTION 14.** 20.445 (1) (bx) of the statutes is created to read:

14 20.445 (1) (bx) *Health care workforce opportunity grants.* As a continuing
15 appropriation, the amounts in the schedule for grants under s. 106.295.

16 **SECTION 15.** 20.445 (6) of the statutes is created to read:

17 20.445 (6) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE PROGRAM. (q) *Payment*
18 *of benefits; family and medical leave benefits insurance trust fund.* From the family
19 and medical leave benefits insurance trust fund, a sum sufficient to pay for the
20 payment of benefits under s. 103.105 (3) and to refund moneys erroneously paid into
21 the fund.

22 (r) *Administrative expenses; family and medical leave benefits insurance trust*
23 *fund.* Biennially, from the family and medical leave benefits insurance trust fund,
24 the amounts in the schedule for the administrative expenses of the family and
25 medical leave benefits insurance program.

1 **SECTION 16.** 20.835 (2) (cd) of the statutes is created to read:

2 20.835 (2) (cd) *Tax rebate for 2023.* A sum sufficient to make the payments
3 approved under 2023 Wisconsin Act (this act), section 94 (11).

4 **SECTION 17.** 20.867 (3) (x) of the statutes, as created by 2023 Wisconsin Act 19,
5 is amended to read:

6 20.867 (3) (x) *Segregated revenue supported building program projects;*
7 *inflationary project cost overruns.* From the capital improvement fund, as a
8 continuing appropriation, all moneys transferred under 2023 Wisconsin Act 19,
9 section 9251 (1), and 2023 Wisconsin Act (this act), section 95 (11), to fund the
10 projects enumerated under 2023 Wisconsin Act 19, section 9104 (1), including the
11 project created by 2023 Wisconsin Act (this act), section 93, in the amounts
12 designated as “segregated revenue” in that section for those projects; to fund the
13 other expenditures and allocations designated as “segregated revenue” under 2023
14 Wisconsin Act 19, section 9104 (4) to (13); and to offset building program project
15 budget cost overruns caused by inflation under s. 13.48 (2) (L) in a total amount up
16 to \$20,000,000.

17 **SECTION 18.** 25.17 (1) (er) of the statutes is created to read:

18 25.17 (1) (er) Family and medical leave benefits insurance trust fund (s. 25.52);

19 **SECTION 19.** 25.52 of the statutes is created to read:

20 **25.52 Family and medical leave benefits insurance trust fund.** There
21 is created a separate nonlapsible trust fund designated as the family and medical
22 leave benefits insurance trust fund, to consist of all moneys deposited in that fund
23 under s. 103.105 (8).

24 **SECTION 20.** 40.22 (1) of the statutes is amended to read:

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

6 **SECTION 21.** 40.22 (2) (L) of the statutes is amended to read:

7 40.22 (2) (L) The employee is employed by a participating employer after the
8 person becomes an annuitant, unless the service is after the annuity is suspended
9 by the election of the employee under s. 40.26.

10 **SECTION 22.** 40.22 (2m) (intro.) of the statutes is amended to read:

11 40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 ~~(6)~~ (1), an employee
12 who was a participating employee before July 1, 2011, who is not expected to work
13 at least one-third of what is considered full-time employment by the department,
14 as determined by rule, and who is not otherwise excluded under sub. (2) from
15 becoming a participating employee shall become a participating employee if he or she
16 is subsequently employed by the state agency or other participating employer for
17 either of the following periods:

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

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

1 **SECTION 24.** 40.22 (3) (intro.) of the statutes is amended to read:

2 40.22 (3) (intro.) Except as otherwise provided in s. 40.26 (6) (1), a person who
3 qualifies as a participating employee shall be included within, and shall be subject
4 to, the Wisconsin retirement system effective on one of the following dates:

5 **SECTION 25.** 40.26 (1) of the statutes is amended to read:

6 40.26 (1) Except as provided in ~~sub. (1m) and~~ ss. 40.05 (2) (g) 2. and 40.23 (1)
7 (am), if a participant receiving a retirement annuity, or a disability annuitant who
8 has attained his or her normal retirement date, receives earnings that are subject
9 to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified
10 in s. 40.22 (2) (L), the annuity shall be suspended, including any amount provided
11 by additional contributions, and no annuity payment shall be payable after the
12 month in which the participant files with the department a written election to be
13 included within the provisions of the Wisconsin retirement system as a participating
14 employee.

15 **SECTION 26.** 40.26 (1m) of the statutes is repealed.

16 **SECTION 27.** 40.26 (2) (intro.) of the statutes is amended to read:

17 40.26 (2) (intro.) Upon suspension of an annuity under sub. (1) ~~or (1m)~~, the
18 retirement account of the participant whose annuity is so suspended shall be
19 established on the following basis:

20 **SECTION 28.** 40.26 (5) (intro.) of the statutes is amended to read:

21 40.26 (5) (intro.) ~~Except as otherwise provided in sub. (5m), if~~ If a participant
22 applies for an annuity or lump sum payment during the period in which less than 75
23 30 days have elapsed between the termination of employment with a participating
24 employer and becoming a participating employee with any participating employer,
25 all of the following shall apply:

1 **SECTION 29.** 40.26 (5m) of the statutes is repealed.

2 **SECTION 30.** 40.26 (6) of the statutes is repealed.

3 **SECTION 31.** 43.05 (12m) of the statutes is created to read:

4 43.05 **(12m)** From the appropriation under s. 20.255 (3) (cL), beginning in the
5 2024-25 school year, provide payments, in the amount of \$2,500 per student per
6 semester, to students who are pursuing a degree in library science and are placed as
7 an intern in a public library or school library. The division may promulgate rules to
8 implement this subsection.

9 **SECTION 32.** 46.48 (22) of the statutes is created to read:

10 46.48 **(22)** HEALTH CARE PROVIDER INNOVATION GRANTS. From the appropriation
11 under s. 20.435 (7) (bc), the department may, beginning in fiscal year 2024-25,
12 distribute not more than \$14,500,000 in each fiscal year as grants to health care
13 providers and long-term care providers to implement best practices and innovative
14 solutions to increase worker recruitment and retention.

15 **SECTION 33.** 49.132 of the statutes is created to read:

16 **49.132 Child care partnership grant program.** (1) In this section,
17 “business” means any organization or enterprise operated for profit or a nonprofit
18 corporation. “Business” does not include a governmental entity.

19 (2) The department may establish a grant program to award funding to
20 businesses that provide or wish to provide child care services for their employees.
21 A grant awarded under this program may be used to reserve child care placements
22 for local business employees, pay child care tuition, and other costs related to child
23 care.

24 (3) A business awarded a grant under this section shall provide matching funds
25 equal to 25 percent or more of the amount awarded.

1 (4) The department may promulgate rules to administer this section, including
2 to determine eligibility for a grant.

3 **SECTION 34.** 49.133 of the statutes is created to read:

4 **49.133 Child care quality improvement program.** (1) The department
5 may establish a program under which it may, from the appropriation under s. 20.437
6 (2) (c) and the allocation under s. 49.175 (1) (qm), make monthly payments and
7 monthly per-child payments to child care providers certified under s. 48.651, child
8 care centers licensed under s. 48.65, and child care programs established or
9 contracted for by a school board under s. 120.13 (14).

10 (2) The department may promulgate rules to implement the program under
11 this section, including establishing eligibility requirements and payment amounts
12 and setting requirements for how recipients may use the payments.

13 **SECTION 35.** 49.155 (6) (e) 2. of the statutes is repealed.

