State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0500/P2
MDK:amn

DOA:.....Sherwin, BB0002 - Transfer high voltage program impact fee administration to PSC

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. High-voltage transmission line fees

The bill requires the PSC to administer annual impact and onetime environmental impact fees paid under current law by persons granted certificates of public convenience and necessity by the PSC for high-voltage transmission lines. Under current law, DOA administers the fees.

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

SECTION 1. 16.969 (title) of the statutes is renumbered 196.492 (title).

SECTION 2. 16.969 (1) (intro.) and (b) of the statutes are consolidated, renumbered 196.492 (1) and amended to read:

196.492 **(1)** In this section~~: (b) "High-voltage~~, "high-voltage transmission line" means a high-voltage transmission line, as defined in s. 196.491 (1) (f), that is designed for operation at a nominal voltage of 345 kilovolts or more.

SECTION 3. 16.969 (1) (a) of the statutes is repealed.

SECTION 4. 16.969 (2) of the statutes is renumbered 196.492 (2), and 196.492 (2) (intro.), as renumbered, is amended to read:

196.492 **(2)** (intro.) The ~~department~~ commission shall promulgate rules that require a person who is issued a certificate of public convenience and necessity by the commission under s. 196.491 (3) for a high-voltage transmission line to pay the ~~department~~ commission the following fees:

SECTION 5. 16.969 (3) of the statutes is renumbered 196.492 (3), and 196.492 (3) (a) and (b) 1. and 2., as renumbered, are amended to read:

196.492 **(3)** (a) The ~~department~~ commission shall distribute the fees that are paid by a person under the rules promulgated under sub. (2) (a) to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

(b) 1. The ~~department~~ commission shall pay 50 percent of the fee to each county that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such county.

2. The ~~department~~ commission shall pay 50 percent of the fee to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

SECTION 6. 16.969 (4) of the statutes is renumbered 196.492 (4).

SECTION 7. 20.505 (1) (ge) of the statutes is renumbered 20.155 (1) (gg) and amended to read:

20.155 **(1)** (gg) *High-voltage transmission line annual impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (a) for distributions to towns, villages and cities under s. ~~16.969~~ 196.492 (3) (a).

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

SECTION 8. 20.505 (1) (gs) of the statutes is renumbered 20.155 (1) (gr) and amended to read:

20.155 **(1)** (gr) *High-voltage transmission line environmental impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (b) for distributions to counties, towns, villages and cities under s. ~~16.969~~ 196.492 (3) (b).

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

SECTION 9. 196.491 (3g) (a) of the statutes is amended to read:

196.491 **(3g)** (a) A person who receives a certificate of public convenience and necessity for a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more under sub. (3) shall pay the ~~department of administration~~ commission an annual impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (a) and shall pay the ~~department of administration~~ commission a one-time environmental impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (b).

SECTION 9101. Nonstatutory provisions; Administration.

(1) TRANSFER OF HIGH-VOLTAGE TRANSMISSION LINE FEES.

(a) *Definition.* In this subsection, "fees" means the annual impact and onetime environmental impact fees required to be paid under the rules promulgated under s. 16.969 (2) (a) and (b), 2017 stats.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration primarily relating to the fees, as determined by the secretary of administration, become the assets and liabilities of the public service commission.

(c) *Employee transfers.* On the effective date of this paragraph, all positions, and the incumbent employees holding those positions, in the department of administration primarily related to the fees, as determined by the secretary of administration, are transferred to the public service commission.

(d) *Employee status.* Employees transferred under par. (c) have all the rights and the same status under ch. 230 in the public service commission that they enjoyed in the department of administration immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration primarily relating to the fees, as determined by the secretary of administration, becomes the personal property of the public service commission.

(f) *Contracts.* All contracts entered into by the department of administration primarily relating to the fees, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to

the public service commission. The public service commission shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of administration in effect on the effective date of this paragraph that are primarily related to the fees remain in effect until their specified expiration dates or until amended or repealed by the public service commission. All orders issued by the department of administration in effect on the effective date of this paragraph that are primarily related to the fees remain in effect until their specified expiration dates or until modified or rescinded by the public service commission.

(h) *Pending matters.* Any matter pending with the department of administration on the effective date of this paragraph that is primarily related to the fees, as determined by the secretary of administration, is transferred to the public service commission. All materials submitted to or actions taken by the department of administration with respect to the pending matter are considered as having been submitted to or taken by the public service commission.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0511/P1
CMH:wlj

DOA:.....Grinde, BB0000 – Base draft for budget

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT **relating to:** state finances and appropriations, constituting the executive budget act of the 2019 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the executive budget bill under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2019-21 fiscal biennium.

The bill sets the appropriation levels in chapter 20 of the statutes for the 2019-21 fiscal biennium. The descriptions that follow in this analysis relate to the most significant changes in the law that are proposed in the bill.

For additional information concerning the bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item.

GUIDE TO THE BILL

The budget bill is organized like other bills. First, treatments of statutes appear in ascending numerical order of the statute affected. Next, any treatments of prior session laws appear ordered by the year of original enactment and then by act number (for instance, a treatment of 2015 Wisconsin Act 15 would precede a treatment of 2017 Wisconsin Act 6).

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four–digit section number indicate the type of provision:

91XX Nonstatutory provisions.
92XX Fiscal changes.
93XX Initial applicability.
94XX Effective dates.

The remaining two digits indicate the state agency or subject area to which the provision relates:

XX01 Administration.
XX02 Agriculture, Trade and Consumer Protection.
XX03 Arts Board.
XX04 Building Commission.
XX05 Child Abuse and Neglect Prevention Board.
XX06 Children and Families.
XX07 Circuit Courts.
XX08 Corrections.
XX09 Court of Appeals.
XX10 District Attorneys.
XX11 Educational Communications Board.
XX12 Elections Commission.
XX13 Employee Trust Funds.
XX14 Employment Relations Commission.
XX15 Ethics Commission.
XX16 Financial Institutions.
XX17 Governor.
XX18 Health and Educational Facilities Authority.
XX19 Health Services.
XX20 Higher Educational Aids Board.
XX21 Historical Society.
XX22 Housing and Economic Development Authority.
XX23 Insurance.
XX24 Investment Board.
XX25 Joint Committee on Finance.
XX26 Judicial Commission.
XX27 Justice.
XX28 Legislature.
XX29 Lieutenant Governor.
XX30 Local Government.
XX31 Military Affairs.
XX32 Natural Resources.
XX33 Public Defender Board.
XX34 Public Instruction.

XX35 Public Lands, Board of Commissioners of.
XX36 Public Service Commission.
XX37 Revenue.
XX38 Safety and Professional Services.
XX39 Secretary of State.
XX40 State Fair Park Board.
XX41 Supreme Court.
XX42 Technical College System.
XX43 Tourism.
XX44 Transportation.
XX45 Treasurer.
XX46 University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.
XX47 University of Wisconsin System.
XX48 Veterans Affairs.
XX49 Wisconsin Economic Development Corporation.
XX50 Workforce Development.
XX51 Other.

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9121. For any agency not assigned a two–digit identification number or any provision that does not relate to the functions of a particular agency, see number 51 (**Other**) within each type of provision. Separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading.

Following is a list of the most commonly used abbreviations appearing in the analysis:

DATCP ... Department of Agriculture, Trade and Consumer Protection
DCF ..... Department of Children and Families
DETF ..... Department of Employee Trust Funds
DFI ..... Department of Financial Institutions
DHS ..... Department of Health Services
DMA ..... Department of Military Affairs
DNR ..... Department of Natural Resources
DOA ..... Department of Administration
DOC ..... Department of Corrections
DOJ ..... Department of Justice
DOR ..... Department of Revenue
DOT ..... Department of Transportation
DPI ..... Department of Public Instruction
DSPS ..... Department of Safety and Professional Services
DVA ..... Department of Veterans Affairs
DWD ..... Department of Workforce Development
JCF ..... Joint Committee on Finance
LRB ..... Legislative Reference Bureau

OCI ..... Office of the Commissioner of Insurance
PSC ..... Public Service Commission
SHS ..... State Historical Society
TCS ..... Technical College System
UW ..... University of Wisconsin
WEDC .... Wisconsin Economic Development Corporation
WHEDA .. Wisconsin Housing and Economic Development Authority
WHEFA ... Wisconsin Health and Educational Facilities Authority

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

SECTION 1. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 **(1)** SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 2019, and ending on June 30, 2021, is summarized as follows: [See Figure 20.005 (1) following]

****NOTE: We will insert the schedules when we receive the 2019–21 versions.

Figure: 20.005 (1)

SECTION 2. 20.005 (2) of the statutes is repealed and recreated to read:

20.005 **(2)** STATE BORROWING PROGRAM SUMMARY. The following schedule sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

****NOTE: We will insert the schedule when we receive the 2019–21 version.

Figure: 20.005 (2) (a)

Figure: 20.005 (2) (b)

SECTION 3. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 **(3)** APPROPRIATIONS. The following schedule sets forth all annual, biennial, and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

PLACE CHAPTER 20 SCHEDULE HERE

SECTION 9101. Nonstatutory provisions; Administration.

SECTION 9102. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

SECTION 9103. Nonstatutory provisions; Arts Board.

SECTION 9104. Nonstatutory provisions; Building Commission.

SECTION 9105. Nonstatutory provisions; Child Abuse and Neglect Prevention Board.

SECTION 9106. Nonstatutory provisions; Children and Families.

SECTION 9107. Nonstatutory provisions; Circuit Courts.

SECTION 9108. Nonstatutory provisions; Corrections.

SECTION 9109. Nonstatutory provisions; Court of Appeals.

SECTION 9110. Nonstatutory provisions; District Attorneys.

SECTION 9111. Nonstatutory provisions; Educational Communications Board.

SECTION 9112. Nonstatutory provisions; Elections Commission.

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

SECTION 9114. Nonstatutory provisions; Employment Relations Commission.

SECTION 9115. Nonstatutory provisions; Ethics Commission.

SECTION 9116. Nonstatutory provisions; Financial Institutions.

SECTION 9117. Nonstatutory provisions; Governor.

SECTION 9118. Nonstatutory provisions; Health and Educational Facilities Authority.

SECTION 9119. Nonstatutory provisions; Health Services.

SECTION 9120. Nonstatutory provisions; Higher Educational Aids Board.

SECTION 9121. Nonstatutory provisions; Historical Society.

SECTION 9122. Nonstatutory provisions; Housing and Economic Development Authority.

SECTION 9123. Nonstatutory provisions; Insurance.

SECTION 9124. Nonstatutory provisions; Investment Board.

SECTION 9125. Nonstatutory provisions; Joint Committee on Finance.

SECTION 9126. Nonstatutory provisions; Judicial Commission.

SECTION 9127. Nonstatutory provisions; Justice.

SECTION 9128. Nonstatutory provisions; Legislature.

SECTION 9129. Nonstatutory provisions; Lieutenant Governor.

SECTION 9130. Nonstatutory provisions; Local Government.

SECTION 9131. Nonstatutory provisions; Military Affairs.

SECTION 9132. Nonstatutory provisions; Natural Resources.

SECTION 9133. Nonstatutory provisions; Public Defender Board.

SECTION 9134. Nonstatutory provisions; Public Instruction.

SECTION 9135. Nonstatutory provisions; Public Lands, Board of Commissioners of.

SECTION 9136. Nonstatutory provisions; Public Service Commission.

SECTION 9137. Nonstatutory provisions; Revenue.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

SECTION 9139. Nonstatutory provisions; Secretary of State.

SECTION 9140. Nonstatutory provisions; State Fair Park Board.

SECTION 9141. Nonstatutory provisions; Supreme Court.

SECTION 9142. Nonstatutory provisions; Technical College System.

SECTION 9143. Nonstatutory provisions; Tourism.

SECTION 9144. Nonstatutory provisions; Transportation.

SECTION 9145. Nonstatutory provisions; Treasurer.

SECTION 9146. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

SECTION 9148. Nonstatutory provisions; Veterans Affairs.

SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.

SECTION 9150. Nonstatutory provisions; Workforce Development.

SECTION 9151. Nonstatutory provisions; Other.

SECTION 9201. Fiscal changes; Administration.

SECTION 9202. Fiscal changes; Agriculture, Trade and Consumer Protection.

SECTION 9203. Fiscal changes; Arts Board.

SECTION 9204. Fiscal changes; Building Commission.

SECTION 9205. Fiscal changes; Child Abuse and Neglect Prevention Board.

SECTION 9206. Fiscal changes; Children and Families.

SECTION 9207. Fiscal changes; Circuit Courts.

SECTION 9208. Fiscal changes; Corrections.

SECTION 9209. Fiscal changes; Court of Appeals.

SECTION 9210. Fiscal changes; District Attorneys.

SECTION 9211. Fiscal changes; Educational Communications Board.

SECTION 9212. Fiscal changes; Elections Commission.

SECTION 9213. Fiscal changes; Employee Trust Funds.

SECTION 9214. Fiscal changes; Employment Relations Commission.

SECTION 9215. Fiscal changes; Ethics Commission.

SECTION 9216. Fiscal changes; Financial Institutions.

SECTION 9217. Fiscal changes; Governor.

SECTION 9218. Fiscal changes; Health and Educational Facilities Authority.

SECTION 9219. Fiscal changes; Health Services.

SECTION 9220. Fiscal changes; Higher Educational Aids Board.

SECTION 9221. Fiscal changes; Historical Society.

SECTION 9222. Fiscal changes; Housing and Economic Development Authority.

SECTION 9223. Fiscal changes; Insurance.

SECTION 9224. Fiscal changes; Investment Board.

SECTION 9225. Fiscal changes; Joint Committee on Finance.

SECTION 9226. Fiscal changes; Judicial Commission.

SECTION 9227. Fiscal changes; Justice.

SECTION 9228. Fiscal changes; Legislature.

SECTION 9229. Fiscal changes; Lieutenant Governor.

SECTION 9230. Fiscal changes; Local Government.

