

# Significant enactments of the 2017 Legislature

## Administrative law

**Act 57** (SB-15) makes changes regarding the promulgation of administrative rules by state agencies, including:

1. Requiring agencies to submit all statements of scope for proposed rules to the Department of Administration for review before they are submitted to the governor for approval.
2. Creating a process that allows the Joint Committee for Review of Administrative Rules (JCRAR) or a cochairperson of JCRAR to contract for the preparation of an independent economic impact analysis by a third party for an agency's proposed rule.
3. Prohibiting an agency from promulgating any rule with estimated costs of \$10 million or more over any two-year period unless the agency reduces the estimated cost of the rule or a law is passed authorizing the rule to be promulgated.

**Act 108** (AB-317) makes changes concerning administrative rules promulgated by state agencies, including allowing JCRAR to direct an agency to prepare a retrospective economic impact analysis on its existing rules.

**Act 158** (AB-330) prohibits an agency that has not taken any action to exercise rule-making authority in ten years or more from promulgating administrative rules unless such promulgation is subsequently authorized in legislation.

**Act 369** (SB-884) provides limitations on agency rule-making authority and allows JCRAR to suspend rules multiple times. The act also includes provisions regarding the adoption by agencies of guidance documents and requires agency publications to include citations to applicable provisions. Finally, the act prohibits agencies from seeking deference to agency interpretations of law and prohibits such deference from being accorded in reviews of agencies' administrative proceedings.

## Agriculture

**Act 100** (SB-119) allows people to grow, process, transport, sell, and take possession of industrial hemp to the greatest extent allowed under federal law. The act requires the Department of Agriculture, Trade and Consumer Protection to create a pilot program to study the growth, cultivation, and marketing of industrial hemp and to create a licensing and registration system for industrial hemp-related

activities. The act also exempts certain industrial hemp-related activities from prosecution under the state’s controlled substances laws.

## **Buildings and safety**

**Act 243** (AB-770) prohibits a city, village, town, or county from making or enforcing an ordinance that does not conform to the Uniform Dwelling Code and allows the owner of a dwelling to waive any provision in a contract with a city, village, town, or county that requires the owner to comply with such an ordinance. If the owner waives the provision, it is void and unenforceable.

## **Business and consumer law**

**Act 77** (SB-298) creates a category of business corporation identified as a benefit corporation. A benefit corporation must have a purpose of creating public benefit and must have a benefit director on its board.

**Act 177** (SB-404) creates, for college students who form a business start-up, an exemption to the Department of Financial Institutions filing fee to form a limited liability company.

**Act 318** (AB-811) directs the Wisconsin Economic Development Corporation to collaborate with state agencies for the purpose of attracting talent to this state.

**Act 369** (SB-884) makes changes to laws relating to economic development, including the following:

1. Increases the number of members and alters the composition of the WEDC board. Under the act, the legislative appointees to the board need not be legislators and serve four-year terms. Additionally, the legislative appointees constitute a majority of the board until September 1, 2019, after which the speaker of the assembly and senate majority leader each lose one appointee.

2. Eliminates the cap on the number of enterprise zones WEDC may designate for purposes of the enterprise zone tax credit program, but requires that WEDC get approval from the Joint Committee on Finance before designating a new zone.

## **Children**

**Act 47** (SB-35) adds juvenile correctional officers to the list of professionals who must report suspected abuse and neglect of children.

**Act 59** (AB-64) does the following:

1. Allows counties to contract with other counties to perform certain child welfare intake services.

2. Grants juvenile courts exclusive jurisdiction over any child who is, or is at a substantial risk of becoming, a victim of child sex trafficking.

3. Increases from 16 to 18 the age below which persons sentenced to a state prison must, under certain circumstances, be placed at a juvenile correctional facility or secured residential care center for children and youth.

**Act 143** (AB-843) requires all persons who under current law are mandatory reporters of suspected child abuse or neglect to also report to a law enforcement agency if the person believes in good faith, based on a threat made by an individual seen in the course of professional duties regarding violence in or targeted at a school, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

**Act 185** (AB-953) does all of the following:

1. Requires the state to close the Type 1 juvenile correctional facilities at the Lincoln Hills School and the Copper Lake School by January 1, 2021.

2. Requires the Department of Corrections, subject to the approval of the Joint Committee on Finance, to establish new Type 1 juvenile correctional facilities to hold certain juveniles adjudicated delinquent and placed under the supervision of DOC.

3. Creates a \$40 million grant program to establish new county-run, secured residential care centers for children and youth to hold certain juveniles adjudicated delinquent and placed under the supervision of the county.

4. Transfers all youth that were housed at the Lincoln Hills School and the Copper Lake School to the appropriate new facility created under the act.

**Act 308** (SB-52) removes the three-year limit on the amount of time DOC may place certain juveniles participating in the Serious Juvenile Offender Program in a Type 1 juvenile correctional facility or a secured residential care center for children and youth.

## Corrections

**Act 33** (Jr7 SS AB-3) provides that a person who is on parole, probation, or extended supervision may not have his or her parole, probation, or extended supervision revoked for possession of a controlled substance or paraphernalia if he or she assists a person who is suffering from a drug overdose by summoning an emergency service provider or by bringing that person to an emergency service provider.

## Courts and civil actions

**Act 58** (Au7 SS AB-1) establishes an expedited appeal procedure under which a party may, as a matter of right, appeal a judgment or order of the trial court relating to a decision by a state or local official, board, commission, condemnor, authority, or department concerning an Electronics and Information Technology

Manufacturing Zone. The act also provides that any circuit court judgment or order related to an EITM zone is automatically stayed pending appeal, though a party may request to have the stay modified or vacated.