14 **SECTION 36.** 49.155 (6) (e) 3. (intro.) of the statutes is amended to read:

15 49.155 (6) (e) 3. (intro.) The department may modify a child care provider's
16 maximum payment rate under ~~subd. 2. pars. (a) to (c)~~ on the basis of the provider's
17 quality rating, as described in the quality rating plan, in the following manner:

18 **SECTION 37.** 49.175 (1) (q) of the statutes, as affected by 2023 Wisconsin Act 19,
19 is amended to read:

20 49.175 (1) (q) *Child care state administration and licensing activities.* For state
21 administration of child care programs under s. 49.155 and for child care licensing
22 activities, \$42,117,800 in fiscal year 2021-22 and \$41,803,100 in fiscal year 2022-23.
23 In fiscal year 2023-24, for such programs and activities, ~~\$45,796,000~~ \$46,108,000.
24 In fiscal year 2024-25, for such programs and activities, ~~\$45,570,300~~ \$46,194,300.

1 **SECTION 38.** 49.175 (1) (qm) of the statutes, as affected by 2023 Wisconsin Act
2 19, is amended to read:

3 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
4 improvement activities specified in ss. 49.133, 49.155 (1g), and 49.257, \$16,683,700
5 in fiscal year 2022-23. In fiscal year 2023-24, for such activities, \$28,518,700
6 \$47,518,700. In fiscal year 2024-25, for such activities, \$46,018,700 \$65,018,700.”.

7 **3.** Page 26, line 23: delete the material beginning with that line and ending
8 with page 252, line 15, and substitute:

9 “**SECTION 39.** 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a)
10 and amended to read:

11 103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or
12 a legal ward ~~to whom any of the following applies:~~

13 **SECTION 40.** 103.10 (1) (a) 1. of the statutes is repealed.

14 **SECTION 41.** 103.10 (1) (a) 2. of the statutes is repealed.

15 **SECTION 42.** 103.10 (1) (ap) of the statutes is created to read:

16 103.10 (1) (ap) “Covered active duty” means any of the following:

17 1. For a member of a regular component of the U.S. armed forces, duty during
18 the deployment of the member with the U.S. armed forces to a foreign country.

19 2. For a member of a reserve component of the U.S. armed forces, duty during
20 the deployment of the member with the U.S. armed forces to a foreign country under
21 a call or order to active duty under a provision of law specified in 10 USC 101 (a) (13)
22 (B).

23 **SECTION 43.** 103.10 (1) (b) of the statutes is amended to read:

1 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, “employee”
2 means an individual employed in this state by an employer, except the employer’s
3 ~~parent, child, spouse, domestic partner, or child~~ parent, grandparent, grandchild, or
4 sibling.

5 **SECTION 44.** 103.10 (1) (dm) of the statutes is created to read:

6 103.10 (1) (dm) “Grandchild” means the child of a child.

7 **SECTION 45.** 103.10 (1) (dp) of the statutes is created to read:

8 103.10 (1) (dp) “Grandparent” means the parent of a parent.

9 **SECTION 46.** 103.10 (1) (em) of the statutes is created to read:

10 103.10 (1) (em) “Medical isolation” means any of the following:

11 1. When a health care professional, a local health officer, or the department of
12 health services advises that an individual seclude herself or himself from others
13 when the individual is awaiting the result of a diagnostic test for a communicable
14 disease or when the individual is infected with a communicable disease.

15 2. When a local health officer or the department of health services advises that
16 an individual isolate or quarantine under s. 252.06.

17 3. When an individual’s employer advises that the individual not come to the
18 workplace due to a concern that the individual may have been exposed to or infected
19 with a communicable disease.

20 **SECTION 47.** 103.10 (1) (gm) of the statutes is created to read:

21 103.10 (1) (gm) “Sibling” means a brother, sister, half brother, half sister,
22 stepbrother, or stepsister, whether by blood, marriage, or adoption.

23 **SECTION 48.** 103.10 (1m) (b) 1. of the statutes is renumbered 103.10 (1) (an).

24 **SECTION 49.** 103.10 (1m) (b) 6. of the statutes is renumbered 103.10 (1) (gd).

25 **SECTION 50.** 103.10 (1m) (b) 7. of the statutes is renumbered 103.10 (1) (m).

1 **SECTION 51.** 103.10 (2) (c) of the statutes is amended to read:

2 103.10 (2) (c) This section only applies to an employee who has been employed
3 by the same employer for more than 52 consecutive weeks and who worked for the
4 employer for at least ~~1,000~~ 680 hours during the preceding 52-week period.

5 **SECTION 52.** 103.10 (3) (a) of the statutes is repealed.

6 **SECTION 53.** 103.10 (3) (b) 3. of the statutes is amended to read:

7 103.10 (3) (b) 3. To care for the employee’s child, spouse, domestic partner, ~~or~~
8 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, ~~or~~
9 parent, grandparent, grandchild, or sibling has a serious health condition.

10 **SECTION 54.** 103.10 (3) (b) 4. of the statutes is created to read:

11 103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the
12 department by rule, arising out of the fact that the spouse, child, domestic partner,
13 parent, grandparent, grandchild, or sibling of the employee is on covered active duty
14 or has been notified of an impending call or order to covered active duty.

15 **SECTION 55.** 103.10 (3) (b) 5. of the statutes is created to read:

16 103.10 (3) (b) 5. Because there is an unforeseen or unexpected short-term gap
17 in child care for the employee’s child, grandchild, or sibling that the employee must
18 fill. The department may define by rule “unforeseen or unexpected short-term gap
19 in child care.”

20 **SECTION 56.** 103.10 (3) (b) 6. of the statutes is created to read:

21 103.10 (3) (b) 6. To care for the employee’s child, spouse, domestic partner,
22 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner,
23 parent, grandparent, grandchild, or sibling is in medical isolation.

24 **SECTION 57.** 103.10 (3) (b) 7. of the statutes is created to read:

1 103.10 (3) (b) 7. To address issues of the employee or the employee's child,
2 spouse, domestic partner, parent, grandparent, grandchild, or sibling related to
3 being the victim of domestic abuse, sexual abuse, or stalking.

4 **SECTION 58.** 103.10 (4) (a) of the statutes is amended to read:

5 103.10 (4) (a) Subject to ~~pars. (b) and par. (c)~~ and sub. (4m), an employee who
6 is in medical isolation or has a serious health condition which makes the employee
7 unable to perform his or her employment duties may take medical leave for the
8 period during which he or she is unable to perform those duties.

9 **SECTION 59.** 103.10 (4) (b) of the statutes is repealed.

10 **SECTION 60.** 103.10 (4m) of the statutes is created to read:

11 103.10 (4m) DURATION OF LEAVE. In a 12-month period, no employee may take
12 more than 12 weeks of family leave for any combination of reasons specified under
13 sub. (3) or (4).

14 **SECTION 61.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

15 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
16 planned medical treatment or supervision of a child, spouse, domestic partner, ~~or~~
17 parent, grandparent, grandchild, or sibling or intends to take medical leave because
18 of the planned medical treatment or supervision of the employee, the employee shall
19 do all of the following:

20 **SECTION 62.** 103.10 (6) (b) 1. of the statutes is amended to read:

21 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
22 or supervision so that it does not unduly disrupt the employer's operations, subject
23 to the approval of the health care provider of the child, spouse, domestic partner,
24 parent, grandparent, grandchild, sibling, or employee.