SECTION 9231. Fiscal changes; Military Affairs.

SECTION 9232. Fiscal changes; Natural Resources.

SECTION 9233. Fiscal changes; Public Defender Board.

SECTION 9234. Fiscal changes; Public Instruction.

SECTION 9235. Fiscal changes; Public Lands, Board of Commissioners of.

SECTION 9236. Fiscal changes; Public Service Commission.

SECTION 9237. Fiscal changes; Revenue.

SECTION 9238. Fiscal changes; Safety and Professional Services.

SECTION 9239. Fiscal changes; Secretary of State.

SECTION 9240. Fiscal changes; State Fair Park Board.

SECTION 9241. Fiscal changes; Supreme Court.

SECTION 9242. Fiscal changes; Technical College System.

SECTION 9243. Fiscal changes; Tourism.

SECTION 9244. Fiscal changes; Transportation.

SECTION 9245. Fiscal changes; Treasurer.

SECTION 9246. Fiscal changes; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9247. Fiscal changes; University of Wisconsin System.

SECTION 9248. Fiscal changes; Veterans Affairs.

SECTION 9249. Fiscal changes; Wisconsin Economic Development Corporation.

SECTION 9250. Fiscal changes; Workforce Development.

SECTION 9251. Fiscal changes; Other.

SECTION 9301. Initial applicability; Administration.

SECTION 9302. Initial applicability; Agriculture, Trade and Consumer Protection.

SECTION 9303. Initial applicability; Arts Board.

SECTION 9304. Initial applicability; Building Commission.

SECTION 9305. Initial applicability; Child Abuse and Neglect Prevention Board.

SECTION 9306. Initial applicability; Children and Families.

SECTION 9307. Initial applicability; Circuit Courts.

SECTION 9308. Initial applicability; Corrections.

SECTION 9309. Initial applicability; Court of Appeals.

SECTION 9310. Initial applicability; District Attorneys.

SECTION 9311. Initial applicability; Educational Communications Board.

SECTION 9312. Initial applicability; Elections Commission.

SECTION 9313. Initial applicability; Employee Trust Funds.

SECTION 9314. Initial applicability; Employment Relations Commission.

SECTION 9315. Initial applicability; Ethics Commission.

SECTION 9316. Initial applicability; Financial Institutions.

SECTION 9317. Initial applicability; Governor.

SECTION 9318. Initial applicability; Health and Educational Facilities Authority.

SECTION 9319. Initial applicability; Health Services.

SECTION 9320. Initial applicability; Higher Educational Aids Board.

SECTION 9321. Initial applicability; Historical Society.

SECTION 9322. Initial applicability; Housing and Economic Development Authority.

SECTION 9323. Initial applicability; Insurance.

SECTION 9324. Initial applicability; Investment Board.

SECTION 9325. Initial applicability; Joint Committee on Finance.

SECTION 9326. Initial applicability; Judicial Commission.

SECTION 9327. Initial applicability; Justice.

SECTION 9328. Initial applicability; Legislature.

SECTION 9329. Initial applicability; Lieutenant Governor.

SECTION 9330. Initial applicability; Local Government.

SECTION 9331. Initial applicability; Military Affairs.

SECTION 9332. Initial applicability; Natural Resources.

SECTION 9333. Initial applicability; Public Defender Board.

SECTION 9334. Initial applicability; Public Instruction.

SECTION 9335. Initial applicability; Public Lands, Board of Commissioners of.

SECTION 9336. Initial applicability; Public Service Commission.

SECTION 9337. Initial applicability; Revenue.

SECTION 9338. Initial applicability; Safety and Professional Services.

SECTION 9339. Initial applicability; Secretary of State.

SECTION 9340. Initial applicability; State Fair Park Board.

SECTION 9341. Initial applicability; Supreme Court.

SECTION 9342. Initial applicability; Technical College System.

SECTION 9343. Initial applicability; Tourism.

SECTION 9344. Initial applicability; Transportation.

SECTION 9345. Initial applicability; Treasurer.

SECTION 9346. Initial applicability; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9347. Initial applicability; University of Wisconsin System.

SECTION 9348. Initial applicability; Veterans Affairs.

SECTION 9349. Initial applicability; Wisconsin Economic Development Corporation.

SECTION 9350. Initial applicability; Workforce Development.

SECTION 9351. Initial applicability; Other.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9451 of this act, this act takes effect on July 1, 2019, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; Administration.

SECTION 9402. Effective dates; Agriculture, Trade and Consumer Protection.

SECTION 9403. Effective dates; Arts Board.

SECTION 9404. Effective dates; Building Commission.

SECTION 9405. Effective dates; Child Abuse and Neglect Prevention Board.

SECTION 9406. Effective dates; Children and Families.

SECTION 9407. Effective dates; Circuit Courts.

SECTION 9408. Effective dates; Corrections.

SECTION 9409. Effective dates; Court of Appeals.

SECTION 9410. Effective dates; District Attorneys.

SECTION 9411. Effective dates; Educational Communications Board.

SECTION 9412. Effective dates; Elections Commission.

SECTION 9413. Effective dates; Employee Trust Funds.

SECTION 9414. Effective dates; Employment Relations Commission.

SECTION 9415. Effective dates; Ethics Commission.

SECTION 9416. Effective dates; Financial Institutions.

SECTION 9417. Effective dates; Governor.

SECTION 9418. Effective dates; Health and Educational Facilities Authority.

SECTION 9419. Effective dates; Health Services.

SECTION 9420. Effective dates; Higher Educational Aids Board.

SECTION 9421. Effective dates; Historical Society.

SECTION 9422. Effective dates; Housing and Economic Development Authority.

SECTION 9423. Effective dates; Insurance.

SECTION 9424. Effective dates; Investment Board.

SECTION 9425. Effective dates; Joint Committee on Finance.

SECTION 9426. Effective dates; Judicial Commission.

SECTION 9427. Effective dates; Justice.

SECTION 9428. Effective dates; Legislature.

SECTION 9429. Effective dates; Lieutenant Governor.

SECTION 9430. Effective dates; Local Government.

SECTION 9431. Effective dates; Military Affairs.

SECTION 9432. Effective dates; Natural Resources.

SECTION 9433. Effective dates; Public Defender Board.

SECTION 9434. Effective dates; Public Instruction.

SECTION 9435. Effective dates; Public Lands, Board of Commissioners of.

SECTION 9436. Effective dates; Public Service Commission.

SECTION 9437. Effective dates; Revenue.

SECTION 9438. Effective dates; Safety and Professional Services.

SECTION 9439. Effective dates; Secretary of State.

SECTION 9440. Effective dates; State Fair Park Board.

SECTION 9441. Effective dates; Supreme Court.

SECTION 9442. Effective dates; Technical College System.

SECTION 9443. Effective dates; Tourism.

SECTION 9444. Effective dates; Transportation.

SECTION 9445. Effective dates; Treasurer.

SECTION 9446. Effective dates; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9447. Effective dates; University of Wisconsin System.

SECTION 9448. Effective dates; Veterans Affairs.

SECTION 9449. Effective dates; Wisconsin Economic Development Corporation.

SECTION 9450. Effective dates; Workforce Development.

SECTION 9451. Effective dates; Other.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0522/P9
FFK&JK:kjf/ahe/amn

DOA:.....Kretschmann, BB0003 – DPI Fair Funding for Our Future Proposal

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. School district funding; fair funding for our future

This bill makes a number of changes in the laws relating to public school financing, including the following:

1. Currently, the amount appropriated each fiscal year for general school aid is a sum set by law. Beginning in the 2020-21 school year, this bill directs DPI, DOA, and the Legislative Fiscal Bureau annually to jointly certify to JCF an estimate of the amount necessary to appropriate in the following school year to ensure that state school aids equal two-thirds of partial school revenues (in general, the sum of state school aids and school property taxes). Under the bill, JCF determines the amount appropriated as general school aids in each odd-numbered fiscal year and the amount is set by law in each even-numbered fiscal year.

2. For purposes of determining a school district's general school aid amount, this bill changes how a pupil enrolled in a four-year-old full-day kindergarten program is counted for purposes of general school aid from 0.5 pupil to one pupil. Additionally, for purposes of the general school aid formula, the bill requires each pupil who is eligible for a free or reduced-price lunch to be counted as an additional 0.2 pupil solely for the purpose of determining a school district's property value per member.

3. Currently, if a school district would receive less in general state aid in any school year than 85 percent of the amount it received in the previous school year, its state aid for the current school year is increased to 85 percent of the aid received in the previous school year. This bill increases the percentage to 90 percent.

4. This bill provides that a school district's state aid in any school year may not be less than an amount equal to the school district's membership multiplied by $3,000.

5. Under current law, there is no per pupil adjustment for purposes of calculating a school district's revenue limit. This bill provides a per pupil adjustment of $200 per pupil for the 2019-20 school year and $204 for the 2020-21 school year. Under the bill, in the 2021-22 school year and thereafter, the per pupil adjustment is the per pupil adjustment for the previous school year as adjusted for any increase in the consumer price index.

6. Current law provides a minimum per pupil revenue limit for school districts, known as the revenue limit ceiling. Under the bill, the revenue limit ceiling for school districts is $9,700 in the 2019-20 school year and $10,000 in the 2020-21 school year and each school year thereafter. Under current law, the revenue limit ceiling is $9,500 in the 2019-20 school year, and increases by $100 each school year until the ceiling reaches $9,800 in the 2022-23 school year. Current law also provides that during the three school years following a school year in which an operating referendum fails in a school district, the school district's revenue limit ceiling is the revenue limit ceiling that applied in the school year during which the referendum was held. This bill eliminates this consequence for a failed operating referendum.

7. This bill creates a revenue limit adjustment for a school district that incurs costs to remediate lead contamination in drinking water in the school district, including costs to test for the presence of lead in drinking water, to provide safe drinking water, and to replace lead pipe water service lines to school buildings in the school district.

8. Currently, if at least 50 percent of a school district's enrollment is eligible for a free or reduced-price lunch under the federal school lunch program, the school district is eligible for a prorated share of the amount appropriated as high-poverty aid. This bill eliminates this aid beginning in the 2020-21 school year. The bill provides additional state aid for the 2020-21 school year to hold school districts harmless from the loss of high-poverty aid.

9. Currently, $75,000,000 in general school aid payments is delayed until the following school year. Under the bill, there are no delayed payments in the 2019-20 school year. Beginning in the 2020-21 school year, this bill delays $1,090,000,000 in general school aid payments until the following school year.

10. In the school district equalization aid formula, the guaranteed evaluations represent the amount of property tax base support that the state guarantees behind each pupil. There are three guaranteed valuations used; each applies to a different level of expenditures. The first level is for expenditures up to the primary cost ceiling of $1,000 per pupil. The second level is for costs per pupil that exceed $1,000 but are less than the secondary cost ceiling, which is set at 90 percent of the prior school year

statewide shared cost per pupil. This bill changes the secondary cost ceiling to 100 percent of the prior school year statewide shared cost per pupil.

11. The bill eliminates the school levy property tax credit and the first dollar property tax credit in 2021.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (ac) of the statutes is amended to read:

20.255 **(2)** (ac) *General equalization aids.* ~~The amounts in the schedule~~ A sum sufficient for the payment of educational aids under ss. 121.08, 121.09, 121.095, and 121.105~~, 121.137~~ and subch. VI of ch. 121 equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in the 2020–21 fiscal year and biennially thereafter, and equal to the amount determined by law in the 2021–22 fiscal year and biennially thereafter.

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

****NOTE: This is reconciled s. 20.255 (2) (ac). This SECTION has been affected by drafts with the following LRB numbers: –0522/P7 and –2163/P1.

SECTION 2. 20.255 (2) (ag) of the statutes is created to read:

20.255 **(2)** (ag) *Hold harmless aid.* A sum sufficient for hold harmless aid to school districts under s. 121.10.

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

SECTION 3. 79.10 (4) of the statutes is amended to read:

79.10 **(4)** SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the amount appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in proportion to their share of the sum of average school tax levies for all municipalities. No municipality shall receive a payment under this subsection after 2020.

SECTION 4. 79.10 (5m) of the statutes is amended to read:

79.10 **(5m)** FIRST DOLLAR CREDIT. Each municipality shall receive, from the appropriation under s. 20.835 (3) (b), an amount determined by multiplying the school tax rate by the estimated fair market value, not exceeding the value determined under sub. (11) (d), of every parcel of real property with improvements that is located in the municipality. No municipality shall receive a payment under this subsection after 2020.

SECTION 5. 79.14 of the statutes is amended to read:

79.14 School levy tax credit. The appropriation under s. 20.835 (3) (b), for the payments under s. 79.10 (4), is $319,305,000 in 1994, 1995, and 1996; $469,305,000 beginning in 1997 and ending in 2006; $593,050,000 in 2007; $672,400,000 in 2008; $747,400,000 in 2009; $732,550,000 in 2010, 2011, and 2012; $747,400,000 in 2013, 2014, and 2015; $853,000,000 in 2016 and 2017; and $940,000,000 in 2018, 2019, and ~~in each year thereafter~~ 2020.

SECTION 6. 79.15 of the statutes is amended to read:

79.15 Improvements credit. The total amount paid each year to municipalities from the appropriation account under s. 20.835 (3) (b) for the payments under s. 79.10 (5m) is $75,000,000 in 2009, $145,000,000 in 2010, and $150,000,000 in each year beginning in 2011 and ~~in each year thereafter~~ ending in 2020.

SECTION 7. 121.004 (7) (c) 1. a. of the statutes is amended to read:

121.004 **(7)** (c) 1. a. A pupil enrolled in a ~~5–year–old~~ kindergarten program that requires full–day attendance by the pupil for 5 days a week, but not on any day of the week that pupils enrolled in other grades in the school do not attend school, for an entire school term shall be counted as one pupil.

****NOTE: This is reconciled s. 121.004 (7) (c) 1. a. This SECTION has been affected by drafts with the following LRB numbers: –0522/P7 and –1304/P4.