**Act 235** (AB-773) shortens the statute of limitations for an action for injury to character from six years to three years; for an action for injury resulting from improvements to real property from ten years to seven years; and for an action upon a liability created by statute when a different limitation is not prescribed by law and for an action for relief on the ground of fraud from six years to three years.

## Crime

**Act 4** (SB-10) provides that a person may possess cannabidiol in a form without a psychoactive effect (CBD oil) if the person has a certification issued by a physician within the previous year stating that the person possesses the CBD oil to treat a medical condition.

**Act 25** (Jr7 SS AB-4) prohibits certain narcotics designated as schedule V controlled substances from being dispensed without a prescription.

**Act 54** (SB-133) makes it a Class I felony to possess, and a Class H felony to use, a credit card scanner with the intent to commit identity theft. The act also provides an exemption from civil liability for an owner of an ATM or gas pump who has had a credit card scanner installed on his or her machine without permission.

**Act 60** (AB-335) adds fentanyl analogs that are not already schedule I controlled substances to the list of synthetic opioids under that schedule and reorganizes some substances from the general synthetic opioids category to the specific fentanyl analog category under that schedule.

**Act 145** (SB-408) makes it a Class G felony to purchase a firearm with the intent to transfer it to a person who is prohibited from possessing a firearm (straw purchasing) or to illegally furnish or possess a firearm for a person who is prohibited from possessing a firearm. The act also increases the penalty for providing false information on a firearm background check form from a misdemeanor to a Class H felony if the false information is regarding whether the person is purchasing the firearm with the intent of transferring it to a person who is prohibited from possessing a firearm. The act also subjects a person to a mandatory minimum period of confinement in prison of four years if the person is convicted of illegally possessing a firearm or convicted of another crime involving a firearm and, within five years prior to that conviction, he or she had been convicted of either three misdemeanors or one felony.

**Act 211** (SB-61) changes the procedure for forfeiture of property after it has

been seized in relation to a crime. With certain exceptions, the act provides that property may be forfeited only after a person has been convicted of the crime related to the forfeiture action and only if a court finds that the property seized is proportional to the crime committed. If the person is acquitted, the charges against the person are dismissed, or no criminal charges are filed within six months of the initiation of the forfeiture proceeding, the court must order the return of the property within 30 days. The act requires seized property to be returned to innocent owners of the property unless the owners were involved with or knowledgeable about the crime related to his or her property. In addition, the act allows the court, upon petition by a person whose property was seized but not yet forfeited, to return the property to the person under certain circumstances. Further, the act requires a law enforcement agency to sell forfeited property and divide the proceeds as specified in the act.

**Act 272** (AB-825) makes it a Class H felony to intentionally threaten or cause bodily harm to an attorney or the family member of an attorney because of his or her role in child welfare or family law cases.

## Domestic relations

**Act 59** (AB-64) requires that individuals seeking to form new domestic partnerships apply on or after August 1, 2009, but no later than April 1, 2018. The act prohibits county clerks from issuing declarations of domestic partnership to individuals who apply after April 1, 2018.

## Economic development

**Act 58** (Au7 SS AB-1) authorizes the Wisconsin Economic Development Corporation to designate an Electronics and Information Technology Manufacturing Zone. Under the act, WEDC may certify one or more businesses that begin operations in the EITM zone to claim up to a total of \$2,850,000,000 in refundable tax credits in connection with job creation and capital investment in the EITM zone and the state. The EITM zone designation may last for up to 15 years.

**Act 59** (AB-64) eliminates a prohibition against WEDC issuing new loans. Instead, the act prohibits WEDC from issuing certain forgivable loans and requires that WEDC's new lending programs adhere to commonly accepted commercial lending practices.

## Education

### HIGHER EDUCATION

**Act 29** (Jr7 SS AB-1) grants immunity to a residence hall director who administers

an opioid antagonist to a person who appears to be undergoing an opioid-related drug overdose if the residence hall director has received training approved by his or her employer and he or she reports the drug overdose to authorities as soon as practicable after administering the antagonist. The act applies to residence hall directors for the University of Wisconsin System, the Wisconsin Technical College System, and in-state private, nonprofit institutions of higher education.

**Act 59** (AB-64) does the following:

1. Beginning in fiscal year 2018–19, requires the Board of Regents to distribute in each fiscal year \$26.25 million to UW institutions based on each institution's progress in meeting the following goals: (1) growing and ensuring student access, (2) improving and excelling at student progress and completion, (3) expanding contributions to the workforce, and (4) enhancing operational efficiency and effectiveness. The act requires the Board of Regents to submit for JCF approval a formula for making the distributions.
2. Prohibits the Board of Regents from charging resident undergraduate academic fees in the 2017–18 and 2018–19 academic years that exceed those charged in the 2016–17 academic year.
3. Requires the Board of Regents to develop and implement a plan no later than January 1, 2018, for monitoring faculty and instructional academic staff teaching workloads and rewarding faculty and instructional academic staff who teach more than a standard academic load. The act also includes requirements for reporting and publishing aggregate and individual teaching hour data.
4. Allows a member of the Wisconsin National Guard or a reserve unit of the U.S. Armed Forces who is otherwise not eligible for resident tuition at UW System schools but who meets certain requirements to qualify for resident tuition.
5. Creates the Tommy G. Thompson Center on Public Leadership at the UW-Madison. The act also creates a public leadership board that appoints a director and approves the annual budgets for the center.
6. Allows the Board of Regents to create a school of engineering at UW-Green Bay.
7. Eliminates the Educational Approval Board, an agency responsible for approval and oversight of certain institutions of higher education, including private for-profit colleges, and transfers its functions to the Department of Safety and Professional Services.