25 **SECTION 63.** 103.10 (6) (c) of the statutes is created to read:

1 103.10 (6) (c) If the employee intends to take family leave under sub. (3) (b) 4.
2 that is foreseeable because the spouse, child, domestic partner, parent, grandparent,
3 grandchild, or sibling of the employee is on covered active duty or has been notified
4 of an impending call or order to covered active duty, the employee shall provide notice
5 of that intention to the employer in a reasonable and practicable manner.

6 **SECTION 64.** 103.10 (7) (a) of the statutes is amended to read:

7 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
8 (3) (b) 3. or requests medical leave due to a serious health condition, the employer
9 may require the employee to provide certification, as described in par. (b), issued by
10 the health care provider or Christian Science practitioner of the child, spouse,
11 domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever
12 is appropriate.

13 **SECTION 65.** 103.10 (7) (b) (intro.) of the statutes is amended to read:

14 103.10 (7) (b) (intro.) No employer may require certification under par. (a)
15 stating more than the following:

16 **SECTION 66.** 103.10 (7) (b) 1. of the statutes is amended to read:

17 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent,
18 grandchild, sibling, or employee has a serious health condition.

19 **SECTION 67.** 103.10 (7) (cm) of the statutes is created to read:

20 103.10 (7) (cm) If an employee requests family leave for a reason described in
21 sub. (3) (b) 3., the employer may require the employee to provide certification that
22 the employee is responsible for the care of a child, spouse, domestic partner, parent,
23 grandparent, grandchild, or sibling with a serious health condition.

24 **SECTION 68.** 103.10 (7) (d) of the statutes is created to read:

1 103.10 (7) (d) If an employee requests family leave under sub. (3) (b) 4., the
2 employer may require the employee to provide certification that the spouse, child,
3 domestic partner, parent, grandparent, grandchild, or sibling of the employee is on
4 covered active duty or has been notified of an impending call or order to covered
5 active duty. The certification under this paragraph shall be issued at such time and
6 in such manner as the department may prescribe by rule, and the employee shall
7 provide a copy of that certification to the employer in a timely manner.

8 **SECTION 69.** 103.10 (7) (e) of the statutes is created to read:

9 103.10 (7) (e) If an employee requests family leave under sub. (3) (b) 5., the
10 employer may require the employee to provide certification that there is an
11 unforeseen or unexpected short-term gap in child care, as defined in rule by the
12 department, for the employee's child, grandchild, or sibling that the employee must
13 fill. The department may prescribe by rule the form and content of the certification.

14 **SECTION 70.** 103.10 (7) (f) of the statutes is created to read:

15 103.10 (7) (f) 1. If an employee requests family leave under sub. (3) (b) 6., or
16 medical leave due to medical isolation, the employer may require the employee to
17 provide certification issued by a local public health official, the department of health
18 services, or a health care provider or Christian Science practitioner of the child,
19 spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee,
20 whichever is appropriate, except that no employer may require certification under
21 this paragraph if the sole reason for the medical isolation is due to the employer's
22 request under sub. (1) (em) 3. No employer may require certification under this
23 subdivision stating more than that the child, spouse, domestic partner, parent,
24 grandparent, grandchild, sibling, or employee is in medical isolation.

1 2. If an employee requests family leave under sub. (3) (b) 6., the employer may
2 require the employee to provide certification that the employee is responsible for the
3 care of a child, spouse, domestic partner, parent, grandparent, grandchild, sibling,
4 or employee who is in medical isolation.

5 **SECTION 71.** 103.10 (7) (g) of the statutes is created to read:

6 103.10 (7) (g) If an employee requests family leave under sub. (3) (b) 7., the
7 employer may require the employee to provide certification that the employee is
8 addressing issues of the employee or the employee's child, spouse, domestic partner,
9 parent, grandparent, grandchild, or sibling related to being the victim of domestic
10 abuse, sexual abuse, or stalking.

11 **SECTION 72.** 103.10 (10) of the statutes is amended to read:

12 103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an
13 employer and an employee with a serious health condition or in medical isolation
14 from mutually agreeing to alternative employment for the employee while the
15 serious health condition or medical isolation lasts. No period of alternative
16 employment, with the same employer, reduces the employee's right to family leave
17 or medical leave.

18 **SECTION 73.** 103.10 (12) (b) of the statutes is amended to read:

19 103.10 (12) (b) An employee who believes his or her employer has violated sub.
20 (11) (a) or (b) may, within ~~30~~ 300 days after the violation occurs or the employee
21 should reasonably have known that the violation occurred, whichever is later, file a
22 complaint with the department alleging the violation. Except as provided in s.
23 230.45 (1m), the department shall investigate the complaint and shall attempt to
24 resolve the complaint by conference, conciliation or persuasion. If the complaint is
25 not resolved and the department finds probable cause to believe a violation has

1 occurred, the department shall proceed with notice and a hearing on the complaint
2 as provided in ch. 227. The hearing shall be held within 60 days after the department
3 receives the complaint.

4 **SECTION 74.** 103.10 (12) (c) of the statutes is amended to read:

5 103.10 (12) (c) If 2 or more health care providers disagree about any of the
6 information required to be certified under sub. (7) (b), the department may appoint
7 another health care provider to examine the child, spouse, domestic partner, parent,
8 grandparent, grandchild, sibling, or employee and render an opinion as soon as
9 possible. The department shall promptly notify the employee and the employer of
10 the appointment. The employer and the employee shall each pay 50 percent of the
11 cost of the examination and opinion.

12 **SECTION 75.** 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

13 **SECTION 76.** 103.10 (14) (b) of the statutes is repealed.

14 **SECTION 77.** 103.105 of the statutes is created to read:

15 **103.105 Family and medical leave benefits insurance program. (1)**

16 DEFINITIONS. In this section:

17 (a) “Application year” means the 12-month period beginning on the first day
18 of the first calendar week for which family or medical leave insurance benefits are
19 claimed by a covered individual.

20 (b) “Average weekly earnings” means one-thirteenth of the wages paid to an
21 employee during the last completed calendar quarter prior to the covered
22 individual’s date of eligibility for benefits under this section and includes all sick,
23 holiday, vacation, and termination pay that is paid directly by an employer to an
24 employee at the employee’s usual rate of pay during his or her last completed
25 calendar quarter as a result of employment for an employer and any total or partial

1 disability payments under ch. 102 or a federal law that provides for payments on
2 account of a work-related injury or illness. For self-employed individuals, “average
3 weekly earnings” means one fifty-second of the gross income reported as income to
4 the federal internal revenue service in the most recent tax year in which the
5 individual filed taxes prior to the individual’s date of eligibility for benefits under this
6 section.

7 (c) “Covered individual” means an employee who satisfies s. 103.10 (2) (c), a
8 self-employed individual who elects coverage under sub. (2), or an employee of a
9 small employer who elects coverage under sub. (2), regardless of whether the
10 individual is employed or unemployed at the time the individual files an application
11 for family or medical leave insurance benefits.

12 (d) “Employee” has the meaning given in s. 103.10 (1) (b).

13 (e) “Employer” has the meaning given in s. 103.10 (1) (c).

14 (f) “Family leave” means an individual’s leave from employment,
15 self-employment, or availability for employment for a reason specified in s. 103.10
16 (3) (b) 1. to 7. or 103.11 (4).

17 (g) “Family or medical leave insurance benefits” means benefits payable under
18 this section from the family and medical leave benefits insurance trust fund.

19 (h) “Medical leave” means leave from employment, self-employment, or
20 availability for employment for any of the reasons in s. 103.10 (4).