SECTION 8. 121.004 (7) (c) 2. of the statutes is amended to read:

121.004 **(7)** (c) 2. In subd. 1. a. and b., "full–day" means the length of the school day for pupils in the first grade of the school district operating the 4–year–old or 5–year–old kindergarten program.

****NOTE: This is reconciled s. 121.004 (7) (c) 2. This SECTION has been affected by drafts with the following LRB numbers: –0522/P7 and –1304/P4.

SECTION 9. 121.004 (7) (cm) of the statutes is amended to read:

121.004 **(7)** (cm) A pupil enrolled in a 4–year–old kindergarten program, including a 4–year–old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) but requires less than full–day attendance by the pupil for 5 days a week shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities. In this paragraph, "full–day" has the meaning given in par. (c) 2.

****NOTE: This is reconciled s. 121.004 (7) (cm). This SECTION has been affected by drafts with the following LRB numbers: –0522/P7 and –1304/P4.

SECTION 10. 121.07 (6) (d) of the statutes is amended to read:

121.07 **(6)** (d) The "secondary ceiling cost per member" ~~in the 2001–02 school year and in each school year thereafter~~ is an amount determined by dividing the state total shared cost in the previous school year by the state total membership in the previous school year ~~and multiplying the result by 0.90~~.

SECTION 11. 121.07 (8) of the statutes is renumbered 121.07 (8) (intro.) and amended to read:

121.07 **(8)** GUARANTEED VALUATION. (intro.) A school district's primary, secondary and tertiary guaranteed valuations are determined by multiplying the

amounts in sub. (7) by the sum of the school district's membership~~.~~ and an amount calculated as follows:

SECTION 12. 121.07 (8) (a) of the statutes is created to read:

121.07 **(8)** (a) Determine the number of pupils residing in the school district who satisfy the income eligibility criteria for a free or reduced–price lunch under 42 USC 1758 (b) (1).

SECTION 13. 121.07 (8) (b) of the statutes is created to read:

121.07 **(8)** (b) Multiply the number of pupils under par. (a) by 0.2.

SECTION 14. 121.10 of the statutes is created to read:

121.10 Hold harmless aid. (1) In this section, "state aid" means the sum of the following:

(a) The payments made to a school district under ss. 121.08 and 121.105 and subch. VI.

(b) The payments that would be made to a school district under s. 121.136 if s. 121.136 were still applicable.

(c) The amount that would be received by a school district under s. 79.10 (4) and (5m) if s. 79.10 (4) and (5m) were still applicable.

(2) (a) Except as provided in par. (b), in the 2020–21 school year, if a school district would receive less in equalization aid under s. 121.08 in the current school year before any adjustment is made under s. 121.15 (4) (b) than it would have received in state aid in the current school year, the department shall pay to the school district the amount equal to the difference.

(b) If a school district from which territory was detached to create a new school district under s. 117.105 would receive in equalization aid under s. 121.08 in the school year beginning on the first July 1 following the effective date of the

reorganization less than the amount determined as follows, the department shall pay to the school district the difference between the former amount and the amount determined as follows:

1. Divide the school district's membership in the preceding school year by the school district's membership in the 2nd preceding school year.

2. Multiply the amount of state aid that would have been received by the school district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current school year, by the quotient under subd. 1.

(3) In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, if the consolidated school district's equalization aid is less than the aggregate state aid to which the consolidating school districts would have been eligible in the school year prior to the school year in which the consolidation takes effect, the department shall pay the difference to the consolidated school district.

(4) Additional aid under this section shall be paid from the appropriation under s. 20.255 (2) (ag). No aid may be paid under this section after the 2020-21 school year.

SECTION 15. 121.105 (1) of the statutes is amended to read:

121.105 **(1)** ~~In~~ Except as provided in sub. (5), in this section "state aid" means the sum of the payments provided to a school district under this section and ss. 121.08, 121.85 and 121.86.

SECTION 16. 121.105 (2) (am) 1. of the statutes is amended to read:

121.105 **(2)** (am) 1. Except as provided in subd. 2., if a school district would receive less in state aid in the current school year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to ~~85~~ 90 percent of the amount of state aid that it received in the previous school year, as adjusted under s. 121.15 (4) (b) in

the current school year, its state aid for the current school year shall be increased to an amount equal to ~~85~~ 90 percent of the state aid received in the previous school year.

SECTION 17. 121.105 (2) (am) 2. (intro.) of the statutes is amended to read:

121.105 **(2)** (am) 2. (intro.) If a school district from which territory was detached to create a new school district under s. 117.105 would receive in state aid in the school year beginning on the first July 1 following the effective date of the reorganization less than ~~85~~ 90 percent of the amount determined as follows, its state aid in the school year beginning on the first July 1 following the effective date of the reorganization shall be increased to an amount equal to ~~85~~ 90 percent of the amount determined as follows:

SECTION 18. 121.105 (5) of the statutes is created to read:

121.105 **(5)** (a) In this subsection, "state aid" means the sum of the payments provided to a school district under this section and s. 121.08.

(b) If, after making the adjustments under subs. (2), (3), and (4), a school district would receive less in state aid in the current school year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to $3,000 multiplied by the school district's membership, the school district's state aid shall be increased to an amount equal to $3,000 multiplied by the school district's membership.

SECTION 19. 121.136 (3) of the statutes is created to read:

121.136 **(3)** No aid may be paid under this section after June 30, 2020.

SECTION 20. 121.15 (1m) (a) 3. of the statutes is amended to read:

121.15 **(1m)** (a) 3. Beginning in the 1999–2000 school year and ending in the 2018–19 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), $75,000,000 on the 4th Monday in July of the following school year.

SECTION 21. 121.15 (1m) (a) 4. of the statutes is created to read:

121.15 **(1m)** (a) 4. Beginning in the 2020–2021 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), $1,090,000,000 on the 4th Monday in July of the following school year.

SECTION 22. 121.15 (3m) of the statutes is created to read:

121.15 **(3m)** (a) In this subsection:

1. "Partial school revenues" means the sum of state school aids, property taxes levied for school districts, and aid paid to school districts under s. 79.095 (4), less all of the following:

a. The amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's increasing the services that it provides by adding responsibility for providing a service transferred to it from another school board.

b. The amount of any revenue limit increase under s. 121.91 (4) (a) 3.

c. The amount of any revenue limit increase under s. 121.91 (4) (h).

d. The amount of any property taxes levied for the purpose of s. 120.13 (19).

e. An amount equal to the amount estimated to be paid under s. 119.23 (4) and (4m) multiplied by the sum of the applicable percentages specified in s. 121.08 (4) (b) 1. and 2.

f. The amount by which the property tax levy for debt service on debt that has been approved by a referendum exceeds $490,000,000.

2. "State school aids" means the amounts appropriated under s. 20.255 (1) (b) and (2), other than s. 20.255 (2) (az), (bb), (fm), (fp), (fq), (fr), (fu), (fv), (k), and (m), the amount appropriated under s. 20.505 (4) (es), and the amount, as determined by the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated for payments to telecommunications providers under contracts with school districts

and cooperative educational service agencies under s. 16.971 (13), and to make information technology infrastructure grants under s. 16.9945.

****NOTE: This is reconciled s. 121.15 (3m) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: –0522/P7, –0704/P6, –0911/P2, –1293/P2, –1294/P2, –2163/P1, and –2165/P1.

(b) By May 15, 2021, and annually by May 15 thereafter, the department, the department of administration, and the legislative fiscal bureau shall jointly certify to the joint committee on finance an estimate of the amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure that state school aids equal two–thirds of partial school revenues.

(c) By June 30, 2020, and biennially by June 30 thereafter, the joint committee on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the following school year.

SECTION 23. 121.90 (2) (am) 1. of the statutes is amended to read:

121.90 **(2)** (am) 1. Aid under ss. 121.08, 121.09, 121.10, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4).

SECTION 24. 121.905 (1) (a) of the statutes is renumbered 121.905 (1) and amended to read:

121.905 **(1)** ~~Except as provided in par. (b), in~~ In this section, "revenue ceiling" means ~~$9,100 in the 2017–18 school year,~~ $9,400 in the 2018–19 school year, ~~$9,500~~ $9,700 in the 2019–20 school year, ~~$9,600~~ and $10,000 in the 2020–21 school year~~,~~ ~~$9,700 in the 2021–22 school year, and $9,800 in the 2022–23 school year~~ and in ~~any subsequent~~ each school year thereafter.

SECTION 25. 121.905 (1) (b) of the statutes is repealed.

SECTION 26. 121.905 (3) (c) 6. of the statutes is amended to read:

121.905 **(3)** (c) 6. For the limit for the 2015-16, 2016-17, 2017-18, and 2018-19 school ~~year or any school year thereafter~~ years, make no adjustment to the result under par. (b).

SECTION 27. 121.905 (3) (c) 7. of the statutes is created to read:

121.905 **(3)** (c) 7. For the limit for the 2019-20 school year, add $200 to the result under par. (b).

SECTION 28. 121.905 (3) (c) 8. of the statutes is created to read:

121.905 **(3)** (c) 8. For the limit for the 2020-21 school year, add $204 to the result under par. (b).

SECTION 29. 121.905 (3) (c) 9. of the statutes is created to read:

121.905 **(3)** (c) 9. For the limit for the 2021-22 school year and any school year thereafter, add the result under s. 121.91 (2m) (k) 2. to the result under par. (b).

SECTION 30. 121.91 (2m) (i) (intro.) of the statutes is amended to read:

121.91 **(2m)** (i) (intro.) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2015-16, 2016-17, 2017-18, and 2018-19 school ~~year or for any school year thereafter~~ years to an amount that exceeds the amount calculated as follows:

SECTION 31. 121.91 (2m) (im) of the statutes is created to read:

121.91 **(2m)** (im) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2019-20 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $200 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current school year and the 2 preceding school years.

SECTION 32. 121.91 (2m) (j) of the statutes is created to read:

121.91 **(2m)** (j) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2020-21 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $204 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current school year and the 2 preceding school years.

SECTION 33. 121.91 (2m) (k) of the statutes is created to read:

121.91 **(2m)** (k) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2021-22 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

SECTION 34. 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (r) 1. (intro.) Notwithstanding pars. ~~(c) to (i)~~ (im) to (k), if a school district is created under s. 117.105, its revenue limit under this section for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided under subs. (3) and (4):

SECTION 35. 121.91 (2m) (r) 1. b. of the statutes is amended to read:

121.91 **(2m)** (r) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for ~~the 2013–14 school year and the 2014–15 school year, add $75 to the result under subd. 1. a., and in calculating the limit for the 2015–16 school year and any school year thereafter, make no adjustment to the result under subd. 1. a.~~ the 2019–20 school year, add $200 to the result under subd. 1. a., in calculating the limit for the 2020–21 school year, add $204 to the result under subd. 1. a., and in calculating the limit for the 2021–22 school year and any school year thereafter, add the amount calculated under par. (k) 3. for that school year to the result under subd. 1. a.

SECTION 36. 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (r) 2. (intro.) If a school district is created under s. 117.105, the following adjustments to the calculations under pars. ~~(c) to (h)~~ (im) to (k) apply for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 37. 121.91 (2m) (r) 2. a. of the statutes is amended to read:

121.91 **(2m)** (r) 2. a. For the school year beginning on the first July 1 following the effective date of the reorganization the number of pupils in the previous school year shall be used under pars. ~~(c)~~ (im) 1., ~~(d)~~ (j) 1. and ~~(e)~~ (k) 1. instead of the average of the number of pupils in the 3 previous school years, and for the school year beginning on the 2nd July 1 following the effective date of the reorganization the average of the number of pupils in the 2 previous school years shall be used under pars. ~~(c)~~ (im) 1., ~~(d)~~ (j) 1. and ~~(e)~~ (k) 1. instead of the average of the number of pupils in the 3 previous school years.

SECTION 38. 121.91 (2m) (r) 2. b. of the statutes is amended to read:

121.91 **(2m)** (r) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school years shall be used under ~~par. (e)~~ pars. (j) 3. and (k) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 39. 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 1. (intro.) Notwithstanding pars. ~~(c) to (i)~~ (im) to (k), if territory is detached from a school district to create a new school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

SECTION 40. 121.91 (2m) (s) 1. b. of the statutes is amended to read:

121.91 **(2m)** (s) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal

to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14 school year and the 2014-15 school year, add $75 to the result under subd. 1. a., and in calculating the limit for the 2015-16 school year and any school year thereafter, make no adjustment to the result under subd. 1. a.~~ the 2019-20 school year, add $200 to the result under subd. 1. a., in calculating the limit for the 2020-21 school year, add $204 to the result under subd. 1. a., and in calculating the limit for the 2021-22 school year and any school year thereafter, add the amount calculated under par. (k) 3. for that school year to the result under subd. 1. a.

SECTION 41. 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 2. (intro.) If territory is detached from a school district to create a new school district under s. 117.105, the following adjustments to the calculations under pars. ~~(e) to (h)~~ (im) to (k) apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 42. 121.91 (2m) (s) 2. a. of the statutes is amended to read:

121.91 **(2m)** (s) 2. a. For the school year beginning on the first July 1 following the effective date of the reorganization, the number of pupils in the previous school year shall be used under ~~par. (e)~~ pars. (im) 1., (j) 1. and (k) 1. instead of the average of the number of pupils in the 3 previous school years; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, the average of the number of pupils in the 2 previous school years shall be used under ~~par. (e)~~ pars. (im) 1., (j) 1. and (k) 1. instead of the average of the number of pupils in the 3 previous school years.