#### **PRIMARY AND SECONDARY EDUCATION**

**Act 29** (Jr7 SS AB-1) grants immunity to a public or private school employee or volunteer who administers an opioid antagonist to a pupil or other person

who appears to be undergoing an opioid-related drug overdose and requires the employee or volunteer to report the drug overdose as soon as practicable after administering the antagonist.

**Act 30** (Jr7 SS AB-6) authorizes the creation of and provides funding for one recovery charter school to provide an academic curriculum to and therapeutic programming and support for high school pupils in recovery from substance use disorder and dependency.

**Act 31** (Jr7 SS AB-11) requires the state superintendent to establish a program to provide training to school district and charter school staff to address mental health issues in schools.

**Act 36** (SB-293) makes substantive and technical changes to the Milwaukee Parental Choice Program, the Racine Parental Choice Program, the statewide Parental Choice Program, and the Special Needs Scholarship Program (SNSP), including requiring private schools participating in a parental choice program (PCP) to conduct employee background checks and to exclude certain individuals from employment.

**Act 59** (AB-64) makes the following changes to the laws governing primary and secondary education:

1. Creates a five-year personal electronic computing device grant program under which the Department of Public Instruction awards grants to public schools, private schools, and tribal schools for purchasing personal electronic computing devices, software, and curriculum and for training professional staff on how to effectively incorporate personal electronic computing devices into the high school curriculum.
2. Increases the reimbursement amount under the high-cost special education aid program from 70 percent to 90 percent of eligible prior-year costs above \$30,000.
3. Beginning in the 2017–18 school year, requires DPI to pay 50 percent of the sparsity aid payment to school districts that were eligible for sparsity aid in the previous school year but that are not eligible for sparsity aid in the current school year.
4. Beginning in the 2018–19 school year, changes PCPs by increasing the income limit for the statewide choice program to a family income of less than 220 percent of the federal poverty level, rather than 185 percent.
5. Makes the following changes to the SNSP:
  - a. Eliminates the requirement that a pupil must have applied to attend a non-resident school district under the open enrollment program for the same school

year in which the pupil is applying for the SNSP and that the open enrollment application was denied.

b. Eliminates the requirement that a pupil must have been enrolled in a public school in Wisconsin for the entire school year immediately preceding the school year for which the pupil is applying for the SNSP.

6. Makes the following changes related to independent charter schools:

a. Requires DPI to make summer school payments, in the same manner DPI makes summer school payments to private schools participating in a PCP, to independent charter schools for children who attend summer school.

b. Expands independent charter school authorizers to include any UW chancellor and any technical college district board.

c. Eliminates geographic restrictions for a charter school authorized by the Office of Educational Opportunity in the UW System.

d. Eliminates the restrictions on charter schools authorized by the Gateway Technical College District Board.

7. Beginning in the 2018–19 school year, modifies the Youth Options Program, other than that portion of the program governing a pupil's attendance at a technical college, to create the Early College Credit Program (ECCP). The ECCP allows a public or private high school pupil to enroll in an institution of higher education for the purpose of taking nonsectarian courses.

8. Allows a faculty member of an institution of higher education to teach in a public high school, including a charter school operating only high school grades, without a license or permit from DPI if the faculty member satisfies certain criteria.

9. Limits the dates on which a school board may schedule a referendum seeking approval to raise the school district's revenue limit or issue bonds to the spring primary or election or the partisan primary or election unless the school district has experienced a natural disaster, in which case the school board may schedule a special referendum within six months of the natural disaster.

**Act 141** (AB-835), beginning in the 2018–19 school year, increases sparsity aid payments for eligible school districts to \$400 per pupil. Subject to restrictions related to failed operating referenda, the act also increases the revenue ceiling to \$9,400 in the 2018–19 school year and then by \$100 in each school year thereafter until the revenue ceiling is \$9,800 in the 2022–23 school year.

## Elections

**Act 120** (AB-153) allows a candidate to petition for a recount if the candidate trails the leading candidate by no more than 1 percent of the total votes cast for the office sought by the candidates. The act also increases the per diem compensation for a member of the Elections Commission or Ethics Commission from \$27 to



\$115 for each day on which the member attends or participates in a meeting of the member's commission.

**Act 369** (SB-884) does all of the following:

1. Modifies current law regarding the absentee ballot voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The act also provides that an individual signing the witness certification for an absentee ballot cast by a military or overseas elector need not be a U.S. citizen.

2. Codifies an administrative rule adopted by the Government Accountability Board, now the Elections Commission, which allows an individual to use an identification card issued by a technical college in this state as a valid form of voter identification.

3. Codifies administrative rules adopted by the Department of Transportation regarding the petition process for acquiring a valid voter identification card.

## Eminent domain

**Act 59** (AB-64) changes eminent domain law by prohibiting the acquisition of property by condemnation for certain purposes, including establishing or extending recreational trails or bicycle lanes.

**Act 243** (AB-770) makes changes to the eminent domain law with respect to calculating the amount of just compensation for property that is condemned and with respect to payments made in addition to just compensation. The act creates new categories of costs for which a condemnee must be compensated if that condemnee incurs expenses to make the condemnee's new property comparable to the condemned property and restricts the amount of additional payments made if the condemnor is a village, town, or city.

## Employment

**Act 58** (Au7 SS AB-1) requires the Department of Workforce Development to allocate \$20,000,000 in the 2019–21 fiscal biennium to provide funding, through grants or other means, to facilitate worker training and employment in this state, subject to approval by JCF.

**Act 59** (AB-64) repeals the prevailing wage law, which required that certain laborers, workers, mechanics, and truck drivers employed on the site of certain state projects of public works be paid at the prevailing wage rate.