21 (i) “Self-employed individual” means a sole proprietor, partner of a
22 partnership, member of a limited liability company, or other individual engaged in
23 a vocation, profession, or business for himself or herself and not for an employer.

24 (j) “Small employer” means a person engaging in any activity, enterprise, or
25 business in this state employing fewer than 50 individuals on a permanent basis.

1 (k) “State annual median wage” means the median hourly wage for all
2 occupations in this state in a calendar year, as determined by the bureau of labor
3 statistics of the U.S. department of labor, multiplied by 2,080.

4 **(2) ELECTION BY SELF-EMPLOYED INDIVIDUAL OR SMALL EMPLOYER.** A
5 self-employed individual or small employer may elect to be covered under this
6 section by filing a written notice of election with the department in a form and
7 manner prescribed by the department by rule. An initial election under this
8 subsection becomes effective on the date on which the notice of election is filed, shall
9 be for a period of not less than 3 years, and may be renewed for subsequent one-year
10 periods by the filing of a written notice with the department that the self-employed
11 individual or small employer intends to continue coverage under this section. A
12 self-employed individual or small employer who elects coverage under this section
13 may withdraw that election no earlier than 3 years after the date of the initial
14 election or at such other times as the department may prescribe by rule by providing
15 notice of that withdrawal to the department not less than 30 days before the
16 expiration date of the election.

17 **(3) ELIGIBILITY FOR BENEFITS.** (a) Except as otherwise provided in sub. (6), a
18 covered individual who is on family leave or medical leave is eligible to receive family
19 or medical leave insurance benefits in the amount specified in sub. (4) and for the
20 duration specified in sub. (5).

21 (b) To receive family or medical leave insurance benefits, a covered individual
22 shall file a claim for those benefits within the time and in the manner that the
23 department prescribes by rule. On receipt of a claim for family or medical leave
24 insurance benefits, the department may request from the individual’s employer or
25 from the self-employed individual any information necessary for the department to

1 determine the individual's eligibility for those benefits and the amount and duration
2 of those benefits. The employer or self-employed individual shall provide that
3 information to the department within the time and in the manner that the
4 department prescribes by rule. If the department determines that a covered
5 individual is eligible to receive family or medical leave insurance benefits, the
6 department shall provide those benefits to the individual as provided in subs. (4) and
7 (5).

8 (4) AMOUNT OF BENEFITS. Except as provided in sub. (6), the amount of family
9 or medical leave insurance benefits payable for a week shall be based upon the
10 covered individual's average weekly earnings, as follows:

11 (a) For the amount of the covered individual's average weekly earnings that are
12 less than 50 percent of the state annual median wage in the calendar year before the
13 covered individual's application year, 90 percent of the covered individual's average
14 weekly earnings.

15 (b) For the amount of the covered individual's average weekly earnings that are
16 more than or equal to 50 percent of the state annual median wage in the calendar
17 year before the covered individual's application year, 50 percent of the covered
18 individual's average weekly earnings.

19 (5) DURATION OF BENEFITS. The maximum number of weeks for which family or
20 medical leave insurance benefits are payable in an application year is 12 weeks. A
21 covered individual may be paid family or medical leave insurance benefits
22 continuously, or at the option of the covered individual, intermittently.

23 (6) EMPLOYER EXEMPTION FROM PARTICIPATION IN PAID FAMILY AND MEDICAL LEAVE
24 BENEFITS INSURANCE PROGRAM. (a) If an employer provides family and medical leave
25 benefits that are identical to or more generous than benefits provided under this

1 section, the employer may elect to not participate in the paid family and medical
2 leave benefits insurance program under this section. If the department grants an
3 exemption under this subsection, the employer shall pay benefits that are at least
4 identical to benefits under this section, and an employee is entitled to be paid those
5 benefits.

6 (b) An employer that elects to not participate in the paid family and medical
7 leave benefits insurance program under this section shall request an exemption from
8 the department in writing, in the manner prescribed by the department. An
9 exemption from participation is not effective until approved by the department in
10 writing.

11 (c) The department may grant a written exemption from participation to an
12 employer who complies with this subsection and all rules promulgated by the
13 department under par. (g).

14 (d) The department may withdraw its written exemption order granted under
15 par. (c) if the department determines that an employer is not providing paid family
16 and medical leave benefits to employees that are at least identical to those provided
17 under this section.

18 (e) If an employee believes that his or her employer that has an exemption
19 under this subsection has violated the employee's right to paid family and medical
20 leave benefits identical to those provided under this section, the employee may file
21 a complaint with the department alleging the violation, and the department shall
22 process the complaint in the same manner as complaints filed under s. 103.10 (12)
23 (b) are processed. If the department finds that an employer has violated this
24 subsection, the department may order the employer to take action to remedy the
25 violation, including providing the paid family and medical leave benefits, and,

1 notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the
2 employee.

3 (f) After the completion of an administrative proceeding under par. (e),
4 including judicial review, an employee or the department may bring an action in
5 circuit court against an employer to recover damages caused by a violation of this
6 subsection. Section 103.10 (13) (b) applies to the commencement of an action under
7 this paragraph.

8 (g) The department shall promulgate rules to implement this subsection.

9 **(7) FEDERAL TAX TREATMENT OF BENEFITS.** With respect to the federal income
10 taxation of family or medical leave insurance benefits, the department shall do all
11 of the following:

12 (a) At the time an individual files a claim for those benefits, advise the
13 individual that those benefits may be subject to federal income taxation, that
14 requirements exist under federal law pertaining to estimated tax payments, and
15 that the individual may elect to have federal income taxes withheld from the
16 individual's benefit payments and may change that election not more than one time
17 in an application year.

18 (b) Allow the individual to elect to have federal income tax deducted and
19 withheld from the individual's benefit payments, allow the individual to change that
20 election not more than one time in an application year, and deduct and withhold that
21 tax in accordance with the individual's election as provided under 26 USC 3402.

22 (c) Upon making a deduction under par. (b), transfer the amount deducted from
23 the family and medical leave benefits insurance trust fund to the federal internal
24 revenue service.

1 (d) In deducting and withholding federal income taxes from an individual's
2 benefit payments, follow all procedures specified by the federal internal revenue
3 service pertaining to the deducting and withholding of federal income tax.

4 **(8) FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE TRUST FUND.** (a) The
5 department shall determine the amount of the required contribution by each
6 employee, self-employed individual who elects coverage under sub. (2), and each
7 employer. The required contribution shall be based on the employee's wages or the
8 self-employed individual's earnings. The required contribution for an employee
9 shall be equally shared between each employee and the employee's employer.

10 (b) Each employer shall withhold from the wages of its employees the amount
11 determined by the department under this subsection.

12 (c) The department shall promulgate rules to establish procedures for filing
13 wage reports and collecting the contributions withheld by employers and
14 employer-required contributions under par. (a). The department may utilize the
15 quarterly wage reports submitted under s. 108.205 in lieu of separate contribution
16 reports and may utilize the procedures for collecting contributions that apply to the
17 collection of contributions to the unemployment reserve fund under s. 108.17.

18 (cm) The department shall promulgate rules providing for a right to a hearing
19 in cases involving the liability of employers for contributions under this subsection.
20 The department's decisions shall be subject to the rights and procedures for
21 contested cases under ch. 227.

22 (d) The department shall collect contributions from self-employed individuals
23 pursuant to procedures established by the department under sub. (12) (b).