SECTION 43. 121.91 (2m) (s) 2. b. of the statutes is amended to read:

121.91 **(2m)** (s) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school year shall be used under ~~par. (e)~~ pars. (j) 3. and (k) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 44. 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (t) 1. (intro.) If 2 or more school districts are consolidated under s. 117.08 or 117.09, ~~except as follows,~~ in the ~~2013–14 school year and the 2014–15~~ 2019–20 school year, the consolidated school district's revenue limit shall be determined as provided under par. ~~(hm), and~~ (im), in the ~~2015–16~~ 2020–21 school year, the consolidated school district's revenue limit shall be determined as provided under par. (j), and in each school year thereafter, the consolidated school district's revenue limit shall be determined as provided under par. ~~(i)~~ (k), except as follows:

SECTION 45. 121.91 (4) (om) of the statutes is created to read:

121.91 **(4)** (om) 1. Beginning in the 2020–21 school year, if a school board adopts a resolution to do so, the limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount spent by the school district in that school year on a project, including the payment of debt service on a bond or note issued or a state trust fund loan obtained to finance the project, to remediate lead contamination in drinking water in the school district. In this paragraph, the amount spent by the school district includes costs incurred by the school district to test for the presence of lead in drinking water, to provide safe drinking water to affected school buildings during remediation, and, if necessary, to replace lead pipe water service lines to school buildings in the school district. The term of a bond or note issued or state trust fund loan obtained to finance the project under this

subdivision may not exceed 20 years. If a school board issues a bond or note or obtains a state trust fund loan to finance a project described in this subdivision, a resolution adopted by a school board under this subdivision is valid for each school year in which the school board pays debt service on the bond, note, or state trust fund loan.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) SECONDARY GUARANTEE.

(a) Notwithstanding s. 121.07 (7) (b), for the purpose of setting the secondary guaranteed valuation per member in the 2019-2020 school year, the department of public instruction shall treat the appropriation under s. 20.255 (2) (ac) as if $75,000,000 were appropriated in the 2018-19 fiscal year.

(b) Notwithstanding s. 121.07 (7) (b), for the purpose of setting the secondary guaranteed valuation per member in the 2020-21 school year, the department of public instruction shall treat the appropriation under s. 20.255 (2) (ac) as if an additional $1,090,000,000 were appropriated in the 2020-21 fiscal year.

SECTION 9334. Initial applicability; Public Instruction.

(1) STATE AID. The treatment of ss. 20.255 (2) (ac), 121.004 (7) (c) 1. a. and 2., 121.07 (6) (d), and 121.105 (1), (2) (am) 1. and 2. (intro.), and (5), the renumbering and amendment of s. 121.07 (8), and the creation of s. 121.07 (8) (a) and (b) first apply to the distribution of school aid in, and the calculation of revenue limits for, the 2020-21 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0523/P1
KRP:cjs

DOA:.....Kretschmann, BB0004 – Wisconsin reading corps

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the state superintendent of public instruction must, in the 2017–18 and 2018–19 school years, distribute to Wisconsin Reading Corps to provide one-on-one tutoring to pupils all amounts appropriated to DPI for that purpose. This bill requires the state superintendent to continue annually making the distribution to Wisconsin Reading Corps going forward.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (3) (fr) of the statutes is amended to read:

20.255 **(3)** (fr) *Wisconsin Reading Corps.* The amounts in the schedule for payments to Wisconsin Reading Corps under s. 115.28 (65). ~~No moneys may be encumbered under this paragraph after June 30, 2019.~~

SECTION 2. 115.28 (65) of the statutes is amended to read:

115.28 **(65)** WISCONSIN READING CORPS. ~~In the 2017-18 and 2018-19 school years,~~ Annually distribute the amounts appropriated under s. 20.255 (3) (fr) to Wisconsin Reading Corps to provide one-on-one tutoring if Wisconsin Reading Corps provides matching funds of $250,000 in each school year.

SECTION 9434. Effective dates; Public Instruction.

(1) WISCONSIN READING CORPS. The treatment of s. 20.255 (3) (fr) takes effect on July 1, 2019.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0524/P1
KRP:emw

DOA:.....Kretschmann, BB0005 – Robotics league grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill clarifies that DPI may award a robotics league participation grant to an eligible team to participate in more than one robotics competition.

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

SECTION 1. 115.45 (title) of the statutes is amended to read:

115.45 (title) **Robotics league participation grants ~~pilot~~ program.**

SECTION 2. 115.45 (2) (a) of the statutes is amended to read:

115.45 **(2)** (a) Annually, the department shall notify school boards, operators of charter schools under s. 118.40 (2r) and (2x), governing bodies of private schools, and administrators of home–based private educational programs that applications

for grants ~~under this section~~ to participate in one or more robotics competitions will be accepted from eligible teams through a date set forth in the notice. As a condition of receiving a grant under this section, an applicant eligible team shall demonstrate to the satisfaction of the department that the applicant eligible team will provide matching funds in an amount equal to the amount awarded under this section.

SECTION 3. 115.45 (2) (b) of the statutes is amended to read:

115.45 **(2)** (b) From the appropriation under s. 20.255 (2) (dr), the department shall award ~~a grant of up to $5,000~~ grants to eligible teams selected from the applicants under par. (a). Grant funds awarded under this section may be applied only towards allowable expenses. The department may not award more than $5,000 to an eligible team in a school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0536/P1
MLJ:amn

DOA:.....Stinebrink, BB0016 – Provincial Emergency Management Assistance Compact

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

1. Emergency management assistance compact

This bill creates an appropriation account to receive reimbursement funds for emergency services provided under the state and province emergency management assistance compact.

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

2 **SECTION 1.** 20.465 (3) (gm) of the statutes is created to read:

3 20.465 **(3)** (gm) *Provincial emergency assistance.* All moneys received under
4 s. 323.81 (9) as reimbursement from the Canadian provinces of Alberta, Manitoba,
5 Ontario, and Saskatchewan and other provinces for any losses, damages, or expenses
6 incurred to provide assistance under s. 323.81.

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

1 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0538/P6
MLJ:kjf

DOA:.....Stinebrink, BB0019 - Veterans Benefits Sum-Sufficient GPR Appropriation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. General fund supplement to veterans trust fund

This bill changes the appropriation for the general fund supplement to the veterans trust fund from a sum certain annual appropriation to a sum sufficient appropriation. An annual sum certain appropriation is expendable only for the fiscal year for which the appropriation is made and only up to the dollar amount shown in the schedule for that fiscal year; whereas, a sum sufficient appropriation is expendable up to the amount that is necessary to accomplish the purpose specified. The effect of this change is to allow the secretary of administration to determine the amounts of money that may be expended for veterans programs by transferring moneys from the general fund to the veterans trust fund.

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

2 **SECTION 1.** 20.485 (2) (db) of the statutes is renumbered 20.855 (4) (bv) and

3 amended to read:

20.855 **(4)** (bv) *General fund supplement to veterans trust fund.* From the general fund, ~~the amounts in the schedule~~ a sum sufficient to be paid into the veterans trust fund to supplement the fund if it contains insufficient moneys, as determined by the secretary of administration, to be used for veterans programs.

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

SECTION 9448. Effective dates; Veterans Affairs.

(1) GENERAL FUND SUPPLEMENT TO VETERANS TRUST FUND. The treatment of s. 20.485 (2) (db) takes effect on July 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0539/P2
MLJ:amn

DOA:.....Stinebrink, BB0018 – Veterans Outreach and Recovery Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. Veterans outreach and recovery program

2017 Wisconsin Act 295 created a requirement that DVA administer a pilot program that expires on June 30, 2019, to provide outreach, mental health services, and support to certain individuals who are serving or who have served in the armed forces, who reside in Wisconsin, and who may have a mental health condition or substance use disorder. This bill continues the program on an ongoing basis.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.485 (2) (qs) of the statutes is created to read:

3 20.485 **(2)** (qs) *Veterans outreach and recovery program.* Biennially, the
4 amounts in the schedule to provide outreach, mental health services, and support
5 under s. 45.48.

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

SECTION 2. 45.48 of the statutes is created to read:

45.48 Veterans outreach and recovery program. (1) To be funded from the appropriation under s. 20.485 (2) (qs), the department shall administer a program to provide outreach, mental health services, and support to individuals who reside in this state, who may have a mental health condition or substance use disorder, and who meet one of the following conditions:

(a) Are serving in the national guard of any state or a reserve component of the U.S. armed forces.

(b) Served on active duty in the U.S. armed forces, forces incorporated as part of the U.S. armed forces, a reserve component of the U.S. armed forces, or the national guard of any state and were discharged under conditions other than dishonorable.

(2) The eligibility requirements under s. 45.02 do not apply to an individual receiving services under sub. (1).

(3) The department may provide payments to facilitate the provision of services under sub. (1).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0540/P3
MLJ&MPG:cjs&amn

DOA:.....Stinebrink, BB0020 – Program 3 Elimination

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. Elimination of the veterans housing loan program

This bill eliminates the veterans housing loan program. Under current law, DVA has authority to issue and service loans to veterans for certain housing related purposes.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.848 (2) (g) of the statutes is amended to read:

16.848 **(2)** (g) Subsection (1) does not apply to property that is subject to sale by the department of veterans affairs under s. 45.32 (7)<u>, 2017 stats</u>.

SECTION 2. 18.04 (5) (c) of the statutes is repealed.

SECTION 3. 18.04 (5) (d) of the statutes is amended to read:

18.04 **(5)** (d) To acquire public debt contracted for any of the purposes under pars. (a) ~~to (c)~~ and (b).

SECTION 4. 18.04 (6) (b) of the statutes is amended to read:

18.04 **(6)** (b) The commission may direct that moneys resulting from any public debt contracted under this section be deposited in the funds or accounts created or designated by resolution of the commission ~~or established by resolution under s. 45.37 (7)~~, including escrow accounts established under refunding escrow agreements that are authorized by the commission.

SECTION 5. 18.04 (6) (c) of the statutes is amended to read:

18.04 **(6)** (c) Notwithstanding s. 25.17, moneys deposited or held in funds or accounts under par. (b) ~~and all other moneys received under s. 45.37 (7) (a) (intro.)~~ may be invested in any obligations, either through cash purchase or exchange, as specified by resolution of the commission.

SECTION 6. 20.485 (2) (yn) of the statutes is amended to read:

20.485 **(2)** (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts in the schedule for the purpose of providing loans under s. 45.42 and for the payment of expenses and other payments as a consequence of being a mortgagee or owner under home improvement loans made under s. 45.79 (7) (c), 1997 stats., or under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.356, 2003 stats., s. 45.80, 1989 stats., and s. 45.42. All moneys received under ~~ss. 45.37 (7) (c) and~~ s. 45.42 (8) ~~(a) and~~ (b) for the purpose of providing loans under the personal loan program under s. 45.42 shall be credited to this appropriation account. All payments of interest and repayments of principal for loans made under s. 45.351 (2), 1995 stats., s. 45.352,

1971 stats., s. 45.356, 2003 stats., s. 45.79 (7) (c), 1997 stats., s. 45.80, 1989 stats., and s. 45.42 shall revert to the veterans trust fund.

SECTION 7. 20.485 (2) (yo) of the statutes is amended to read:

20.485 **(2)** (yo) *Debt payment.* A sum sufficient for the payment of obligations incurred for moneys received under s. 45.42 (8) ~~(a) and~~ (b).

SECTION 8. 20.485 (3) of the statutes is repealed.

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

SECTION 9. 20.866 (1) (u) of the statutes is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (gj), and (je), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ad), (ag), (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e) and (fm), 20.435 (2) (ee), 20.465 (1) (d), 20.485 (1) (f) and (go)~~, (3) (t)~~ and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bj), (bL), (bm), (bn), (bq), (br), (bt), (bu), (bv), (bw), (bx), (cb), (cd), (cf), (ch), (cj), (cq), (cr), (cs), (g), (h), (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and payment due, if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

SECTION 10. 20.866 (2) (zn) of the statutes is repealed.

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

SECTION 11. 20.866 (2) (zo) of the statutes is amended to read:

20.866 **(2)** (zo) *Veterans affairs; refunding bonds.* From the funds and accounts under s. 18.04 (6) (b), a sum sufficient for the department of veterans affairs to fund, refund, or acquire the whole or any part of public debt as set forth in s. 18.04 (5). The building commission may contract public debt in an amount not to exceed $1,015,000,000 for these purposes, exclusive of any amount issued to fund public debt contracted under ~~par.~~ s. 20.866 (2) (zn), 2017 stats.

SECTION 12. 20.867 (4) (q) of the statutes is amended to read:

20.867 **(4)** (q) *Funding in lieu of borrowing.* As a continuing appropriation, all interest earnings of the capital improvement fund accrued after September 30, 1983, except interest earnings arising from the investment of proceeds of public debt contracted under s. 20.866 (2) (zn), 2017 stats., and s. 20.866 (2) (zo) on and after March 24, 1985, to permit funding in lieu of borrowing for the purposes for which the contracting of public debt is authorized under s. 20.866 (2) before March 24, 1985, and under s. 20.866 (2) (s) to (zm) and (zz) on and after March 24, 1985, and under s. 20.866 (2) (s) to (tz), (ug) to (ut), (uv) to (zm) and (zz) on and after August 9, 1989; and to permit funding for the purposes for which the contracting of public debt is authorized under s. 20.866 (2) (u) and (uu), regardless of the borrowing limits under s. 20.866 (2) (u) and (uu), on and after August 9, 1989. Expenditures from this appropriation for each purpose under s. 20.866 (2) (s) to (zm) and (zz) may not exceed the net interest earnings attributable to the corresponding account created under s. 18.08 (1) (b). Net interest earnings shall be allocated quarterly to accounts created under s. 18.08 (1) (b), on the basis of the average daily balance of each account during the quarter, except that accounts with a negative average daily balance shall not receive any interest earnings for that quarter. Balances attributable to accounts created under s. 18.08 (1) (b) may temporarily be utilized to support the expenditures

of other accounts, pending the sale of public debt to provide funds for the program purposes of other accounts. Notwithstanding s. 20.866 (2) (s) to (zm) and (zz) or any nonstatutory state building program project enumeration, this appropriation may be used in lieu of borrowing under s. 20.866 (2) (s) to (zm) and (zz) on and after March 25, 1985, and in lieu of borrowing under s. 20.866 (2) (s) to (tz), (ug) to (ut), (uv) to (zm) and (zz) on and after August 9, 1989; and may be used regardless of the borrowing limits under s. 20.866 (2) (u) and (uu) on and after August 9, 1989.