## Environment

**Act 10** (SB-76) provides that a person with a high capacity well permit does not

need to obtain additional approval from the Department of Natural Resources to repair, replace, reconstruct, or transfer ownership of the high capacity well unless taking these actions would be inconsistent with the person's high capacity well permit. The act also requires DNR to evaluate and model the hydrology of three specific lakes, and allows DNR to evaluate and model the hydrology of any navigable lakes or navigable streams at risk of significant water loss within three specific small watersheds. After completing its evaluation and modeling, DNR may recommend that the legislature adopt special measures relating to ground-water withdrawal within the areas that DNR studied.

**Act 58** (Au7 SS AB-1) provides that a determination regarding the issuance of any permit or approval for a new manufacturing facility within an Electronics and Information Technology Manufacturing Zone does not require an environmental impact statement.

**Act 70** (SB-173) relates to the regulation of brownfields, which are abandoned commercial or industrial properties that are contaminated with pollution. The act exempts a person who owns property where a hazardous vapor is emitted from the soil or groundwater from the requirement to remediate the environment, under certain limited circumstances.

**Act 134** (AB-499) makes the following changes to the state's nonferrous metallic mining regulations:

1. Repeals what is commonly called the "mining moratorium," which prohibited DNR from issuing any sulfide ore mining permits in this state until DNR could determine that at least one sulfide ore mine had operated anywhere in the United States or Canada for at least ten years and had been closed for at least ten years without resulting in groundwater or surface water pollution.
2. Prohibits DNR from enforcing groundwater enforcement standards at any point below the point in the bedrock at which the groundwater is not reasonably capable of being used for human consumption.
3. Allows DNR to approve a high capacity well that DNR determines would ordinarily result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state if DNR includes conditions in the high capacity well approval or mining permit to ensure that those detriments will not occur, including a requirement that the applicant provide a replacement water supply or temporarily augment the quantity of water in the affected water body.

**Act 159** (SB-466) prohibits DNR from including the air monitoring site located at Kohler-Andrae State Park in the state's initial monitoring network plan for 2018

and requires DNR to request a waiver of the relevant provisions of the federal Clean Air Act that may be implicated by discontinuing the use of the monitor.

## Financial institutions

**Act 72** (AB-283) allows financial institutions to conduct or participate in savings promotions in which depositors are offered a chance to win prizes. The act specifies that these savings promotions are not a prohibited form of gambling.

## Health and human services

### FOODSHARE

**Act 59** (AB-64) makes changes regarding the law relating to the FoodShare program, including:

1. If certain criteria are met, prohibiting certain individuals and parents who refuse to cooperate in obtaining child support or determining the paternity of a child or who are delinquent in child support payments and do not satisfy an exception from being eligible for FoodShare benefits.
2. Imposing an eligibility limit for FoodShare of \$25,000 in liquid assets for certain individuals, if the federal government does not disallow such a limit, and requiring the Department of Health Services to operate a financial record matching program to verify assets of FoodShare recipients.
3. Applying current-law requirements for drug screening, testing, and treatment to all able-bodied adults participating in the FoodShare employment and training program, known as FSET, regardless of whether they have dependents.
4. Allowing DHS to require able-bodied adults to participate in FSET.
5. Expunging certain unused FoodShare benefits.

**Act 264** (Jr8 SS AB-2) requires DHS to require all able-bodied adults who are not already employed to participate in FSET to the extent allowed by the federal government.

**Act 266** (Jr8 SS AB-6) requires DHS to create and implement a payment system based on performance for entities that administer FSET. The act also requires DHS to establish and implement a pilot program to provide discounts on fresh produce and other healthy foods from retailers.

**Act 269** (Jr8 SS AB-3) creates an asset limit such that to be eligible for FoodShare an individual may have a single residence worth no more than 200 percent of the statewide median home value, excluding agricultural land, and a combined equity value of vehicles, excluding business vehicles, of no more than \$20,000.

## HEALTH

**Act 133** (AB-96) allows certain individuals to obtain a prescription for and provide or administer epinephrine auto-injectors to individuals experiencing anaphylaxis.

## MEDICAL ASSISTANCE

**Act 59** (AB-64) makes changes to the laws related to the Medical Assistance program, including:

1. Making changes to the income eligibility and premium methodology for the Medical Assistance Purchase Plan program, known as MAPP, and changing to 100 percent of the federal poverty line the income limit for Medical Assistance program eligibility for certain elderly, blind, or disabled individuals who are medically needy.

2. Eliminating the ambulatory surgical center assessment and requiring DHS to develop a plan to increase Medical Assistance program reimbursement rates to ambulatory surgical centers.

3. Requiring DHS to submit a waiver amendment request to the federal government to provide employment and training services for childless adults who are eligible for Medical Assistance.

**Act 268** (Jr8 SS AB-8) requires an able-bodied adult to cooperate with paternity and child support determinations, obtain child support, or pay any required child support to be eligible for Medical Assistance.

**Act 370** (SB-886) prohibits DHS from submitting a request to the federal government for a waiver or modification of a waiver or for authorization to implement a pilot program or demonstration project unless legislation directing the submission has been enacted. The act establishes a procedure giving the Joint Committee on Finance review authority over steps in the process of submitting such a request to the federal government and over submission of amendments to the Medical Assistance state plan and changes in the Medical Assistance reimbursement rate for or the making of supplemental payments to providers of Medical Assistance services.

## MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

**Act 26** (Jr7 SS AB-7) expands two grant programs to provide grants for expanding and creating fellowship programs in addiction medicine or addiction psychiatry.

**Act 27** (Jr7 SS AB-8) requires DHS to create two or three regional programs to treat opioid and opiate and methamphetamine addiction in underserved, high-need areas.