24 (e) The department shall deposit contributions received under this subsection
25 in the family and medical leave benefits insurance trust fund.

1 (f) The department shall use moneys deposited in the family and medical leave
2 benefits insurance trust fund to pay benefits under sub. (3), to refund amounts
3 erroneously paid by employers, and to pay for the administration of the family and
4 medical leave benefits insurance program under this section and for no other
5 purpose.

6 **(9) DENIAL OF CLAIMS; OVERPAYMENTS.** (a) The department shall promulgate
7 rules providing for a right to a hearing in cases of disputes involving an individual's
8 eligibility for benefits or status as a covered individual under this section. The
9 department's decisions shall be subject to the rights and procedures for contested
10 cases under ch. 227. To the extent necessary and practical, the department may
11 prescribe procedures in conjunction with any rules promulgated for administrative
12 proceedings under ss. 103.10 (12) and 103.11 (12).

13 (b) 1. If the department pays family or medical leave insurance benefits to an
14 individual erroneously or as a result of willful misrepresentation, the individual's
15 liability to reimburse the fund for the overpayment may be set forth in a
16 determination that is subject to review under par. (a). The department may prescribe
17 procedures for waiver of overpayments.

18 2. To recover any overpayment to a covered individual that is not otherwise
19 repaid or the recovery of which has not been waived, the department may recoup the
20 amount of the overpayment by, in addition to its other remedies, deducting the
21 amount of the overpayment from benefits the individual would otherwise be eligible
22 to receive.

23 3. The department may establish other procedures for recovering
24 overpayments and may utilize procedures under ch. 108, including the department's

1 remedies for collecting overpayments under ss. 108.22 and 108.225, subject to rules
2 promulgated by the department.

3 4. The department may not collect any interest on any benefit overpayment.

4 **(10) PROHIBITED ACTS.** (a) No person may interfere with, restrain, or deny the
5 exercise of any right provided under this section.

6 (b) No person may discharge or otherwise discriminate against any person for
7 exercising any right provided under this section, opposing a practice prohibited
8 under this section, filing a complaint or attempting to enforce any right provided
9 under this section, or testifying or assisting in any action or proceeding to enforce any
10 right provided under this section.

11 (c) No collective bargaining agreement or employer policy may diminish or
12 abridge an employee's rights under this section. Any agreement purporting to waive
13 or modify an employee's rights under this section is void as against public policy and
14 unenforceable.

15 **(11) ENFORCEMENT.** (a) Any person who believes that his or her rights under
16 this section have been interfered with, restrained, or denied in violation of sub. (10)
17 (a) or that he or she has been discharged or otherwise discriminated against in
18 violation of sub. (10) (b) may, within 30 days after the violation occurs or the person
19 should reasonably have known that the violation occurred, whichever is later, file a
20 complaint with the department alleging the violation, and the department shall
21 process the complaint in the same manner as complaints filed under s. 103.10 (12)
22 (b) are processed. If the department finds that an employer has violated sub. (10) (a)
23 to (c), the department may order the employer to take action to remedy the violation,
24 including providing the requested family leave or medical leave, reinstating an
25 employee, providing back pay accrued not more than 2 years before the complaint

1 was filed, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees
2 to the complainant.

3 (b) After the completion of an administrative proceeding under par. (a),
4 including judicial review, an employee or the department may bring an action in
5 circuit court against an employer to recover damages caused by a violation of sub.
6 (10) (a) to (c). Section 103.10 (13) (b) applies to the commencement of an action under
7 this paragraph.

8 **(12) ADMINISTRATION.** The department shall administer the family and medical
9 leave benefits insurance program under this section. In administering the program,
10 the department shall do all of the following:

11 (a) Establish procedures and forms for the filing of claims for benefits under
12 this section.

13 (b) Establish procedures and forms for collecting contributions from
14 self-employed individuals.

15 (c) Promulgate rules to implement this section.

16 (d) Use information sharing and integration technology to facilitate the
17 exchange of information as necessary for the department to perform its duties under
18 this section.

19 (e) By September 1 of each year, submit a report to the governor, the joint
20 committee on finance, and the appropriate standing committees of the legislature
21 under s. 13.172 (3) on the family and medical leave benefits insurance program under
22 this section. The report shall include the projected and actual rates of participation
23 in the program, the premium rates for coverage under the program, and the balance
24 in the family and medical leave benefits insurance trust fund under s. 25.52.

1 **(13) RECORDS.** (a) The records made or maintained by the department in
2 connection with the administration of this section are confidential and shall be open
3 to public inspection or disclosure only to the extent that the department allows in the
4 interest of the family and medical leave benefits insurance program. No person may
5 allow inspection or disclosure of any record provided by the department unless the
6 department authorizes the inspection or disclosure.

7 (b) The department may provide records made or maintained by the
8 department in connection with the administration of this section to any
9 governmental unit, corresponding unit in the government of another state, or any
10 unit of the federal government. No such unit may allow inspection or disclosure of
11 any record provided by the department unless the department authorizes the
12 inspection or disclosure.

13 (c) Upon request of the department of revenue, the department may provide
14 information, including social security numbers, concerning covered individuals to
15 the department of revenue for the purpose of administering state taxes, identifying
16 fraudulent tax returns, providing information for tax-related prosecutions, or
17 locating persons or the assets of persons who have failed to file tax returns, who have
18 underreported their taxable income, or who are delinquent debtors. The department
19 of revenue shall adhere to the limitation on inspection and disclosure of the
20 information under par. (b).

21 **(14) BENEFIT AMOUNT ADJUSTMENT.** On April 1 of each year, the department may
22 adjust the maximum weekly benefit payment to 90 percent of the state average
23 weekly earnings, which becomes effective on October 1 of that year. The department
24 shall annually have the adjusted amount of the maximum weekly benefit payment
25 published in the Wisconsin Administrative Register.

1 **(15) NOTICE POSTED.** Each employer shall post, on its website and in one or more
2 conspicuous places where notices to employees are customarily posted, a notice in a
3 form approved by the department setting forth employees' rights under this section
4 and any adjustment to benefits as provided in sub. (14). Any employer that violates
5 this subsection shall forfeit not more than \$100 for each violation.

6 **SECTION 78.** 106.29 of the statutes is created to read:

7 **106.29 Health care workforce innovation grant program. (1) HEALTH**
8 **CARE WORKFORCE INNOVATION GRANTS.** The department shall, from the appropriation
9 under s. 20.445 (1) (bw), establish and operate a program to provide grants to
10 regional organizations to design and implement plans to address their region's
11 health care-related workforce challenges that arose during or were exacerbated by
12 the COVID-19 pandemic.

13 **(2) IMPLEMENTATION.** (a) *Duties.* To implement this section, the department
14 shall receive and review applications for grants under sub. (1) and prescribe the
15 form, nature, and extent of the information that must be contained in an application
16 for a grant under sub. (1).

17 (b) *Powers.* In addition to the duties described in par. (a), the department shall
18 have all other powers necessary and convenient to implement this section, including
19 the power to audit and inspect the records of grant recipients.

20 **SECTION 79.** 106.295 of the statutes is created to read:

21 **106.295 Health care workforce opportunity grants.** The department
22 shall, from the appropriation under s. 20.445 (1) (bx), establish and operate a
23 program to provide grants to local workforce development boards established under
24 29 USC 3122 to assist individuals whose employment status was negatively affected
25 by the COVID-19 pandemic and whose employment status has not improved. The

1 department shall target individuals employed or seeking employment in health
2 care-related fields and individuals who are currently ineligible for services under
3 the federal Workforce Innovation and Opportunity Act, 29 USC 3101 to 3361.