SECTION 13. 20.867 (4) (r) of the statutes is amended to read:

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

SECTION 14. 25.17 (1) (xp) of the statutes is repealed.

SECTION 15. 25.36 (1) of the statutes is amended to read:

25.36 **(1)** Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used for the ~~lending of money to the mortgage loan repayment fund under s. 45.37 (5) (a) 12. and for the~~ veterans programs under ss. 20.485 (2) (m), (tm), (u), and (z), and (5) (mn), (v), (vo), and (zm), 45.03 (19), 45.07, 45.20, 45.21, 45.40 (1m), 45.41, 45.42, 45.43, and 45.82 and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents, and for the veteran grant jobs pilot program under s. 38.31 administered by the technical college system board; all moneys paid as interest on and repayment of loans under the post–war rehabilitation fund; soldiers rehabilitation fund, veterans

housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on, and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid as expenses for, interest on, and repayment of veterans personal loans; the net proceeds from the sale of mortgaged properties related to veterans personal loans; all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance purchased with moneys in the veterans trust fund; all moneys received from the state investment board under s. 45.42 (8) (b); ~~all moneys received from the veterans mortgage loan repayment fund under s. 45.37 (7) (a) and (c);~~ and all gifts of money received by the board of veterans affairs for the purposes of this fund.

SECTION 16. 45.03 (15) of the statutes is amended to read:

45.03 **(15)** DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or a member of the veteran's family makes application for deferment of payment of monthly installments and waiver of interest charges on veterans loans made under this chapter, showing that the ability of the veteran to make payment is materially and adversely affected by reason of military service, the department may, with the approval of the board, defer payment of monthly installments and waive interest charges on veterans loans made under this chapter for the duration of any period of service in the armed forces of the United States during a national emergency or in time of war or under P.L. 87–117 and 6 months from date of discharge or separation and the time for payment may be extended for the same period. ~~However, when funds estimated to be received in the veterans mortgage loan repayment fund to pay debt service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the funds estimated to be required for the payment of the debt service, the board may~~

~~grant deferral of payments and interest on loans provided under s. 45.37 only when so required by federal law.~~

SECTION 17. 45.03 (16) (c) 2. (intro.) of the statutes is amended to read:

45.03 **(16)** (c) 2. (intro.) The department shall declare immediately due and payable any loan made after July 29, 1979, under a program administered by the department under s. 45.40 ~~or subch. III~~, if it finds that the loan was granted to an ineligible person due to any of the following circumstances:

SECTION 18. 45.03 (16) (c) 3. (intro.) of the statutes is amended to read:

45.03 **(16)** (c) 3. (intro.) Loan application forms processed by the department for programs administered under s. 45.40 ~~or subch. III~~ shall do all of the following:

SECTION 19. 45.03 (16) (c) 4. of the statutes is amended to read:

45.03 **(16)** (c) 4. The department shall incorporate the payment acceleration requirements of subd. 2. in all loan documents for programs administered by the department under s. 45.40 ~~or subch. III~~.

SECTION 20. Subchapter III of chapter 45 [precedes 45.30] of the statutes is repealed.

SECTION 21. 45.42 (4) of the statutes is amended to read:

45.42 **(4)** The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds, and write off indebtedness that it considers uncollectible. If a loan under this section is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.32, 2017 stats. The department shall pay all interest and principal repaid on the loan into the veterans trust fund.

SECTION 22. 45.42 (8) (a) of the statutes is repealed.

SECTION 23. 45.42 (8) (b) of the statutes is renumbered 45.42 (8).

SECTION 24. 45.57 of the statutes is amended to read:

45.57 Veterans homes; transfer of funding. The department may transfer all or part of the unencumbered balance of any of the appropriations under s. 20.485 (1) (g), (gd), (gk), or (i) to the veterans trust fund ~~or to the veterans mortgage loan repayment fund~~. The department shall notify the joint committee on finance in writing of any balance transferred under this section.

SECTION 25. 70.11 (1) of the statutes is amended to read:

70.11 **(1)** PROPERTY OF THE STATE. Property owned by this state except land contracted to be sold by the state. This exemption shall not apply to land conveyed after September, 1933, to this state or for its benefit while the grantor or others for the grantor's benefit are permitted to occupy the land or part thereof in consideration for the conveyance; nor shall it apply to land devised to the state or for its benefit while another person is permitted by the will to occupy the land or part thereof. This exemption shall not apply to any property acquired by the department of veterans affairs under s. 45.32 (5) and (7), 2017 stats., or to the property of insurers undergoing rehabilitation or liquidation under ch. 645. Property exempt under this subsection includes general property owned by the state and leased to a private, nonprofit corporation that operates an Olympic ice training center, regardless of the use of the leasehold income.

SECTION 26. 186.113 (14) (a) of the statutes is repealed.

SECTION 27. 186.113 (14) (b) of the statutes is renumbered 186.113 (14).

SECTION 28. 215.21 (2) of the statutes is amended to read:

215.21 **(2)** LENDING AREA. Except for loans made under s. 45.37, 2017 stats., the lending area of an association is limited to that area within a radius of 100 miles of the association's office.

SECTION 29. 234.03 (13m) of the statutes is amended to read:

234.03 **(13m)** To purchase and enter into commitments for the purchase of veterans housing loans made pursuant to s. 45.37, 2017 stats.

SECTION 30. 234.40 (1) of the statutes is amended to read:

234.40 **(1)** The authority shall issue its negotiable bonds in such principal amount and length of maturity as to provide sufficient funds for veterans housing loans ~~to be~~ made pursuant to s. 45.37, 2017 stats.

SECTION 31. 234.40 (3) of the statutes is amended to read:

234.40 **(3)** It is the intent of the legislature that the authority be used to finance the veterans housing program. ~~Nothing in this chapter shall be construed to supersede the powers vested by subch. III of ch. 45 in the department of veterans affairs for carrying out program responsibilities for which debt has been incurred by the authority.~~

SECTION 32. 234.41 (1) of the statutes is amended to read:

234.41 **(1)** There is established under the jurisdiction of the authority a veterans housing loan fund. All moneys resulting from the sale of bonds for the purpose of veterans housing pursuant to s. 45.37, 2017 stats., unless credited to the veterans capital reserve fund, shall be credited to the fund.

SECTION 33. 234.41 (2) of the statutes is amended to read:

234.41 **(2)** The authority shall use moneys in the fund for the purpose of purchasing loans representing veterans housing loans pursuant to s. 45.37, 2017 stats. All disbursements of funds under this section for purchasing mortgage loans

shall be made payable to authorized lenders as defined in s. 45.31 (3), 2017 stats., and eligible persons as defined in s. 45.31 (5), 2017 stats.

SECTION 34. 234.43 (2) (c) of the statutes is amended to read:

234.43 **(2)** (c) For repayment of advances from the state made through s. 20.485 (3) (b), 2017 stats;

SECTION 35. 706.11 (4) of the statutes is amended to read:

706.11 **(4)** Subsection (1) does not apply to a 2nd mortgage assigned to or executed to the department of veterans affairs under s. 45.80 (4) (a) 1., 1989 stats., or s. 45.37 (3), 2017 stats.

SECTION 36. Chapter VA 4 of the administrative code is repealed.

SECTION 9148. Nonstatutory provisions; Veterans Affairs.

(1) ELIMINATION OF THE VETERANS MORTGAGE LOAN REPAYMENT FUND. On the effective date of this subsection, the assets and liabilities of the veterans mortgage loan repayment fund become the assets and liabilities of the veterans trust fund.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0543/P3
MED:amn

DOA:.....Ames, BB0022 – Dental therapist licensure

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

1. Licensure of dental therapists

Under current law, dentists and dental hygienists are licensed by the Dentistry Examining Board to practice dentistry and dental hygiene, respectively. This bill provides for the licensure of a third type of dental practitioner, dental therapists. Under the bill, the board must grant a dental therapist license to an individual who satisfies certain criteria, including completion of a dental therapy program and passage of required examinations.

Dental therapists may provide dental therapy services only under the general supervision of a dentist with whom the dental therapist has a collaborative management agreement that addresses various aspects of the dental therapist's practice. Supervision by a dentist requires the dentist's prior knowledge and consent, but does not require the presence of the dentist at the time a task or procedure is being performed or prior examination or diagnosis of a patient by a dentist prior to the provision of dental therapy services by a dental therapist. Dental therapists are, subject to the terms of a collaborative management agreement, limited to providing services, treatments, and procedures that are specified in the bill, as well as additional services, treatments, or procedures specified by the board

by rule. Dental therapists must complete 12 hours of continuing education each biennium.

The bill subjects dental therapists to, or covers dental therapists under, various other laws, including the health care records law, the volunteer health care provider program, the health care worker protection law, and the emergency volunteer health care practitioner law. The bill also provides for loan forgiveness for dental therapists under the health care provider loan assistance program.

Finally, the bill requires, effective when the first individual becomes licensed as a dental therapist in this state, that two dental therapists be added to the board.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.405 (6) (am) of the statutes is created to read:

15.405 **(6)** (am) Two dental therapists who are licensed under ch. 447.

SECTION 2. 36.61 (1) (ak) of the statutes is created to read:

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

SECTION 3. 36.61 (1) (b) of the statutes is amended to read:

36.61 **(1)** (b) "Health care provider" means a <u>dental therapist,</u> dental hygienist, physician assistant, nurse–midwife, or nurse practitioner.

SECTION 4. 36.61 (3) (a) of the statutes is amended to read:

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

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

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

SECTION 6. 36.61 (8) (c) 3. of the statutes is amended to read:

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

SECTION 7. 146.81 (1) (c) of the statutes is amended to read:

146.81 **(1)** (c) A dentist or dental therapist licensed under ch. 447.

SECTION 8. 146.89 (1) (r) 1. of the statutes is amended to read:

146.89 **(1)** (r) 1. Licensed as a physician under ch. 448, a dentist, dental therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse–midwife under ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

SECTION 9. 146.89 (1) (r) 5. of the statutes is amended to read:

146.89 **(1)** (r) 5. An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is described in subds. 1. to 4., except a dentist, dental

1 therapist, or dental hygienist, is licensed or certified to perform and who performs
2 acts that are within the scope of that license, certification, or registration.

3 **SECTION 10.** 146.89 (3) (b) 8. of the statutes is amended to read:

4 146.89 **(3)** (b) 8. Dental services, including tooth extractions and other
5 procedures done under local anesthesia only and any necessary suturing related to
6 the extractions, performed by a dentist or dental therapist who is a volunteer health
7 provider; and dental hygiene services, performed by a dental hygienist who is a
8 volunteer health provider.

9 **SECTION 11.** 146.89 (3m) (intro.) of the statutes is amended to read:

10 146.89 **(3m)** (intro.) A volunteer health care provider who is a dentist or dental
11 therapist may provide dental services or a volunteer health care provider who is a
12 dental hygienist may provide dental hygiene services, to persons who are recipients
13 of Medical Assistance, if all of the following apply:

14 **SECTION 12.** 146.997 (1) (d) 3. of the statutes is amended to read:

15 146.997 **(1)** (d) 3. A dentist or dental therapist licensed under ch. 447.

16 **SECTION 13.** 155.01 (7) of the statutes is amended to read:

17 155.01 **(7)** "Health care provider" means a nurse licensed or permitted under
18 ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed
19 under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical
20 therapist, physical therapist assistant, occupational therapist, or occupational
21 therapy assistant licensed under ch. 448, a person practicing Christian Science
22 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.
23 455, a partnership thereof, a corporation or limited liability company thereof that
24 provides health care services, a cooperative health care association organized under

s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 14. 252.14 (1) (ar) 3. of the statutes is amended to read:

252.14 **(1)** (ar) 3. A dentist <u>or dental therapist</u> licensed under ch. 447.

SECTION 15. 257.01 (5) (a) of the statutes is amended to read:

257.01 **(5)** (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse, or nurse–midwife under ch. 441, licensed as a dentist <u>or dental therapist</u> under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

SECTION 16. 257.01 (5) (b) of the statutes is amended to read:

257.01 **(5)** (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed practical nurse or nurse–midwife, under ch. 441, licensed as a dentist <u>or dental therapist</u> under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

SECTION 17. 440.03 (13) (b) 20m. of the statutes is created to read:

440.03 **(13)** (b) 20m. Dental therapist.

SECTION 18. 440.08 (2) (a) 25m. of the statutes is created to read:

440.08 **(2)** (a) 25m. Dental therapist: October 1 of each odd–numbered year.

SECTION 19. 447.01 (6g) of the statutes is created to read:

447.01 **(6g)** "Dental therapist" means an individual who practices dental therapy.

SECTION 20. 447.01 (6r) of the statutes is created to read:

447.01 **(6r)** "Dental therapy" means the limited practice of dentistry, consisting of the services, treatments, and procedures specified in s. 447.06 (3) (b).

SECTION 21. 447.02 (1) (a) of the statutes is amended to read:

447.02 **(1)** (a) Governing the reexamination of an applicant who fails an examination specified in s. 447.04 (1) (a) 5., (1m) (a) 5., or (2) (a) 5. The rules may specify additional educational requirements for those applicants and may specify the number of times an applicant may be examined.

SECTION 22. 447.02 (1) (b) of the statutes is amended to read:

447.02 **(1)** (b) Governing the standards and conditions for the use of radiation and ionizing equipment in the practice of dentistry or dental therapy.

SECTION 23. 447.02 (1) (g) of the statutes is created to read:

447.02 **(1)** (g) Specifying services, treatments, or procedures, in addition to those specified under s. 447.06 (3) (b) 1. to 28., that are included within the practice of dental therapy.

SECTION 24. 447.02 (2) (a) of the statutes is amended to read:

447.02 **(2)** (a) The conditions for supervision and the degree of supervision required under ss. 447.03 (3) (a), (am), (b) and (d) 2. and 447.065.