**Act 28** (Jr7 SS AB-9) requires DHS to create and administer an addiction medicine consultation program to assist participating clinicians in caring for patients with substance use addiction. Consultation services through the program may be provided by teleconference, video conference, e-mail, or other mode of communication.

**Act 34** (Jr7 SS AB-5) extends to persons who are drug dependent certain programs established by DHS that apply to alcoholics. The act extends emergency detention and involuntary commitment procedures that apply currently to alcoholics and intoxicated persons to persons incapacitated by drug use and persons who habitually lack self-control as to drug use.

**Act 143** (AB-843) exempts from the state's requirements for confidentiality of patient health information the disclosure of any threat made by a patient regarding violence in or targeted at a school if the disclosure is a good faith effort to prevent or lessen a serious and imminent threat to the health and safety of a student or school employee or the public.

**Act 184** (AB-539) changes the process for determining the residency of a person who is being placed on supervised release after having been involuntarily committed to DHS as a sexually violent person. The act eliminates the ability of the court to choose a county other than the person's county of residence to prepare a report for the placement of the person. The act also requires that the report identify one appropriate residence for the person rather than identify prospective residential options for the person.

#### **WISCONSIN WORKS AND WISCONSIN SHARES**

**Act 59** (AB-64) does the following:

1. Expands existing controlled substance screening, testing, and treatment requirements to certain Wisconsin Works (W-2) work experience programs, applies the requirements to all adult members of an individual's W-2 group, and, if an individual fails to satisfy the requirements, requires DCF to pay monthly benefits to a protective payee for the benefit of the individual's dependent children.

2. Authorizes individuals who receive case management services after moving from W-2 employment to unsubsidized employment to receive a subsidy for up to 12 months.

3. Provides continued eligibility for families receiving child care subsidies under Wisconsin Shares so that if a family's gross income exceeds 200 percent of the federal poverty line, the family's copayment increases, but the family is not disqualified from receiving a benefit.

**Act 269** (Jr8 SS AB-3) creates an asset limit such that to be eligible for FoodShare an individual may have a single residence worth no more than 200 percent of the statewide median home value, excluding agricultural land, and a combined equity value of vehicles, excluding business vehicles, of no more than \$20,000. The act allows DHS to create a hardship exemption to the asset limitation. The act also requires DHS and the Department of Children and Families to review death record databases to identify deceased participants in public benefits programs.

## Housing

**Act 74** (AB-234) creates the Interagency Council on Homelessness, whose purpose is to establish, periodically review, and coordinate statewide policy to prevent and end homelessness.

**Act 265** (Jr8 SS AB-4) requires, to the extent allowed under federal law, employment and substance abuse-related screening of residents of public housing and the establishment of employability plans for certain unemployed or underemployed residents of public housing.

## Insurance

**Act 138** (SB-770) establishes the Wisconsin Healthcare Stability Plan, which provides reinsurance to health carriers whose costs for an enrolled individual exceed a specified amount.

## Justice

**Act 32** (Jr7 SS AB-2) increases the amount of grant moneys awarded to counties that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol and other drugs, expands the grant program to more counties, and creates a pilot program to divert nonviolent offenders to a treatment option instead of prosecution and incarceration.

**Act 35** (Jr7 SS AB-10) authorizes four new criminal investigation agent positions at the Department of Justice to focus on drug interdiction and drug trafficking.

**Act 143** (AB-843) creates the Office of School Safety in DOJ to award grants to schools to improve school safety, create model practices for school safety, compile blueprints and GIS maps for all schools, and offer training to school staff on school safety.

**Act 175** (SB-473) creates an alert for missing veterans at risk that parallels the alerts for missing children at risk (commonly known as the Amber Alert) and missing adults at risk (commonly known as the Silver Alert).

**Act 369** (SB-884) limits the authority of the attorney general to compromise or discontinue civil actions prosecuted by DOJ and to compromise or settle certain civil actions for injunctive relief or involving a consent decree defended by DOJ, by requiring that the attorney general obtain approval of a legislative intervenor in the action, if any, or if none, approval from JCF. In actions involving certain statutory challenges, the attorney general, the assembly speaker, the senate president, and the senate majority leader must be served with a copy of the proceeding and the attorney general, the assembly, the senate, and the legislature are each entitled to be heard. When certain statutory challenges are raised in state or federal court, the act allows the state assembly, senate, and legislature to intervene as a matter of right at any time. The act also requires the attorney general to deposit all settlement funds into the general fund and eliminates the DOJ Office of the Solicitor General.

### **Local government**

**Act 3** (SB-3) prohibits local units of government from engaging in certain practices in letting bids for public works contracts, including requiring that a bidder enter into an agreement with a labor organization or an agreement that requires the bidder or bidder's employees to become members of, or pay any dues or fees to, a labor organization.

**Act 58** (Au7 SS AB-1) excludes from the calculation of a municipality's budget, for purposes of receiving an expenditure restraint payment, expenditures of grant payments to the municipality for the costs associated with developing an Electronics and Information Technology Manufacturing Zone in the municipality. The act also creates special provisions that apply to a tax incremental district created by a city or village in an EITM zone, expands the use of design-build construction, creates new incorporation procedures for certain towns, and creates new provisions related to bonding and the use of sales and use tax revenues that apply to a county in which there is an EITM zone.

**Act 59** (AB-64) requires a lodging marketplace, as defined in the act, to register with the Department of Revenue for the collection of sales and use tax and local room tax revenues, expands the applicability of a local room tax to the owners of short-term rentals, and restricts a local government's ability to prohibit or restrict a person from renting out the person's residential dwelling.

**Act 67** (AB-479) makes changes to local government zoning authority, including limiting the authority of a political subdivision to prohibit a property owner from conveying an ownership interest in a substandard lot or from using a substandard lot as a building site under certain circumstances. A substandard lot is one

that met applicable lot size requirements when it was created but does not meet current requirements.

