

Passes 12-4

Senator Marklein
Representative Born

MISCELLANEOUS ITEMS

Move the following:

Administration

1. *Fund of Funds Investment Program -- Additional Funding.* Provide \$25,000,000 GPR in 2023-24 to the Department of Administration's (DOA) appropriation for the fund of funds investment program, resulting in a total of \$50,000,000 GPR provided to the fund of funds by the state (\$25,000,000 GPR was provided in 2013-14). Amend program language to specify that DOA must provide \$25,000,000 GPR to the fund of funds investment manager in 2023-24, and the investment manager must commit the newly-provided funds to at least four venture capital funds that have headquarters in Wisconsin within 24 months after receipt of the moneys.

In addition, amend program language to specify that a management fee be provided to the investment manager in the amount of 1% annually of the newly-provided \$25.0 million contributed by the state for no more than four years from the time the funding is provided to the investment manager (that is, a fee of \$250,000 annually for the newly-provided funds, for a period of no more than four years).

Amend program language to specify that matching requirements for investments in businesses also apply to the newly-provided \$25.0 million state funds. Under current law, any moneys from the \$25.0 million funding provided to the fund by the state in 2013-14, which is invested into a business, must be matched with an investment in that business from sources other than the investment manager and must provide, on average, \$2 in that business from sources other than the investment manager for every \$1 the venture capital fund receives from the state.

Amend program language to specify that gross proceeds up to \$50,000,000 from the state's investment must be paid to the Secretary of DOA for deposit to the general fund, and that 90% of the gross proceeds thereafter would also be deposited to the general fund, as is specified under current law with respect to the \$25,000,000 provided in 2013-14.

Require DOA to submit, no later than March 1, 2024, a report to the Joint Committee on Finance that includes a comprehensive assessment of the performance to date of the investment program; any recommendations that DOA has for improvement of the program; and any recommendations the State of Wisconsin Investment Board has for improvement of the program.

Children and Families

2. *Boys and Girls Clubs.* Specify that the \$5,000,000 FED provided to DCF in 2023-24 in

Motion 116 for a grant to the Boys and Girls Clubs of Wisconsin is not required to be used for the Be Great Graduate program.

Insurance

3. *Fraudulent Insurance Acts.* Establish a prohibition against fraudulent insurance acts, within current law statutory section related to the general powers and duties of the Office of the Commissioner of Insurance (OCI). Specify, for the purposes of this provision, that a fraudulent insurance act includes knowingly presenting a false or fraudulent claim for payment of a loss or benefit or knowingly presenting false information in an application for insurance. Specify that, if based on an investigation, it has a reasonable basis to believe that a violation of laws involving theft, forgery, fraudulent writings, fraudulent data alteration, fraudulent insurance and employee benefit program claims, fraudulent destruction of certain writings, or any other criminal law has occurred, OCI may refer the results of an investigation to the Department of Justice or to the district attorney of the county in which the alleged violation occurred for prosecution. Provide 1.0 PR position in OCI for investigation of fraudulent insurance acts, and provide \$107,400 PR in 2023-24 and \$138,700 PR in 2024-25 to support the position.

Natural Resources

4. *Nursery Seedling Surcharge.* Repeal the 3¢ surcharge on all seedlings sold at state nurseries. Reduce SEG-REV by \$75,000 annually.

5. *ATV and UTV Trail Aids.* Increase the expenditure authority for all-terrain vehicle (ATV) and utility terrain vehicle (UTV) trail and increase aids by \$432,800 conservation SEG in 2023-24 and \$439,000 in 2024-25.

Public Instruction

6. *Robotics League Participation Grants.* Specify that the maximum grant award under the robotics league participation grant program would be \$6,000, rather than \$5,000 as under current law.

7. *Choice and Charter Reestimates.* Reestimate payments from the sum sufficient appropriations for the choice, charter, and special needs scholarship programs to account for the provisions of 2023 Act 11 and the interaction effects of Motion 12 (sum sufficient reestimates) and Motion 98 (the Department of Administration omnibus motion) on the payment indexing calculation.

The table below shows the fiscal effect of the reestimate in each year of the biennium.

Choice, Charter, and SNSP Reestimates

	2023-24			2024-25		
	GPR	GPR-Lapse	Net GPR	GPR	GPR-Lapse	Net GPR
Milwaukee choice	\$43,849,600	-\$1,403,100	\$42,446,500	\$44,429,000	\$0	\$44,429,000
Statewide/Racine choice	34,110,200	-32,236,300	1,873,900	37,837,800	-36,199,200	1,638,600
SNSP	3,945,200	-3,945,200	0	4,559,400	-4,559,400	0
Independent charter	16,291,900	-905,800	15,386,100	16,697,100	-920,700	15,776,400
Independent charter -- OEO	3,905,100	-3,905,100	0	4,579,600	-4,579,600	0
Total	\$102,102,000	-\$42,395,500	\$59,706,500	\$108,102,900	-\$46,258,900	\$61,844,000

Safety and Professional Services

8. *Erosion Remediation Assistance for the De Pere Greenwood Cemetery.* Provide \$1,000,000 GPR in 2023-24 for erosion remediation at De Pere Greenwood Cemetery. Specify that the Department of Safety and Professional Services (DSPS) distribute the funds from its GPR general operations appropriation to De Pere Greenwood Cemetery with approval from the state Cemetery Board.