SECTION 25. 447.02 (3) (a) (intro.) of the statutes is amended to read:

447.02 **(3)** (a) (intro.) The examining board may issue a permit authorizing the practice in this state, without compensation, of dentistry, dental therapy, or dental hygiene to an applicant who is licensed to practice dentistry, dental therapy, or dental hygiene in another state, if all of the following apply:

SECTION 26. 447.02 (3) (a) 2. of the statutes is amended to read:

447.02 **(3)** (a) 2. The examining board determines that the applicant is qualified and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the examining board may not require the applicant to pass an examination of state statutes and rules relating to dentistry, dental therapy, or dental hygiene.

SECTION 27. 447.02 (3) (b) of the statutes is amended to read:

447.02 **(3)** (b) A permit under this subsection shall authorize the practice of dentistry, dental therapy, or dental hygiene in a specified area of the state for a period of time not more than 10 days in a year and may be renewed by the examining board. The examining board may not require an applicant to pay a fee for the issuance or renewal of a permit under this subsection.

SECTION 28. 447.02 (5) of the statutes is amended to read:

447.02 **(5)** Except as provided in ss. 447.058 and 447.063, nothing in this chapter may be construed as authorizing the examining board to regulate business or administrative support functions or services, that do not constitute the practice of dentistry, dental therapy, or dental hygiene, provided to a business that provides dental or dental hygiene services.

SECTION 29. 447.03 (1m) of the statutes is created to read:

447.03 **(1m)** DENTAL THERAPISTS. Except as provided under sub. (3) and s. 447.02 (3), no person may do any of the following unless he or she is licensed to practice dental therapy under this chapter:

(a) Practice or offer to practice dental therapy.

(b) Represent himself or herself to the public as a dental therapist or use, in connection with his or her name, any title or description that may convey the impression that he or she is a dental therapist.

SECTION 30. 447.03 (3) (am) of the statutes is created to read:

447.03 **(3)** (am) A dental therapy student who practices dental therapy under the supervision of a dentist in an infirmary, clinic, hospital or other institution connected or associated for training purposes with an accredited dental therapy school.

SECTION 31. 447.03 (3) (c) of the statutes is amended to read:

447.03 **(3)** (c) An individual licensed to practice dentistry, dental therapy, or dental hygiene in another state or country who practices dentistry, dental therapy, or dental hygiene in a program of dental education or research at the invitation of a group of dentists or practices dentistry, dental therapy, or dental hygiene under the jurisdiction of the army, navy, air force, U.S. public health service, or veterans bureau.

SECTION 32. 447.04 (1m) of the statutes is created to read:

447.04 **(1m)** DENTAL THERAPISTS. (a) The examining board shall grant a license to practice dental therapy to an individual who does all of the following:

1. Submits an application for the license to the department on a form provided by the department.

2. Pays the fee specified in s. 440.05 (1).

3. Submits evidence satisfactory to the examining board that he or she has done one of the following:

a. Graduated from an accredited dental therapy education program.

b. Graduated from a dental therapy education program that was not accredited at the time of graduation, but was accredited or approved by a state dental licensing board, was certified as a community health aide program dental therapy education

program under U.S. Indian health service standards, or is otherwise approved by the examining board as being substantially comparable to an accredited program.

4. Submits evidence satisfactory to the examining board that he or she has passed a national board dental therapy examination and a dental therapy clinical examination administered by a regional testing service that has been approved by the examining board to administer clinical examinations for dental professionals. If a national board examination or a regional testing service examination for dental therapy does not exist, the examining board shall accept evidence of passing an alternative examination administered by another entity or testing service that is approved by the examining board.

5. Passes an examination administered by the examining board on the statutes and rules relating to dental therapy.

5m. Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

6. Completes any other requirements established by the examining board by rule that are comparable to and no more restrictive than the requirements established by the board for dentists under sub. (1) (a) 6. and dental hygienists under sub. (2) (a) 6.

(b) The examining board may grant a license to practice dental therapy to an individual who is licensed or certified in good standing to practice dental therapy in another state or territory of the United States or in another country, or by the U.S.

Indian health service community health aide program, if the applicant complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule. The board shall establish requirements under this subdivision that are comparable to and no more restrictive than the requirements established by the board for dentists under sub. (1) (b) 1. and dental hygienists under sub. (2) (b) 1.

2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

3. Presents the license or certification to the examining board and pays the fee specified under s. 440.05 (2).

SECTION 33. 447.05 of the statutes is amended to read:

447.05 Expiration and renewal. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a). The examining board may not renew a license to practice dentistry unless the applicant for renewal attests <u>that he or she has complied with s. 447.056,</u> that he or she has current proficiency in cardiopulmonary resuscitation, ~~including~~ <u>and that he or she has current proficiency in</u> the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher

education approved under s. 46.03 (38) to provide such instruction. The examining board may not renew a license to practice dental therapy unless the applicant for renewal attests that he or she has complied with s. 447.057 and any rules promulgated under s. 447.057, that he or she has current proficiency in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction. The examining board may not renew a license to practice dental hygiene unless the applicant for renewal attests that he or she has complied with s. 447.055 and any rules promulgated by the examining board under s. 447.055, that he or she has a current certification in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 34. 447.057 of the statutes is created to read:

447.057 Continuing education; dental therapists. (1) (a) Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental therapy, other than a permit issued under s. 447.02 (3), unless the person has taught, prepared, attended, or otherwise completed, during the 2–year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of continuing education relating to the clinical practice of dental therapy that is sponsored or recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical–related professional organization.

(b) Continuing education required under par. (a) may include training in all of the following:

1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) may be satisfied by such training.

2. Infection control. Not less than 2 of the credit hours required under par. (a) must be satisfied by such training.

(d) After consultation with the department of health services, the examining board may promulgate rules requiring that continuing education credit hours under par. (a) include courses in specific clinical subjects.

(2) The credit hours required under sub. (1) (a) may be satisfied by independent study, correspondence, or Internet programs or courses.

(3) Subsection (1) (a) does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

(4) A person may substitute credit hours of college level courses related to the practice of dental therapy for the credit hours required under sub. (1) (a). For purposes of this subsection, one credit hour of a college level course is equivalent to 6 credit hours of continuing education.

(5) For purposes of sub. (1) (a), one hour of teaching or preparing a continuing education program is equivalent to one credit hour of continuing education, but a person who teaches or prepares a continuing education program may obtain credit for the program only once.

(6) The examining board may require applicants for renewal of a license to practice dental therapy to submit proof of compliance with the requirements of this section.

SECTION 35. 447.06 (1) of the statutes is amended to read:

447.06 **(1)** No contract of employment entered into between a dentist or dental therapist and any other party under which the dentist or dental therapist renders dental services may require the dentist or dental therapist to act in a manner ~~which~~ that violates the professional standards for dentistry or dental therapy set forth in this chapter. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional standards for dentistry or dental therapy set forth in this chapter.

SECTION 36. 447.06 (1m) of the statutes is created to read:

447.06 **(1m)** No contract of employment entered into between a dental therapist and any other party under which the dental therapist is employed to practice dental therapy may require a dental therapist to meet a minimum quota for the number of patients seen or the number of procedures performed.

SECTION 37. 447.06 (2) (a) 3. of the statutes is amended to read:

447.06 **(2)** (a) 3. For a school for the education of dentists, dental therapists, or dental hygienists.

SECTION 38. 447.06 (2) (b) of the statutes is amended to read:

447.06 **(2)** (b) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. only as authorized by a dentist or dental therapist who is licensed to practice dentistry or dental therapy under this chapter and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

SECTION 39. 447.06 (2) (c) (intro.) of the statutes is amended to read:

447.06 **(2)** (c) (intro.) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed

to practice dentistry or dental therapy under this chapter is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

SECTION 40. 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:

447.06 **(2)** (c) 2. (intro.) The dentist or dental therapist who made the written or oral prescription has examined the patient at least once during the 12–month period immediately preceding:

SECTION 41. 447.06 (3) of the statutes is created to read:

447.06 **(3)** (a) In this subsection:

1. "Collaborative management agreement" means an agreement under par. (d).

2. "Qualifying dentist" means a dentist who is licensed in this state and who is actively practicing in this state.

(b) The scope of practice of a dental therapist shall, subject to the terms of a collaborative management agreement, be limited to providing the following services, treatments, and procedures:

1. Oral evaluation and assessment of dental disease and formulation of an individualized treatment plan.

2. Identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and managing referrals.

3. Comprehensive charting of the oral cavity.

4. Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

5. Exposure and evaluation of radiographic images.

6. Dental prophylaxis, including subgingival scaling and polishing procedures.

7. Dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider.

8. Application of topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants.

9. Pulp vitality testing.

10. Application of desensitizing medications or resins.

11. Fabrication of athletic mouth guards and soft occlusal guards.

12. Changing of periodontal dressings.

13. Administration of local anesthetic and nitrous oxide.

14. Simple extraction of erupted primary teeth.

15. Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist's collaborative management agreement, except that "dental therapy" does not include the extraction of a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for removal.

16. Emergency palliative treatment of dental pain limited to the procedures in this paragraph.

17. Preparation and placement of direct restoration in primary and permanent teeth.

18. Fabrication and placement of single-tooth temporary crowns.

19. Preparation and placement of preformed crowns on primary teeth.

20. Indirect and direct pulp capping on permanent teeth.

21. Indirect pulp capping on primary teeth.

22. Intraoral suture placement and removal.

23. Minor adjustment and repair of removable prostheses.

24. Placement and removal of space maintainers.

25. Pulpotomy on primary teeth.

26. Tooth reimplantation and stabilization.

27. Recementing of a permanent crown.

28. Any additional services, treatments, or procedures specified in the rules promulgated under s. 447.02 (1) (g).

(c) 1. A dental therapist licensed under this chapter may provide dental therapy services only under the general supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement. For purposes of this subdivision, general supervision of a dental therapist by a dentist requires that a task or procedure be performed by a dental therapist with the prior knowledge and consent of the dentist, but does not require the presence of the dentist in the office or on the premises at the time a task or procedure is being performed by the dental therapist and does not require prior examination or diagnosis of a patient by the dentist before the dental therapist provides dental therapy services to the patient.

2. A supervising dentist shall accept responsibility for all services performed by a dental therapist pursuant to a collaborative management agreement. If services needed by a patient are beyond the dental therapist's scope of practice or authorization under the collaborative management agreement, the dental therapist shall, to the extent required under the collaborative management agreement, consult with the supervising dentist as needed to arrange for those services to be provided by a dentist or another qualified health care professional.

(d) 1. Prior to providing any dental therapy services, a dental therapist shall enter into a written collaborative management agreement with a qualifying dentist who will serve as a supervising dentist under par. (c). The agreement must be signed by the dental therapist and the qualifying dentist and address all of the following:

a. The practice settings where services may be provided and the patient populations that may be served.

b. Any conditions or limitations on the services that may be provided by the dental therapist, the level of supervision required, and any circumstances requiring consultation prior to performing services.

c. Age-specific and procedure-specific practice protocols.

d. Dental record-keeping procedures.

e. Plans for managing dental or medical emergencies.

f. A quality assurance plan for monitoring care provided by the dental therapist.

g. Protocols for administering and dispensing medications.

h. Criteria or protocols relating to the provision of care to patients with specific medical conditions, treatments, or medications.

i. Policies relating to supervision of dental hygienists and other staff.

j. A plan for the referral of patients to other dental or health care professionals or clinics when services needed are beyond the scope of practice or authorization of the dental therapist.

k. Whether and to what extent the dental therapist may perform services described in par. (b) 15.

2. a. A collaborative management agreement shall be limited to covering one qualifying dentist and one dental therapist.

b. A dental therapist may enter into multiple collaborative management agreements.

c. No dentist may have collaborative management agreements with more than 5 dental therapists at any time.

SECTION 42. 447.065 of the statutes is amended to read:

447.065 Delegation of remediable procedures and dental practices. (1) A dentist or dental therapist who is licensed ~~to practice dentistry~~ under this chapter may delegate to an individual who is not licensed under this chapter only the performance of remediable procedures, and only if all of the following conditions are met:

(a) The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist or dental therapist.

(b) The dentist or dental therapist is on the premises when the unlicensed individual performs the remediable procedures.

(c) The unlicensed individual's performance of the remediable procedures is subject to inspection by the dentist or dental therapist.

(2) Subject to the requirements under s. 447.06 (2), a dentist or dental therapist who is licensed ~~to practice dentistry~~ under this chapter may delegate to a dental hygienist who is licensed to practice dental hygiene under this chapter the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release chemotherapeutic agents, to the extent the dentist or dental therapist has the authority to perform the activity personally.

(3) A dentist or dental therapist who delegates to another individual the performance of any practice or remediable procedure is responsible for that individual's performance of that delegated practice or procedure.

SECTION 43. 447.07 (1) of the statutes is amended to read:

447.07 **(1)** The examining board may, without further notice or process, limit, suspend, or revoke the license or certificate of any dentist, dental therapist, or dental hygienist, or the registration of a mobile dentistry program registrant, who fails, within 60 days after the mailing of written notice to the dentist's, dental therapist's, dental hygienist's, or registrant's last–known address, to renew the license, certificate, or registration.

SECTION 44. 447.07 (3) (intro.) of the statutes is amended to read:

447.07 **(3)** (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist, dental therapist, or dental hygienist, of a mobile dentistry program registrant, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry, dental therapy, or dental hygiene, or the operation of a mobile dentistry program, in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist, dental therapist, or dental hygienist who is licensed or certified under this chapter, or any mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her license or certificate, or the registration of the mobile dentistry program registrant, if it finds that the dentist, dental therapist, dental hygienist, or mobile dentistry program registrant has done any of the following:

SECTION 45. 447.07 (3) (e) to (h) of the statutes are amended to read:

447.07 **(3)** (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a crime, the circumstances of which substantially relate to the practice of dentistry, dental therapy, or dental hygiene or the operation of a mobile dentistry program.

(f) Violated this chapter or any federal or state statute or rule that relates to the practice of dentistry, dental therapy, or dental hygiene, or the operation of a mobile dentistry program.