**Act 137** (SB-48) allows cities, villages, towns, and counties to make loans or enter into third-party financing agreements for property owners to replace customer-side water service lines containing lead. The act also creates an exception to a prohibition against political subdivision involvement in private construction contracts. The exception applies to ancillary work performed in replacing utility-side water service lines containing lead.

**Act 207** (AB-836) changes the standard for what constitutes “populous counties” in certain statutory provisions from counties having a population of 500,000 or more to counties having a population of 750,000 or more.

**Act 327** (AB-748) prohibits local governments from doing any of the following:

1. Requiring any person to accept certain collective bargaining provisions or waive the person’s rights under the National Labor Relations Act or state labor law.
2. Imposing additional occupational licensing requirements on a person who works in any profession that is regulated by the state.
3. Enacting or enforcing ordinances related to wage claims and collections, employee hours and overtime, employment benefits, or an employer’s right to solicit salary information of prospective employees.

## Natural resources

### CONSERVATION

**Act 71** (SB-421) allows previously authorized but unobligated bonding authority under the stewardship program to be obligated for critical health and safety-related water infrastructure projects in state parks.

### FISH AND GAME

**Act 14** (SB-46) requires DNR to issue wild turkey hunting licenses and tags to resident disabled veterans and to recipients of the Purple Heart medal without using the cumulative preference system required under current law.

**Act 41** (SB-68) provides that, after any confirmed positive test for chronic wasting disease or bovine tuberculosis, the DNR rule prohibiting feeding deer may be in effect for no longer than three years in the county where the tested animal was located or no longer than two years in neighboring counties.

**Act 44** (SB-257) allows a person of any age to apply for a preference point under the cumulative preference system for issuing Class A bear hunting licenses. Under prior law, a person had to be at least ten years old to apply for a preference point.



**Act 62** (AB-455) eliminates the requirement that a person be at least ten years old to hunt under the hunting mentorship program and eliminates the limit on the number of hunting devices that a mentor and the person hunting with the mentor may have in their possession while hunting.

#### **NAVIGABLE WATERS AND WETLANDS**

**Act 21** (AB-160) exempts certain fish farming activities from needing a permit to discharge into artificial wetlands created for fish farming purposes. If a wetland permit is needed for fish farming activities, the act limits DNR's review of practicable alternatives. The act also exempts certain activities in a registered fish farm from needing a permit to construct, dredge, or enlarge an artificial water body that is near a navigable waterway. Also under the act, a certain commercial fish farm in Langlade County does not need to allow a minimum amount of water to flow through a dam on a navigable stream if the water is later returned to the navigable stream.

**Act 58** (Au7 SS AB-1) prohibits DNR from requiring a permit for any of the following activities that relate to the construction, access, or operation of a new manufacturing facility located in an EITM zone:

1. The deposit of any material or placement of any structure on the bed of any navigable water.
2. The construction, placement, or maintenance of a bridge or culvert in, on, or over navigable waters.
3. The construction, dredging, or enlargement of any artificial water body that connects with or will be located within 500 feet of the ordinary high-water mark of an existing navigable waterway.
4. The grading or removal of topsoil from the bank of any navigable waterway where the area exposed will exceed 10,000 square feet.
5. The changing of the course of or straightening of a navigable stream.
6. The discharge of dredged material or fill material into a nonfederal wetland that is located in an EITM zone if any adverse impacts are compensated at a ratio of two acres per each acre impacted.

**Act 118** (AB-497) prohibits DNR from requiring mitigation as a condition of a wetland individual permit issued to a public utility unless the discharge authorized by the permit will result in a permanent fill of more than 10,000 square feet of wetland.

#### **PARKS, FORESTRY, AND RECREATION**

**Act 59** (AB-64) does all of the following:

1. Eliminates the forestation state property tax (mill tax).
2. Increases most state park and forest daily parks admission fees by up to \$5 and increases the range of nightly camping fees in state parks and forests by up to \$10, both at the secretary of natural resources's discretion.

## Occupational regulation

**Act 81** (SB-108) does the following regarding barbers, cosmetologists, and related professionals:

1. Eliminates continuing education requirements, except as part of the disciplinary process, and instead requires as a condition of license renewal that a licensee review a digest e-mailed by Department of Safety and Professional Services that describes changes to laws affecting the practice of those professions.
2. Eliminates the requirement that an applicant for a reciprocal license have 4,000 hours of experience in the licensed practice, and instead requires those applicants to complete a course about laws that apply to the applicant's practice.

**Act 88** (AB-188) makes changes regarding the educational requirements that must be satisfied in order to receive a certified public accounting certificate or to take the CPA examination. The act also allows the Accounting Examining Board to participate in certain national data-sharing programs regarding licensees. Finally, the act allows the board to establish continuing education requirements that must be satisfied in order to renew a CPA license.

**Act 165** (SB-84) provides immunity to certain persons, including drug manufacturers and physicians, when an investigational drug, device, or biological product that has not yet been approved for use by the federal Food and Drug Administration is provided to an eligible patient, subject to various requirements and limitations.

**Act 319** (AB-733) reduces the fee for obtaining an initial occupational credential by 90 percent for a person whose family income does not exceed 180 percent of the federal poverty line.

## Public utilities

**Act 59** (AB-64) increases funding for broadband expansion grants and requires the Public Service Commission to (1) prioritize grants for areas without access to Internet service at specified upload and download speeds; (2) prioritize grants for projects that do not delay broadband service to neighboring areas; and (3) consider impacts on home access to health care and educational opportunities and impacts on duplication of existing broadband infrastructure.