4 **SECTION 80.** 111.322 (2m) (a) of the statutes is amended to read:

5 111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any
6 right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.28, 103.32, 103.34,
7 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
8 or 103.64 to 103.82.

9 **SECTION 81.** 111.322 (2m) (b) of the statutes is amended to read:

10 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding
11 held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13,
12 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
13 or ss. 101.58 to 101.599 or 103.64 to 103.82.

14 **SECTION 82.** 115.41 of the statutes is renumbered 115.41 (1).

15 **SECTION 83.** 115.41 (2) of the statutes is created to read:

16 115.41 **(2)** From the appropriation under s. 20.255 (3) (ci), beginning in the
17 2024-25 school year, the department shall provide payments, in the amount of
18 \$9,600 per individual per semester, to prospective teachers who are participating in
19 the program under sub. (1). The department may promulgate rules to implement
20 this subsection.

21 **SECTION 84.** 115.421 of the statutes is created to read:

22 **115.421 Student teacher stipends.** From the appropriation under s. 20.255
23 (3) (cs), beginning in the 2024-25 school year, the department shall provide
24 payments, in the amount of \$2,500 per individual per semester, to an individual who
25 is completing student teaching as part of a teacher preparatory program approved

1 by the state superintendent under s. 115.28 (7) (a). The department may promulgate
2 rules to implement this section.

3 **SECTION 85.** 115.422 of the statutes is created to read:

4 **115.422 Grow your own programs; teacher pipeline capacity building.**

5 (1) In this section, “grow your own program” means a program to encourage
6 individuals to pursue a career in teaching or to facilitate teacher licensure. “Grow
7 your own program” includes high school clubs that encourage careers in teaching,
8 payment of costs associated with current staff acquiring education needed for
9 licensure, support for career pathways using dual enrollment, support for
10 partnerships focused on attracting or developing new teachers, or incentives for
11 paraprofessionals to gain licensure.

12 (2) Beginning in the 2024-25 school year, from the appropriation under s.
13 20.255 (2) (ch), the department shall award grants to a school district or the operator
14 of a charter school under s. 118.40 (2r) or (2x) to reimburse the school district or
15 charter school for costs associated with grow your own programs.

16 (3) The department shall promulgate rules to implement and administer this
17 section, including criteria for awarding a grant.

18 **SECTION 86.** 115.424 of the statutes is created to read:

19 **115.424 Cooperating teacher stipends.** From the appropriation under s.
20 20.255 (3) (ct), beginning in the 2024-25 school year, the department shall provide
21 payments, in the amount of \$1,000 per teacher per semester, to a cooperating teacher
22 who is overseeing an individual who is completing student teaching. The
23 department may promulgate rules to implement this section.

24 **SECTION 87.** 119.04 (1) of the statutes, as affected by 2023 Wisconsin Act 12,
25 is amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.422,
4 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12,
5 118.124, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163,
6 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6),
7 (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935,
8 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m),
9 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
10 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
11 applicable to a 1st class city school district and board but not, unless explicitly
12 provided in this chapter or in the terms of a contract, to the commissioner or to any
13 school transferred to an opportunity schools and partnership program.

14 **SECTION 88.** 146.618 of the statutes is amended to read:

15 **146.618 Treatment program grants.** From s. 20.435 (5) (bg) or any available
16 federal moneys, the department shall distribute ~~a total of \$750,000~~ in grants in each
17 fiscal year to support treatment programs. Grant recipients shall use moneys
18 awarded under this section for supervision, training, and resources, including
19 salaries, benefits, and other related costs.

20 **SECTION 89.** 146.64 (2) (c) 1. of the statutes is amended to read:

21 146.64 (2) (c) 1. The department shall distribute funds for grants under par.
22 (a) from the appropriation under s. 20.435 (4) (bf). The department may not
23 distribute more than ~~\$225,000~~ \$450,000 from the appropriation under s. 20.435 (4)
24 (bf) to a particular hospital in a given state fiscal year and may not distribute more

1 than ~~\$75,000~~ \$150,000 from the appropriation under s. 20.435 (4) (bf) to fund a given
2 position in a graduate medical training program in a given state fiscal year.

3 **SECTION 90.** 165.68 (1) (a) 3. of the statutes is amended to read:

4 165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 ~~(1m)~~ ~~(b) 6~~ (1) (gd).

5 **SECTION 91.** 230.12 (9m) of the statutes is created to read:

6 230.12 **(9m)** PAID FAMILY AND MEDICAL LEAVE. (a) *Definitions.* In this subsection:

7 1. “Family leave” means leave from employment for a reason specified in s.
8 103.10 (3) (b) 1. to 7.

9 2. “Medical leave” means leave from employment when an employee has a
10 serious health condition that makes the employee unable to perform his or her
11 employment duties, or makes the employee unable to perform the duties of any
12 suitable employment, or because the employee is in medical isolation, as defined in
13 s. 103.10 (1) (em).

14 3. “Serious health condition” has the meaning given in s. 103.10 (1) (g).

15 (b) *Program.* The administrator shall develop and recommend to the joint
16 committee on employment relations a program, administered by the division, that
17 provides paid family and medical leave for 12 weeks per year to employees whose
18 compensation is established under this section or s. 20.923 (2) or (3) but does not
19 include employees of the Board of Regents of the University of Wisconsin System.
20 The approval process for the program is the same as that provided under sub. (3) (b),
21 and, if approved, the program shall be incorporated into the compensation plan
22 under sub. (1).

23 (c) *Rules.* The administrator may promulgate rules to implement the family
24 and medical leave program under par. (b).

25 **SECTION 92.** 323.19 (3) and (4) of the statutes are repealed.

1 **SECTION 93.** 2023 Wisconsin Act 19, section 9104 (1) (i) 3. em. and 4m. a. are
2 created to read:

3 [2023 Wisconsin Act 19] Section 9104 (1)

(i) UNIVERSITY OF WISCONSIN SYSTEM

3. *Projects financed by segregated revenue:*

em. Madison — engineering replacement
building/computer-aided engineering facility
demolition \$ 197,336,000

(Total project all funding sources
\$347,336,000)

4m. *Projects financed with gifts, grants, and other
receipts:*

a. Madison — engineering replacement
building/computer-aided engineering facility
demolition \$ 150,000,000

(Total project all funding sources
\$347,336,000)

4 **SECTION 94. Nonstatutory provisions.**

5 (1) In the 2023-25 Authorized State Building Program, the appropriate totals
6 are adjusted to reflect the changes made by SECTION 93 of this act.

7 (2) POSITIONS FOR ADMINISTRATION OF FAMILY AND MEDICAL LEAVE BENEFITS
8 INSURANCE PROGRAM. The authorized FTE positions for the department of workforce
9 development are increased by 45.0 SEG positions in fiscal year 2023-24 and by 198.0

1 SEG positions in fiscal year 2024-25, to be funded from the appropriation under s.
2 20.445 (6) (r), for the purpose of administering the family and medical leave benefits
3 insurance program.

4 (3) PROPOSED PERMANENT RULES. The department of workforce development
5 shall submit in proposed form the rules required under s. 103.105 (8) (c) and (cm),
6 (9) (a) and (b) 3., and (12) (c) to the legislative council staff under s. 227.15 (1) no later
7 than the first day of the 4th month beginning after the effective date of this
8 subsection.