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry, dental therapy, or dental hygiene while his or her ability was impaired by alcohol or other drugs.

(h) Engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of dentistry, dental therapy, or dental hygiene.

SECTION 46. 447.40 (intro.) of the statutes is amended to read:

447.40 Informed consent. (intro.) Any dentist or dental therapist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable dentist standard is the standard for informing a patient under this section. The reasonable dentist standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The dentist's or dental therapist's duty to inform the patient under this section does not require disclosure of any of the following:

SECTION 47. 447.40 (6) of the statutes is amended to read:

447.40 **(6)** Information about alternate modes of treatment for any condition the dentist or dental therapist has not included in his or her diagnosis, assessment, or treatment plan at the time the dentist or dental therapist informs the patient.

SECTION 48. 448.03 (2) (a) of the statutes is amended to read:

448.03 **(2)** (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, or as otherwise provided by statute.

SECTION 49. 448.21 (1) (a) of the statutes is amended to read:

448.21 **(1)** (a) The practice of dentistry, dental therapy, or dental hygiene within the meaning of ch. 447.

SECTION 50. 450.03 (1) (e) of the statutes is amended to read:

450.03 **(1)** (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice dentistry, dental therapy, or dental hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

SECTION 51. 450.10 (3) (a) 4. of the statutes is amended to read:

450.10 **(3)** (a) 4. A dentist or dental therapist licensed under ch. 447.

SECTION 52. 462.02 (2) (d) of the statutes is amended to read:

462.02 **(2)** (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), or a person under the direct supervision of a dentist.

SECTION 53. 462.04 of the statutes is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X–ray machine operator permit under this chapter may not use diagnostic X–ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist licensed under s. 448.53.

SECTION 54. 463.10 (5) of the statutes is amended to read:

463.10 **(5)** EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1) or to a~~ , dental therapist, or physician who tattoos or offers to tattoo a person in the course of the dentist's, dental therapist's, or physician's professional practice.

SECTION 55. 463.12 (5) of the statutes is amended to read:

463.12 **(5)** EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1) or to a~~ , dental therapist, or physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's, dental therapist's, or physician's professional practice.

SECTION 56. 632.87 (4) of the statutes is amended to read:

632.87 **(4)** No policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dentist or dental therapist within the scope of the dentist's or dental therapist's license, if the policy, plan or contract

covers diagnosis and treatment of the condition or complaint by another health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 57. 895.48 (1m) (a) (intro.) of the statutes is amended to read:

895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician, physician assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist <u>or dental therapist</u> licensed under ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

SECTION 58. 895.48 (1m) (a) 2. of the statutes is amended to read:

895.48 **(1m)** (a) 2. The physician, podiatrist, athletic trainer, chiropractor, dentist, <u>dental therapist,</u> emergency medical services practitioner, as defined in s. 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician assistant, registered nurse, massage therapist or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 59. 941.315 (5) of the statutes is amended to read:

941.315 **(5)** (a) Subsection (2) does not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care, if the nitrous

oxide is administered by a physician ~~or~~, dentist, or dental therapist or at the direction or under the supervision of a physician ~~or~~, dentist, or dental therapist.

(b) Subsection (3) does not apply to the administration of nitrous oxide by a physician ~~or~~, dentist, or dental therapist, or by another person at the direction or under the supervision of a physician ~~or~~, dentist, or dental therapist, for the purpose of providing medical or dental care.

(c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic or other health care organization or to a physician ~~or~~, dentist, or dental therapist of any object used, designed for use or primarily intended for use in administering nitrous oxide for the purpose of providing medical or dental care.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) DENTAL THERAPIST LICENSURE.

(a) When the first individual becomes licensed as a dental therapist in this state under s. 447.04 (1m), the dentistry examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register.

(b) 1. The dentistry examining board shall promulgate emergency rules under s. 227.24 that are necessary to implement the licensure of dental therapist under this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subdivision remain in effect for 2 years, or until the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public

peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subdivision.

2. The dentistry examining board shall present a statement of scope for permanent and emergency rules required to implement the licensure of dental therapist under this act to the department of administration under s. 227.135 (2) no later than the 30th day after the effective date of this subdivision. Notwithstanding s. 227.135 (2), if the governor does not disapprove the statement of scope by the 30th day after the statement is presented to the department of administration, the statement is considered to be approved by the governor.

3. The dentistry examining board shall submit a proposed emergency rule required to implement the licensure of dental therapist under this act to the governor for approval under s. 227.24 (1) (e) 1g. no later than the 150th day after the effective date of this subdivision. Notwithstanding s. 227.24 (1) (e) 1g., if the governor does not reject the proposed emergency rule by the 14th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

4. The dentistry examining board shall submit a proposed permanent rule required to implement the licensure of dental therapist under this act to the governor for approval under s. 227.185 no later than the 365th day after the effective date of this subdivision. Notwithstanding s. 227.185, if the governor does not reject that proposed permanent rule by the 30th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

SECTION 9438. Effective dates; Safety and Professional Services.

1 (1) DENTAL THERAPIST LICENSURE. The treatment of s. 15.405 (6) (am) takes effect
2 on the date the notice under SECTION 9138 (1) (a) of this act is published in the
3 Wisconsin Administrative Register.

4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0544/P1
MLJ:amn

DOA:.....Stinebrink, BB0017 – Renumber Cemetery maintenance and beautification; king

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. Veterans Memorial Cemetery

This bill renumbers the appropriation for the Central Wisconsin Veterans Memorial Cemetery to be appropriately grouped with the other appropriations for the bureau of cemeteries.

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

2 **SECTION 1.** 20.485 (1) (d) of the statutes is renumbered 20.485 (4) (a).

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

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0545/P1
SWB:emw

DOA:.....Ames, BB0024 – Discontinue dental reimbursement pilot program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This bill discontinues the dental reimbursement pilot project that, under current law, requires DHS to distribute moneys to increase Medical Assistance reimbursement rates for pediatric dental care and adult emergency dental services provided in Brown, Marathon, Polk, and Racine counties.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.45 (24k) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0546/P3
SWB:wlj&amn

DOA:.....Ames, BB0025 – Critical access payments to dental providers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Critical access reimbursement payments to dental providers

This bill requires DHS to provide enhanced reimbursement payments under the Medical Assistance program to dental providers who meet certain qualifications. In order to qualify, a provider must meet quality of care standards established by DHS. In addition, at least 50 percent of those individuals served by a nonprofit or public provider must be without dental insurance or enrolled in the Medical Assistance program for the provider to qualify for enhanced reimbursement and for-profit providers must have at least 5 percent of patients enrolled in the Medical Assistance program.

For services rendered by a qualified nonprofit critical access dental provider, DHS must increase reimbursement by 50 percent above the reimbursement rate otherwise paid to that provider. For services provided by a for-profit provider, DHS must increase reimbursement by 30 percent above the reimbursement rate otherwise paid to that provider. For providers serving individuals in managed care under the Medical Assistance program, DHS must increase reimbursement to pay an additional amount on the basis of the rate that would have been paid to the provider had the individual not been enrolled in managed care. If a provider has

more than one service location, reimbursement is determined separately for each location.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (24L) of the statutes is created to read:

49.45 **(24L)** CRITICAL ACCESS REIMBURSEMENT PAYMENTS TO DENTAL PROVIDERS. (a) Based on the criteria in pars. (b) and (c), the department shall increase reimbursements to dental providers that meet quality of care standards, as established by the department.

(b) In order to be eligible for enhanced reimbursement under this subsection, the provider must meet one of the following qualifications:

1. For a nonprofit or public provider, 50 percent or more of the individuals served by the provider are individuals who are without dental insurance or are enrolled in the Medical Assistance program.

2. For a for–profit provider, 5 percent or more of the individuals served by the provider are enrolled in the Medical Assistance program.

(c) For dental services rendered on or after January 1, 2020, by a qualified nonprofit critical access dental provider, the department shall increase reimbursement by 50 percent above the reimbursement rate that would otherwise be paid to that provider. For dental services rendered on or after January 1, 2020, by a qualified for–profit critical access dental provider, the department shall increase reimbursement by 30 percent above the reimbursement rate that would otherwise be paid to that provider. For dental providers rendering services to individuals in managed care under the Medical Assistance program, for services rendered on or

after January 1, 2020, the department shall increase reimbursement to pay an additional amount on the basis of the rate that would have been paid to the dental provider had the individual not been enrolled in managed care.

(d) If a provider has more than one service location, the thresholds described under par. (b) apply to each location, and payment for each service location would be determined separately.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0548/P2
SWB:ahe

DOA:.....Ames, BB0027 – Dental therapy training program funding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Dental therapy training program

This bill requires DHS to award onetime grants on a competitive basis to educational institutions for costs associated with beginning a dental therapy training program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9119. Nonstatutory provisions; Health Services.**

3 (1) DENTAL THERAPY TRAINING PROGRAM. The department of health services shall
4 award, on a competitive basis, a total of $500,000 in fiscal year 2019–20 and
5 $1,000,000 in fiscal year 2020–21 as onetime grants to educational institutions for

1 costs associated with beginning a dental therapy training program. The department
2 shall establish criteria for approving and distributing grants under this subsection.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0550/P1
MDK:ahe

DOA:.....Ames, BB0023 – Loan repayments for rural dentists

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

This bill allows dentists who agree to practice in rural areas under an educational loan repayment assistance program to receive the same amount of assistance as physicians. The program is administered by the Board of Regents of the UW System. Under current law, dentists and physicians who agree to practice at least 32 clinic hours per week for three years in areas with shortages of dental or primary care professionals may receive up to $50,000 in assistance under the program. In addition, a physician who agrees to practice for the same duration in a rural area may receive up to $100,000 in assistance under the program. However, dentists who agree to practice for the same duration in a rural area are eligible for up to $50,000 in assistance. This bill makes dentists who agree to practice for the same duration in rural areas eligible for up to $100,000 in assistance.

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

2 **SECTION 1.** 36.60 (2) (a) 2. of the statutes is amended to read:

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

SECTION 2. 36.60 (4m) (intro.) of the statutes is amended to read:

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

SECTION 9347. Initial applicability; University of Wisconsin System.

(1) DENTIST LOAN ASSISTANCE PROGRAM. The treatment of s. 36.60 (2) (a) 2. and (4m) (intro.) first applies to dentists whose applications for the program under s. 36.60 are received on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0551/P2
TJD:cjs

DOA:.....Ames, BB0028 – Telehealth definition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Definition of "telehealth"; reimbursement

This bill expands the definition of "telehealth" for the purposes of reimbursement of mental health services provided through telehealth under the Medical Assistance program. Currently, the definition of "telehealth" includes only real-time communications between individuals and health care providers. The bill includes in the definition real-time communications between providers and, in circumstances determined by DHS, asynchronous transmissions of digital images or data between providers, known as store-and-forward technology. The definition of "telehealth" currently and under the bill does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

This bill requires DHS to establish, by rule, a method of reimbursement for providers of Medical Assistance services that are covered under the Medical Assistance program and are provided via a type of telehealth described in the bill. One of the telehealth types for which the bill requires reimbursement is when a service is a consultation between a provider at an originating site and a provider at a remote location using a combination of interactive video, audio, and externally

acquired images through a networking environment. The other telehealth method is store-and-forward either between providers or between a provider and a Medical Assistance recipient.

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

SECTION 1. 49.45 (29w) (b) 1. b. of the statutes is amended to read:

49.45 **(29w)** (b) 1. b. "Telehealth" ~~is~~ means a service provided from a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment between an individual or a provider at an originating site and a provider at a remote location with the service being of sufficient audio and visual fidelity and clarity as to be functionally equivalent to face-to-face contact; or, in circumstances determined by the department, an asynchronous transmission of digital clinical information through a secure electronic communications system from one provider to another provider. "Telehealth" does not include telephone conversations or Internet-based communications between providers or between providers and individuals.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) MEDICAL ASSISTANCE REIMBURSEMENT FOR SERVICES PROVIDED THROUGH TELEHEALTH. The department of health services shall develop, by rule, a method of reimbursing providers under the Medical Assistance program for a service that is covered by the Medical Assistance program under subch. IV of ch. 49 and that satisfies any of the following:

(a) The service is a consultation between a provider at an originating site and a provider at a remote location using a combination of interactive video, audio, and externally acquired images through a networking environment.

1 (b) The service is an asynchronous transmission of digital clinical information
2 through a secure electronic system from a Medical Assistance recipient or provider
3 to a provider.
4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0555/P3
MIM:amn&kjf

DOA:.....Kirschbaum, BB0014 – Project Search

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Project SEARCH

This bill authorizes DWD to enter into contracts to provide employment skills services to individuals with developmental disabilities under the Project SEARCH program. The program is currently operated by the Cincinnati Children's Hospital and the Division of Vocational Rehabilitation administers the program for residents of this state. The bill also requires DWD to allocate $250,000 each fiscal year to the program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 16.705 (1b) (f) of the statutes is created to read:

3 16.705 **(1b)** (f) The department of workforce development for the Project

4 SEARCH program under s. 47.07.

SECTION 2. 20.445 (1) (b) of the statutes is amended to read:

20.445 **(1)** (b) *Workforce training; programs, grants, ~~and~~ services, and contracts*. The amounts in the schedule for the workforce training programs, grants, and services under s. 106.27 (1), (1g), (1j), ~~and~~ (1r), and (1u) and for the costs associated with contracts entered into under s. 47.07.

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

****NOTE: This is reconciled s. 20.445 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: –0555/P2 and –1980/P1.

SECTION 3. 47.07 of the statutes is created to read:

47.07 Project SEARCH. (1) The department shall allocate for each fiscal year at least $250,000 from the appropriation under s. 20.445 (1) (b) for contracts entered into under this section.