## Real estate

**Act 67** (AB-479) prohibits a housing cooperative or homeowners' association from preventing a member of the organization from displaying the flag of the United States on the member's residential property.

**Act 222** (AB-118) makes changes to the laws governing the cataloging of properties that are known or believed to contain human remains (burial sites) by the Wisconsin Historical Society. Properties that have been cataloged as burial sites are generally prohibited from being disturbed.

## State government

### STATE BUILDING PROGRAM

**Act 59** (AB-64) authorizes an additional \$655,013,200 in general obligation bonding authority during the 2017–19 fiscal biennium for new or revised state building projects.

**Act 185** (AB-953) authorizes \$25,000,000 in general fund supported borrowing for the construction of Type 1 juvenile correctional facilities statewide; \$15,000,000 in general fund supported borrowing for an expansion to the Mendota Juvenile Treatment Center; and \$40,000,000 in general fund supported borrowing for grants to counties for the establishment of county-run, secured residential care centers for children and youth.

### STATE CONTRACTING

**Act 3** (SB-3) prohibits the state, when soliciting bids for goods, services, or construction contracts, from requiring a bidder to enter into an agreement with a labor organization, consider whether a bidder has entered into such an agreement, or require a bidder to enter into an agreement that requires the bidder or bidder's employees to become members of, or pay any dues or fees to, a labor organization.

**Act 132** (AB-205) requires the Department of Administration, when entering into or renewing a state lease for real property, to conduct a cost-benefit analysis comparing the proposed lease to the purchase of the space or another suitable space and to evaluate comparable lease options within at least a ten-mile radius to ensure that the proposed lease rates do not exceed lease rates on comparable properties or the market rate by more than 5 percent.

**Act 248** (AB-553) prohibits the state and local governments from becoming involved in a boycott of Israel and prohibits the state from contracting with persons that participate in such a boycott.

## STATE EMPLOYMENT AND FRINGE BENEFITS

**Act 191** (AB-128) prohibits the Group Insurance Board from providing coverage for abortions in a group insurance plan or as part of a benefit offered on a self-insured basis.

## STATE FINANCE

**Act 59** (AB-64) increases from \$5,285,000,000 to \$6,785,000,000 the amount of public debt that may be issued to refund any outstanding tax-supported or self-amortizing public debt for facilities.

## GENERAL STATE GOVERNMENT

**Act 83** (AB-165) provides for the appointment of delegates to a convention called by Congress under Article V of the U.S. Constitution to amend the constitution if the legislatures of at least two-thirds of the states adopt resolutions applying for such a call.

**Act 226** (SB-488) allows an individual to use a tribal identification card to sell scrap metal to scrap dealers, used home furnishings to an antique dealer, or secondhand items to a pawnbroker or dealer; to purchase alcohol, cigarettes, or tobacco products; as proof of residence for voter registration; and to purchase certain prescribed controlled substances from a pharmacist.

**Act 369** (SB-884) provides that if the Senate rejects a nominee for an office or position that requires senate confirmation, the person may not be renominated for the same office or position during the same legislative biennium.

## Taxation

**Act 58** (Au7 SS AB-1) does all of the following related to taxation:

1. Authorizes the Wisconsin Economic Development Corporation to certify one or more businesses that begin operations in an Electronics and Information Technology Manufacturing Zone to claim refundable tax credits in connection with job creation and capital investment in the zone and in the state.

2. Provides a sales and use tax exemption for the purchase of building materials, supplies, and services acquired solely for or used solely in the construction of facilities located in the EITM zone if the capital expenditures for such construction may be claimed as an income or franchise tax credit, as certified by WEDC.

**Act 59** (AB-64) changes laws related to taxation as follows:

1. Exempts from the personal property tax machinery, tools, and patterns, not including such items used in manufacturing. The act also provides an annual

state aid payment to each taxing jurisdiction equal to the amount of the personal property tax imposed on such items by the taxing jurisdiction for the January 1, 2018, assessment.

2. Eliminates the state forestation property tax for the purpose of acquiring, preserving, and developing the forests of the state and provides for the annual transfer of an amount from the general fund to the conservation fund equal to the revenue that the tax would have generated if still in effect.

3. Repeals the sales and use tax on Internet access services, effective on July 1, 2020.

4. Eliminates the alternative minimum tax for taxable years beginning after December 31, 2018.

5. Allows the current \$5,000 individual income tax deduction for adoption expenses to be claimed for adoptions finalized in other states and countries.

**Act 68** (AB-480) provides that a property owner's refusal to allow an assessor to enter the person's residence does not preclude the person from appearing before the local board of review to object to the property's valuation. The act also prohibits the assessor from increasing the property's valuation based solely on the property owner's refusal to allow entry.

**Act 190** (AB-402) provides a sales and use tax exemption for sales to a state veterans organization.

**Act 367** (SB-798) provides a onetime sales and use tax rebate based on a person's eligible dependent children and a sales tax holiday in August for the sale of clothing, school supplies, and personal computers.

**Act 368** (SB-883) modifies current law as follows:

1. Allows the state to require certain out-of-state sellers to collect the sales tax from in-state consumers, consistent with the recent U.S. Supreme Court case, *South Dakota v. Wayfair, Inc.* 585 U.S. \_\_\_\_ (2018). An out-of-state seller must collect the tax if its annual gross sales into this state exceed \$100,000 or if its annual number of separate sales transactions into this state is 200 or more. The act also requires that the projected increase in sales tax collections from out-of-state sellers be used to reduce the individual income tax rates for 2019, based on a determination by the Department of Revenue, as approved by the Joint Committee on Finance.