9 (4) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

10 (a) Notwithstanding s. 227.135 (2), the department of workforce development
11 is not required to present the statement of the scope of the rules required under s.
12 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the department of
13 administration for review by the department of administration and approval by the
14 governor.

15 (b) Notwithstanding s. 227.185, the department of workforce development is
16 not required to present the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and
17 (b) 3., and (12) (c) in final draft form to the governor for approval.

18 (c) Notwithstanding s. 227.137 (2), the department of workforce development
19 is not required to prepare an economic impact analysis for the rules required under
20 s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c).

21 (d) Notwithstanding ss. 227.14 (2g) and 227.19 (3) (e), the department of
22 workforce development is not required to submit the proposed rules required under
23 s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the small business
24 regulatory review board and is not required to prepare a final regulatory flexibility
25 analysis for those rules.

1 (5) EMERGENCY RULES. Using the procedure under s. 227.24, the department of
2 workforce development shall promulgate the rules required under s. 103.105 (8) (c)
3 and (cm), (9) (a) and (b) 3., and (12) (c) for the period before the effective date of the
4 permanent rules promulgated under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and
5 (12) (c) but not to exceed the period authorized under s. 227.24 (1) (c), subject to
6 extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the
7 department is not required to provide evidence that promulgating a rule under this
8 subsection as an emergency rule is necessary for the preservation of public peace,
9 health, safety, or welfare and is not required to provide a finding of an emergency for
10 a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and
11 1g., the department is not required to prepare a statement of the scope of the rules
12 promulgated under this subsection or present the rules to the governor for approval.

13 (6) PAID FAMILY AND MEDICAL LEAVE. If the paid family and medical leave program
14 under s. 230.12 (9m) is approved by the joint committee on employment relations, it
15 shall go into effect immediately upon approval by the joint committee on employment
16 relations.

17 (7) CHILD CARE QUALITY IMPROVEMENT PROGRAM.

18 (a) Using the procedure under s. 227.24, the department of children and
19 families may promulgate the rules authorized under s. 49.133 (2) as emergency
20 rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and
21 families is not required to provide evidence that promulgating a rule under this
22 subsection as an emergency rule is necessary for the preservation of the public peace,
23 health, safety, or welfare and is not required to provide a finding of emergency for a
24 rule promulgated under this subsection.

1 (b) The authorized FTE positions for the department of children and families
2 are increased by 4.0 GPR positions, to be funded from the appropriation under s.
3 20.437 (2) (c), for the purpose of administering the child care quality improvement
4 program under s. 49.133.

5 (8) ELECTION TO CONTINUE ANNUITY SUSPENSION. No later than 60 days after the
6 effective date of this subsection, if an individual who is employed by a covered
7 employer under the Wisconsin Retirement System has his or her annuity suspended
8 under s. 40.26 (1m), 2021 stats., on the effective date of this subsection and wants
9 to continue the suspension, the individual shall notify the department of employee
10 trust funds on a form provided by the department. An election to continue the
11 suspension is irrevocable.

12 (9) HEALTH CARE PROVIDER INNOVATION GRANTS. Notwithstanding s. 46.48 (22),
13 the department of health services may, from the appropriation under s. 20.435 (7)
14 (bc), distribute not more than \$7,225,000 in fiscal year 2023-24 as grants to health
15 care providers and long-term care providers under s. 46.48 (22).

16 (10) PAID FAMILY AND MEDICAL LEAVE.

17 (a) *Definitions.* In this subsection:

18 1. "Family leave" means leave from employment for a reason specified in s.
19 103.10 (3) (b) 1. to 7.

20 2. "Medical leave" means leave from employment when an employee has a
21 serious health condition that makes the employee unable to perform his or her
22 employment duties, or makes the employee unable to perform the duties of any
23 suitable employment or who is in medical isolation, as defined in s. 103.10 (1) (em).

24 3. "Serious health condition" has the meaning given in s. 103.10 (1) (g).

1 (b) *Program plan.* The Board of Regents of the University of Wisconsin System
2 shall submit to the administrator of the division of personnel management in the
3 department of administration, with its recommendations for adjustments to
4 compensation and employee benefits for employees of the system under s. 230.12 (3)
5 (e) 1. for 2023-25, a plan for a program to provide paid family and medical leave for
6 12 weeks annually to employees of the system.

7 (11) TAX REBATE FOR 2023.

8 (a) In this subsection:

9 1. "Claimant" means an individual who is eligible to receive a rebate under this
10 subsection.

11 2. "Department" means the department of revenue.

12 3. "Full-year resident" means an individual who was a resident of this state
13 for the entire year of 2022.

14 (b) Subject to the limitations and conditions under this subsection, an
15 individual who is a full-year resident is eligible to receive a rebate, as determined
16 under par. (c).

17 (c) A claimant who files a Wisconsin individual income tax return for the
18 taxable year beginning after December 31, 2021, and before January 1, 2023, shall
19 receive a rebate under this subsection equal to \$200, multiplied by the number of
20 personal exemptions claimed on the claimant's individual income tax return, except
21 that no more than 3 personal exemptions for dependents, as defined under section
22 152 of the Internal Revenue Code, of the claimant may be counted for determining
23 the amount of a rebate under this subsection. The department of administration
24 shall make the payment under this paragraph as provided in par. (e) without any
25 further action required of the claimant.

1 (d) A person is not eligible to receive a rebate under this section if the person
2 is married and files jointly and the couple's federal adjusted gross income in the
3 taxable year beginning after December 31, 2021, and before January 1, 2023, exceeds
4 \$150,000 or if the person files as a single individual or head of household, or is
5 married and files separately, and the person's federal adjusted gross income in the
6 taxable year beginning after December 31, 2021, and before January 1, 2023, exceeds
7 \$100,000.

8 (e) For each rebate under this subsection approved by the department, the
9 department shall certify the allowable amount of the rebate to the department of
10 administration for payment to the claimant by check, share draft, or other draft
11 drawn from the appropriation account under s. 20.835 (2) (cd).

12 **SECTION 95. Fiscal changes.**

13 (1) NURSE AIDE TRAINING AND RECRUITMENT GRANTS. In the schedule under s.
14 20.005 (3) for the appropriation to the department of health services under s. 20.435
15 (4) (bm), the dollar amount for fiscal year 2024-25 is increased by \$6,000,000 for a
16 workforce development program to train and recruit individuals to work as nurse
17 aides in nursing homes, commonly known as the WisCaregiver Careers program.

18 (2) WISCONSIN GRANTS TO PRIVATE, NONPROFIT COLLEGE STUDENTS. In the schedule
19 under s. 20.005 (3) for the appropriation to the higher educational aids board under
20 s. 20.235 (1) (b), the dollar amount for fiscal year 2023-24 is increased by \$1,425,300
21 and the dollar amount for fiscal year 2024-25 is increased by \$2,921,800.

22 (3) WISCONSIN GRANTS TO UNIVERSITY OF WISCONSIN SYSTEM STUDENTS. In the
23 schedule under s. 20.005 (3) for the appropriation to the higher educational aids
24 board under s. 20.235 (1) (fe), the dollar amount for fiscal year 2023-24 is increased

1 by \$3,094,800 and the dollar amount for fiscal year 2024-25 is increased by
2 \$6,344,300.

3 (4) WISCONSIN GRANTS TO TECHNICAL COLLEGE STUDENTS. In the schedule under
4 s. 20.005 (3) for the appropriation to the higher educational aids board under s.
5 20.235 (1) (ff), the dollar amount for fiscal year 2023-24 is increased by \$1,148,600
6 and the dollar amount for fiscal year 2024-25 is increased by \$2,354,700.