Supreme Court

9. *Cybersecurity Program Funding.* Modify the Committee's decision under Motion #47 related to Supreme Court cybersecurity program funding to provide \$1,192,100 GPR in 2023-24 and \$1,452,100 GPR in 2024-25 for high-priority and on-going cybersecurity and related maintenance. In addition, re-estimate the CCAP appropriation expenditure authority by \$2,188,000 PR annually. [Paper #745, Alternative 4]

University of Wisconsin System

10. *UW Washington County Transition.* Provide \$3,350,000 GPR in the Joint Committee on Finance's supplemental appropriation in 2023-24 for release to UW System upon request and approval by the Committee for the transition of UW-Washington County from a UW-Milwaukee branch campus to a joint Moraine Park Technical College/Washington County operation pursuant to a plan submitted by UW System. Require the plan to include matching funds from Washington County and from private donations.

Wisconsin Economic Development Corporation

11. *Data Sharing with the Department of Revenue (DOR).* Permit the Chief Executive Officer and employees of the Wisconsin Economic Development Corporation (WEDC) to examine tax information, including review of returns, certain claims, schedules, exhibits, writings, audit reports, tax credit applications, compliance with tax credit certifications, and confirming the amount of tax credits used for purposes of revoking tax credits pursuant to an agreement with DOR and to the extent necessary to administer tax benefit programs. Specify that confidential tax information received by WEDC from DOR would not be public records. Specify that the effective date of this

provision would be the first day of the third month beginning after publication of the bill.

12. *Sales Tax Exemption for WEDC Certified Data Centers.* Create a sales and use tax exemption for certain property and items used at a qualified data center, as certified by WEDC, including the sales price from:

a. the sale of and the storage, use, or other consumption of tangible personal property, regardless of whether the property is affixed to or incorporated into real property, and property, used exclusively for the development, construction, renovation, expansion, replacement, repair, or operation of a qualified data center, including computer server equipment and the chassis for such equipment; networking equipment; switches; racks; fiber-optic cabling, copper cabling, and other cabling, including cabling used to connect one or more qualified data centers; trays; conduits; substations; uninterruptible energy equipment; supplies; fuel piping and storage; duct banks; switches; switchboards; batteries; testing equipment; backup generation equipment; modular data centers and preassembled components; monitoring equipment; and security systems;

b. the sales of and the storage, use, or other consumption of tangible personal property or property used in the development, construction, renovation, expansion, replacement, or repair of a water cooling or conservation system used exclusively to cool or conserve water for one or more qualified data centers, including chillers, mechanical equipment, refrigerant piping, fuel piping and storage, adiabatic and free cooling systems, cooling towers, water softeners, air handling units, indoor direct exchange units, fans, ducting, and filters;

c. the sale of and the storage, use, or other consumption of tangible personal property or property affixed to real property sold to a construction contractor that, in fulfillment of a real property construction activity, transfers the tangible personal property or property to a qualified data center, if such tangible personal property or property affixed to real property becomes a component of the qualified data center; and

d. the sale of electricity used at a qualified data center.

Define "eligible data center costs" to mean expenditures made after the first day of the third month beginning after publication of the bill for the development, acquisition, construction, renovation, expansion, replacement, or repair and the operation of a qualified data center in this state, including costs of tangible personal property and leased property affixed to real property, land, buildings, site improvements, modular data centers, computer data center equipment acquisition and permitting, lease payments, site characterization and assessment, engineering, and design used at a qualified data center in this state.

Define "qualified data center" to mean one or more buildings or an array of connected buildings owned, leased, or operated by the same business entity (or its affiliate) and for which all of the following apply:

a. the buildings are rehabilitated or constructed to house a group of networked server computers in one physical location or multiple locations in order to centralize the processing, storage,

management, retrieval, communication, or dissemination of data and information, and

b. the buildings create a minimum qualified investment in this state of any of the following amounts within five years from the certification date: (i) \$150,000,000 for buildings located in a county having a population greater than 100,000; (ii) \$100,000,000 for buildings located in a county having a population greater than 50,000 and not more than 100,000; (iii) \$50,000,000 for buildings located in a county having a population of not more than 50,000; or (iv) for buildings located in more than one county, the minimum qualified investment provided for the most populous county in which the buildings are located.

Define "qualified investment" to mean the aggregate, non-duplicative eligible data center costs expended at a qualified data center by an owner, operator, or tenant, or an affiliate of an owner, operator, or tenant, of the qualified data center.

Specify that WEDC must certify a qualified data center for purposes of the sales and use tax exemption. Require the certification to include a description of the geographic location or locations and buildings of the qualified data center and an identification of the business entity. Specify that WEDC is required to contract with that business entity and must, upon request, amend the certification and contract to include one or more additional locations and buildings of the qualified data center. If WEDC certifies a qualified data center for purposes of the sales and use tax exemption and the data center fails to satisfy the minimum qualified investment requirements described above, require WEDC to revoke the certification. Specify that all amounts of the sales and use tax exemption claimed under that certification as of the date of revocation become due and payable to each taxing authority against whom the exemption was claimed in the amounts so claimed. Specify that WEDC may grant an extension of time within which the qualified data center may avoid revocation by satisfying the applicable qualified investment requirement.

Specify that the effective date of this provision would be the first day of the third month beginning after publication of the bill.

Wisconsin Technical College System

13. *Oral Healthcare Workforce*. Provide \$20 million GPR in 2023-24 in the Joint Finance Committee supplemental appropriation for oral healthcare workforce initiatives in the Wisconsin Technical College System.

Workforce Development

14. *Substance Abuse Prevention on Public Works Projects*. [Paper #880] Provide one-time funding of \$95,400 GPR in 2023-24 and 1.0 one-year GPR project position in 2023-24 to the Department's general program operations appropriation for the administration and enforcement of a substance abuse prevention program.