2. Allows a partnership, limited liability company, or tax-option corporation to elect to be taxed, for state income tax purposes, at the entity level rather than have the partners, members, or shareholders taxed at the individual level. This election would result in having the entities taxed at a higher corporate rate, but would allow the entities to claim offsetting tax benefits for federal tax purposes.

## Trade and consumer protection

**Act 98** (AB-306) requires the implementation of an electronic system for recording, tracking, and blocking the illegal sale of pseudoephedrine products and makes certain other changes to the pseudoephedrine sale process. Under the act, the purchaser of a nonprescription pseudoephedrine product must present an identification card, and the seller must record the information in the electronic tracking system. The system uses the information to generate a notification if completing the sale would cause the purchaser to exceed the quantity limits currently in place on nonprescription pseudoephedrine purchases, and the system must provide real-time access to the records for law enforcement purposes.

## Transportation

### HIGHWAYS AND LOCAL ASSISTANCE

**Act 58** (Au7 SS AB-1) authorizes the state to contract up to \$252,400,000 in general obligation public debt for the I 94 north-south corridor project but provides that the Department of Transportation may not expend the proceeds of these bonds unless the state receives an award of federal moneys for the project.

**Act 59** (AB-64) does the following relating to highways and local assistance:

1. Prohibits DOT from charging any fee for the initial issuance of any permit necessary to construct broadband infrastructure in areas served by fewer than two broadband service providers if DOT consented to the construction.
2. Increases the authorized limit for revenue bonds that may be issued for major highway projects and other transportation facilities.

**Act 193** (AB-442) provides that a local government may designate all highways within its territorial boundaries as all-terrain vehicle routes and erect signs on each highway that crosses its territorial boundary alerting motorists of this designation.

### IMPAIRED DRIVING

**Act 172** (SB-135) provides for permanent revocation of a person's operating privilege if the person commits certain offenses related to drunken driving or driving under the influence of an intoxicant or other drug.

### MOTOR VEHICLES

**Act 59** (AB-64) creates a registration surcharge of \$75 for certain hybrid electric vehicles and \$100 for electric vehicles.

**Act 228** (AB-475) requires that animal-drawn vehicles operated on a highway

during hours of darkness or during periods of inclement weather be equipped with rear yellow or amber strobe lights.

**Act 249** (AB-162) provides that, after a professional baseball park district certifies that the district has retired all of its bonds, the distribution of a portion of the annual fee for Milwaukee Brewers special registration plates is provided to the district for deposit into a fund for baseball park maintenance costs and capital improvements.

## GENERAL TRANSPORTATION

**Act 59** (AB-64) does the following regarding general transportation:

1. Requires DOT to eliminate 200 positions in the 2017–19 fiscal biennium and to eliminate additional private management consultant positions in the local assistance program.
2. Prohibits any entity with the power of condemnation from using that power for the purpose of establishing or extending recreational trails, bicycle ways or lanes, or pedestrian ways.
3. Transfers \$24,000,000 from the petroleum inspection fund to the transportation fund in each year of the 2017–19 fiscal biennium.

**Act 322** (AB-855) prohibits a political subdivision from regulating the ownership or operation of a drone.

**Act 368** (SB-883) does the following regarding transportation:

1. In general, requires DOT to spend federal money on 70 percent of highway project components eligible for federal funding.
2. Requires DOT to notify political subdivisions when aid for highway projects includes federal money and to notify them of which project components must be paid for with federal money.
3. For certain local highway projects, prohibits DOT from requiring a political subdivision to comply with DOT's facilities development manual other than design standards.

## Veterans and military affairs

**Act 59** (AB-64) makes changes with respect to awarding academic credit at University of Wisconsin System schools and technical colleges based on a veteran's military transcript, eligibility of Wisconsin National Guard members for resident tuition at UW System schools, and the fee remission program for veterans' spouses and children at UW System schools and technical colleges.

**Act 121** (SB-224) requires the Department of Agriculture, Trade and Consumer

Protection to create a veteran farmer assistance and outreach program to help veterans, and family members of veterans who died in service or are missing in action, integrate into the field of agriculture. The act also requires DATCP and the Department of Veterans Affairs to create a logotype that can be used on agricultural products produced by veterans or family members of veterans who died in service or are MIA.

**Act 122** (SB-47) authorizes certification of a disabled veteran-owned business for state procurement and other purposes regardless of the degree of severity of the veteran's service-connected disability.

**Act 195** (AB-422) creates the Hire Heroes program, which provides subsidized work opportunities for veterans.

## Constitutional amendments

### PROPOSED STATE CONSTITUTIONAL AMENDMENTS

**Enrolled Joint Resolution 7** (SJR-3), proposed by the 2017 legislature on second consideration, would have eliminated the Office of the State Treasurer from the constitution and replaced the state treasurer with the lieutenant governor on the Board of Commissioners of Public Lands. The amendment was rejected by the voters on April 3, 2018.

**Enrolled Joint Resolution 13** (SJR-53), proposed by the 2017 legislature on first consideration, expands in various ways the rights of crime victims under the Wisconsin Constitution. To become a part of the constitution, the 2019 legislature must concur in the amendment and the amendment must then be ratified by the voters.

### PROPOSED FEDERAL CONSTITUTIONAL AMENDMENTS

**Assembly Joint Resolution 20**, adopted by the 2017 legislature, declares that the state of Wisconsin recognizes the rules and procedures adopted by the Assembly of State Legislatures as the official rules and procedures for a convention under Article V of the U.S. Constitution.

**Assembly Joint Resolution 21**, adopted by the 2017 legislature, constitutes an application to Congress for a convention under Article V of the U.S. Constitution for the purpose of amending the Constitution to require the federal government to operate on a balanced budget. An Article V convention requires the application of at least two-thirds of the states. **BB**