7 (5) WISCONSIN GRANTS TO TRIBAL COLLEGE STUDENTS. In the schedule under s.
8 20.005 (3) for the appropriation to the higher educational aids board under s. 20.235
9 (1) (km), the dollar amount for fiscal year 2023-24 is increased by \$24,100 and the
10 dollar amount for fiscal year 2024-25 is increased by \$49,400.

11 (6) UNIVERSITY OF WISCONSIN SYSTEM; GENERAL PROGRAM OPERATIONS. In the
12 schedule under s. 20.005 (3) for the appropriation to the Board of Regents of the
13 University of Wisconsin System under s. 20.285 (1) (a), the dollar amount for fiscal
14 year 2023-24 is increased by \$22,100,000 and the dollar amount for fiscal year
15 2024-25 is increased by \$44,300,000.

16 (7) STATE AID TO TECHNICAL COLLEGES. In the schedule under s. 20.005 (3) for the
17 appropriation to the technical college system board under s. 20.292 (1) (d), the dollar
18 amount for fiscal year 2023-24 is increased by \$20,500,000 and the dollar amount
19 for fiscal year 2024-25 is increased by \$20,500,000 to increase funding for state aid
20 for technical colleges.

21 (8) NURSE EDUCATORS. In the schedule under s. 20.005 (3) for the appropriation
22 to the higher educational aids board under s. 20.235 (1) (co), the dollar amount for
23 fiscal year 2023-24 is increased by \$5,000,000 and the dollar amount for fiscal year
24 2024-25 is increased by \$5,000,000 for the nurse educator program.

1 (9) HEALTH CARE APPRENTICESHIPS. In the schedule under s. 20.005 (3) for the
2 appropriation to the department of workforce development under s. 20.445 (1) (a),
3 the dollar amount for fiscal year 2023-24 is increased by \$801,400 to increase the
4 authorized FTE positions for the department by 1.0 GPR position to conduct
5 outreach to stakeholders and partners to develop new apprenticeship pathways
6 related to health care. In the schedule under s. 20.005 (3) for the appropriation to
7 the department of workforce development under s. 20.445 (1) (a), the dollar amount
8 for fiscal year 2024-25 is increased by \$135,200 to provide funding for the position
9 authorized under this subsection.

10 (10) TREATMENT PROGRAM GRANTS. In the schedule under s. 20.005 (3) for the
11 appropriation to the department of health services under s. 20.435 (5) (bg), the dollar
12 amount for fiscal year 2024-25 is increased by \$1,576,600 for grants to support
13 treatment programs under s. 146.618.

14 (11) TRANSFER TO THE CAPITAL IMPROVEMENT FUND. There is transferred from the
15 general fund to the capital improvement fund \$197,336,000 during the 2023-25
16 fiscal biennium to fund the project enumerated under SECTION 93 of this act.

17 (12) TRANSFERS TO FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE TRUST FUND.
18 There is transferred from the general fund to the family and medical leave benefits
19 insurance trust fund created under s. 25.52 \$243,413,400 in the 2023-25 fiscal
20 biennium.

21 (13) FEDERAL BLOCK GRANT OPERATIONS. In the schedule under s. 20.005 (3) for
22 the appropriation to the department of children and families under s. 20.437 (2) (mc),
23 the dollar amount for fiscal year 2023-24 is increased by \$312,000 for the purpose
24 of child care state administration and licensing activities. In the schedule under s.
25 20.005 (3) for the appropriation to the department of children and families under s.

1 20.437 (2) (mc), the dollar amount for fiscal year 2024-25 is increased by \$624,000
2 for the purpose of child care state administration and licensing activities.

3 (14) FEDERAL BLOCK GRANT AIDS. In the schedule under s. 20.005 (3) for the
4 appropriation to the department of children and families under s. 20.437 (2) (md),
5 the dollar amount for fiscal year 2023-24 is increased by \$19,000,000 for the child
6 care quality improvement program under s. 49.133. In the schedule under s. 20.005
7 (3) for the appropriation to the department of children and families under s. 20.437
8 (2) (md), the dollar amount for fiscal year 2024-25 is increased by \$19,000,000 for
9 the child care quality improvement program under s. 49.133.

10 (15) GRADUATE MEDICAL EDUCATION GRANTS. In the schedule under s. 20.005 (3)
11 for the appropriation to the department of health services under s. 20.435 (4) (bf), the
12 dollar amount for fiscal year 2023-24 is increased by \$627,800 and the dollar amount
13 for fiscal year 2024-25 is increased by \$639,900 for graduate medical training
14 support grants.

15 (16) HEALTH CARE PROVIDER INNOVATION GRANTS. In the schedule under s. 20.005
16 (3) for the appropriation to the department of health services under s. 20.435 (7) (bc),
17 the dollar amount for fiscal year 2023-24 is increased by \$7,225,000 and the dollar
18 amount for fiscal year 2024-25 is increased by \$14,500,000 for health care provider
19 innovation grants under SECTION 94 (9) and s. 46.48 (22).

20 (17) HEALTH CARE PROVIDER INNOVATION GRANT PROGRAM ADMINISTRATION. In the
21 schedule under s. 20.005 (3) for the appropriation to the department of health
22 services under s. 20.435 (4) (bm), the dollar amount for fiscal year 2023-24 is
23 increased by \$225,000 and the dollar amount for fiscal year 2024-25 is increased by
24 \$500,000 for state administration and evaluation of the health care provider
25 innovation grant program.

1 (18) CHILD CARE OFFSET. In the schedule under s. 20.005 (3) for the appropriation
2 to the joint committee on finance under s. 20.865 (4) (a), the dollar amount for fiscal
3 year 2023-24 is decreased by \$15,000,000, which had been reserved for child care
4 under s. 20.192 (1) (bn) for the purpose of offsetting the amounts in the schedule
5 under s. s. 20.437 (2) (d).

6 (19) STATE EMPLOYEE PAID FAMILY AND MEDICAL LEAVE. The amounts of the
7 estimated expenditures in the compensation reserves general purpose revenue
8 shown in the schedule under s. 20.005 (1) are increased by \$8,352,800 in fiscal year
9 2023-24 and by \$17,373,900 in fiscal year 2024-25.

10 **SECTION 96. Initial applicability.**

11 (1) FAMILY AND MEDICAL LEAVE. The treatment of s. 103.10 (12) (b) first applies
12 to a violation that occurs, or that an employee should reasonably have known
13 occurred, on the effective date of this subsection.

14 (2) PAID FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.

15 (a) *Family and medical leave benefits insurance trust fund contributions.*
16 Except as provided in par. (c), the treatment of s. 103.105 (8) first applies to wages
17 earned on January 1, 2025.

18 (b) *Family or medical leave insurance benefits eligibility.* Except as provided
19 in par. (c), the treatment of s. 103.105 (3) first applies to a period of family leave, as
20 defined in s. 103.105 (1) (f), or a period of medical leave, as defined in s. 103.105 (1)
21 (h), commencing on January 1, 2025.

22 (c) *Collective bargaining agreements.* The treatment of ss. 20.445 (6), 25.17 (1)
23 (er), 25.52, 103.105, and 111.322 (2m) (a) and (b) first applies to an employee who is
24 affected by a collective bargaining agreement that contains provisions inconsistent
25 with the treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m)

1 (a) and (b) on the day on which the collective bargaining agreement expires or is
2 extended, modified, or renewed.”.

3 (END)