(2) The department may enter into contracts to provide services to persons with disabilities under the Project SEARCH program operated by the Cincinnati Children's Hospital or its successor organization.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0556/P3
SWB:kjf

DOA:.....Bollhorst, BB0030 – Assisted living staffing, fees, and online submission

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Assisted living reporting and fees

This bill requires certain assisted living facilities, specifically adult day centers, community-based residential facilities, and residential care apartment complexes, to submit biennial reports to DHS through an online system prescribed by DHS. Under current law, some assisted living facilities have no statutory reporting requirements and others have annual rather than biennial requirements. Current law also requires written reports rather than online submissions.

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

2 **SECTION 1.** 49.45 (47) (dm) of the statutes is created to read:

3 49.45 **(47)** (dm) Every 24 months, on a schedule determined by the department,

4 an adult day care center shall submit through an online system prescribed by the

department a report in the form and containing the information that the department requires, including payment of any fee due under par. (c). If a complete report is not timely filed, the department shall issue a warning to the operator of the adult day care center. The department may revoke an adult day care center's certification for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 2. 50.03 (3) (b) (intro.) of the statutes is amended to read:

50.03 **(3)** (b) (intro.) The application for a license and, except as otherwise provided in this subchapter, the report of a licensee shall be in writing upon forms provided by the department and shall contain such information as the department requires, including the name, address and type and extent of interest of each of the following persons:

SECTION 3. 50.03 (4) (c) 1. of the statutes is amended to read:

50.03 **(4)** (c) 1. A community–based residential facility license is valid until it is revoked or suspended under this section. Every 24 months, on a schedule determined by the department, a community–based residential facility licensee shall submit through an online system prescribed by the department a ~~biennial~~ report in the form and containing the information that the department requires, including payment of ~~the fees required~~ any fee due under s. 50.037 (2) (a). If a complete biennial report is not timely filed, the department shall issue a warning to the licensee. The department may revoke a community–based residential facility license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 4. 50.033 (2m) of the statutes is amended to read:

50.033 **(2m)** REPORTING. Every 24 months, on a schedule determined by the department, a licensed adult family home shall submit through an online system prescribed by the department a biennial report in the form and containing the information that the department requires, including payment of ~~the~~ any fee ~~required~~ due under sub. (2). If a complete biennial report is not timely filed, the department shall issue a warning to the licensee. The department may revoke the license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

SECTION 5. 50.034 (2m) of the statutes is created to read:

50.034 **(2m)** REPORTING. Every 24 months, on a schedule determined by the department, a residential care apartment complex shall submit through an online system prescribed by the department a report in the form and containing the information that the department requires, including payment of any fee required under sub. (1). If a complete report is not timely filed, the department shall issue a warning to the operator of the residential care apartment complex. The department may revoke a residential care apartment complex's certification or registration for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0557/P4
SWB:amn

DOA:.....Bollhorst, BB0031 – Rural crisis grant statutory change

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

1. Crisis program enhancement grants

This bill requires DHS to award grants each fiscal biennium to counties or regions comprising multiple counties to establish or enhance crisis programs to serve individuals having crises in rural areas. Under current law, DHS is required to award grants, but only for the purpose of establishing certified crisis programs that create mental health mobile crisis teams. The bill allows DHS to award grants for the purpose of establishing or *enhancing* crisis programs.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.435 (5) (cf) of the statutes is amended to read:

3 20.435 **(5)** (cf) ~~*Mobile crisis team*~~ *Crisis program enhancement grants.*

4 Biennially, the amounts in the schedule for awarding grants to counties or regions

to establish ~~certified~~ or enhance crisis programs ~~that create mental health mobile crisis teams~~ under s. 46.536.

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

SECTION 2. 46.536 of the statutes is amended to read:

46.536 ~~Mobile crisis team~~ Crisis program enhancement grants. From the appropriation under s. 20.435 (5) (cf), the department shall award grants in the total amount of $250,000 in each fiscal biennium to counties or regions comprised of multiple counties to establish ~~certified~~ or enhance crisis programs ~~that create mental health mobile crisis teams~~ to serve individuals having ~~mental health~~ crises in rural areas. The department shall award a grant under this section in an amount equal to one–half the amount of money the county or region provides to establish ~~certified~~ or enhance crisis programs ~~that create mobile crisis teams~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0559/P1
SWB:ahe

DOA:.....Bollhorst, BB0033 – Wisconsin Well Woman statutory change

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

This bill allows DHS to allocate and expend, as part of its implementation of the Well–Woman Program, up to $60,000 as reimbursement for the provision of multiple sclerosis services to women. Current law requires DHS to allocate and expend at least $60,000 for these services; the bill sets a limit of $60,000.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 255.06 (2) (i) of the statutes is amended to read:

255.06 **(2)** (i) *Multiple sclerosis services.* Allocate and expend ~~at least~~ up to $60,000 as reimbursement for the provision of multiple sclerosis services to women.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0560/P2
TJD:kjf

DOA:.....Bollhorst, BB0034 – WIC statutory change

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Special supplemental nutrition program for women, infants, and children

This bill makes various changes to the Special Supplemental Nutrition Program for Women, Infants, and Children, known as the WIC program. The WIC program provides supplemental foods, nutrition education, and other services to low-income women, infants, and children that meet eligibility criteria under federal law. DHS administers portions of the WIC program including authorization of vendors and distribution centers to accept the method of payment that participants in the WIC program use to obtain foods approved under the program. Specifically, the bill does all of the following:

1. Allows DHS to identify an alternate participant, who is someone authorized by a WIC program participant to request benefits and otherwise participate in the WIC program, as the WIC program cardholder for purposes of electronic administration.

2. Adds to the criteria to be an authorized vendor or authorized distribution center that the vendor or distribution center has an electronic benefit transfer-capable cash register system or payment device that meets the criteria specified in the bill.

3. Specifies that, except for certain mobile stores specially authorized in accordance with federal law, each store is a separate vendor, must have a single, fixed location, and must be separately authorized under the WIC program.

4. Adds to the activities prohibited under the WIC program engaging in trafficking. Trafficking in WIC benefits is defined in the bill as engaging in any of the following: buying, selling, stealing, or otherwise exchanging, including exchanging firearms, ammunition, explosives, or controlled substances, a payment method of obtaining WIC–approved foods for cash or consideration other than WIC approved foods; intentionally purchasing and reselling for cash or consideration a product that is obtained using a method of obtaining WIC–approved foods; or intentionally purchasing with cash or consideration a product that was originally purchased with a method of obtaining WIC–approved foods. A person who performs any of the prohibited practices under the bill or under current law is subject to a felony with a penalty of a fine not to exceed $10,000 or imprisonment not to exceed three years and six months, or both for the first offense and for a second or subsequent offense a felony with a penalty of a fine not to exceed $10,000 or imprisonment not to exceed six years, or both.

5. Incorporates infant formula suppliers into the types of entities for which DHS must promulgate rules regarding standards for authorization.

6. Adds civil monetary penalty, warning letter, and implementation of a corrective action plan to the list of consequences for violating a rule promulgated by DHS relating to the WIC program.

7. Specifies that information about an applicant for, participant in, or vendor in the WIC program is confidential and then specifies who may access that confidential information and for what purposes.

8. Makes some additional changes to the language of the WIC program statutes.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 253.06 (1) (a) of the statutes is renumbered 253.06 (1) (am) and
2 amended to read:

3 253.06 **(1)** (am) "~~Authorized~~ Approved food" means food identified by the
4 department as an authorized food in accordance with 7 CFR 246.10 as acceptable for
5 use under the federal special supplemental ~~food~~ nutrition program for women,
6 infants and children under 42 USC 1786.

SECTION 2. 253.06 (1) (ag) of the statutes is created to read:

253.06 **(1)** (ag) "Alternate participant" means a person who has been authorized by a participant to request benefits, participate in nutrition education, bring an infant or child to a Women, Infants, and Children program appointment, and have access to information in the participant's file.

SECTION 3. 253.06 (1) (b) of the statutes is repealed.

SECTION 4. 253.06 (1) (br) of the statutes is created to read:

253.06 **(1)** (br) "Cardholder" means a participant; alternate participant; parent, legal guardian, or caretaker of a participant; or another person in possession of a Women, Infants, and Children program electronic benefit transfer card and the personal identification number for the card.

SECTION 5. 253.06 (1) (c) of the statutes is repealed.

SECTION 6. 253.06 (1) (cm) of the statutes is amended to read:

253.06 **(1)** (cm) "~~Food~~ Direct distribution center" means an entity, other than a vendor, that is under contract with the department under sub. (3m) to distribute ~~authorized~~ approved food to participants.

SECTION 7. 253.06 (1) (cp), (cr), (ct) and (cv) of the statutes are created to read:

253.06 **(1)** (cp) "Electronic benefit transfer" means a method that permits electronic access to Women, Infants, and Children program benefits using a device, approved by the department, with payments made in accordance with ch. 410.

(cr) "Food instrument" means a voucher, check, electronic benefit transfer card, electronic benefit transfer card number and personal identification number, coupon, or other method used by a participant to obtain Women, Infants, and Children program approved foods.

(ct) "Infant formula supplier" means a wholesaler, distributor, retailer, or manufacturer of infant formula.

(cv) "Local agency" means an entity that has a contract with the department to provide services under the Women, Infants, and Children program such as eligibility determination, benefit issuance, and nutritional counseling for participants.

SECTION 8. 253.06 (1) (dm) of the statutes is repealed.

SECTION 9. 253.06 (1) (dr) and (dv) of the statutes are created to read:

253.06 **(1)** (dr) "Summary suspension" means an emergency action taken by the department to suspend an authorization under the Women, Infants, and Children program.

(dv) "Trafficking" means doing any of the following:

1. Buying, selling, stealing, or otherwise exchanging for cash or consideration other than approved food Women, Infants, and Children program food instruments or benefits that are issued and accessed via a food instrument.

2. Exchanging firearms, ammunition, explosives, or controlled substances, as defined in 21 USC 802, for a food instrument.

3. Intentionally purchasing and reselling for cash or consideration other than approved food a product that is purchased with a food instrument.

4. Intentionally purchasing with cash or consideration other than approved food a product that was originally purchased with a food instrument.

SECTION 10. 253.06 (1) (e) of the statutes is amended to read:

253.06 **(1)** (e) "Vendor" means a ~~grocery store or pharmacy that sells authorized~~ <u>person that operates one or more stores or pharmacies authorized by the department under sub. (3) to provide approved foods under a retail</u> food <u>delivery system</u>.

SECTION 11. 253.06 (1) (f) of the statutes is repealed.

SECTION 12. 253.06 (1) (g) of the statutes is created to read:

253.06 **(1)** (g) "Women, Infants, and Children program" means the federal special supplemental nutrition program for women, infants and children under 42 USC 1786 and this section.

SECTION 13. 253.06 (1m) of the statutes is created to read:

253.06 **(1m)** PROGRAM ADMINISTRATION. (a) The department may identify an alternate participant as the Women, Infants, and Children program cardholder for purposes of electronic administration of the Women, Infants, and Children program.

SECTION 14. 253.06 (3) (a) (intro.) of the statutes is amended to read:

253.06 **(3)** (a) (intro.) The department may authorize a vendor ~~to accept drafts~~ only if the vendor meets all of the following conditions:

SECTION 15. 253.06 (3) (a) 5. of the statutes is created to read:

253.06 **(3)** (a) 5. The vendor has an electronic benefit transfer–capable cash register system or payment device, approved by the department, that is able to accurately and securely obtain Women, Infants, and Children program food balances associated with the electronic benefit transfer card, maintain the necessary electronic files such as the approved food list, successfully complete Women, Infants, and Children program electronic benefit transfer purchases, and process Women, Infants, and Children program electronic benefit transfer payments.

SECTION 16. 253.06 (3) (bg) of the statutes is amended to read:

253.06 **(3)** (bg) The department may limit the number of vendors that it authorizes under this subsection if the department determines that the number of vendors already authorized under this subsection is sufficient to permit participants to obtain ~~authorized~~ <u>approved</u> food conveniently.

SECTION 17. 253.06 (3) (c) of the statutes is amended to read:

253.06 **(3)** (c) The department may ~~not~~ redeem ~~drafts~~ food instruments only when submitted by a person who is ~~not~~ an authorized vendor under this subsection except as provided in sub. (3m).

SECTION 18. 253.06 (3) (d) of the statutes is created to read:

253.06 **(3)** (d) Each store operated by a business entity is a separate vendor for purposes of this section and is required to have a single, fixed location, except when the authorization of mobile stores is necessary to meet special needs in accordance with 7 CFR 246.4 (1) (14) (xiv). The department shall require that each store be authorized as a vendor separately from other stores operated by the business entity.

SECTION 19. 253.06 (3m) (title) and (a) (intro.) of the statutes are amended to read:

253.06 **(3m)** (title) ~~FOOD~~ DIRECT DISTRIBUTION CENTERS. (a) (intro.) The department may contract for an alternative system of ~~authorized~~ approved food distribution with an entity other than a vendor only if the entity meets all of the following requirements:

SECTION 20. 253.06 (3m) (a) 4. of the statutes is created to read:

253.06 **(3m)** (a) 4. The entity has an electronic benefit transfer–capable cash register system or payment device, approved by the department, that is able to accurately and securely obtain Women, Infants, and Children program food balances associated with the electronic benefit transfer card, maintain the necessary files, successfully complete Women, Infants, and Children program electronic benefit transfer purchases, and process Women, Infants, and Children program electronic benefit transfer payments.

SECTION 21. 253.06 (3m) (b) of the statutes is amended to read:

253.06 **(3m)** (b) The department ~~shall redeem valid drafts~~ may process a payment if submitted by a ~~food~~ direct distribution center that is authorized by the department under this subsection.

SECTION 22. 253.06 (4) (a) 1. of the statutes is amended to read:

253.06 **(4)** (a) 1. Accept ~~drafts or submit drafts~~ a food instrument or submit a request to the department for redemption without authorization.

SECTION 23. 253.06 (4) (a) 2. of the statutes is repealed.

SECTION 24. 253.06 (4) (a) 2m. of the statutes is created to read:

253.06 **(4)** (a) 2m. Engage in trafficking.

SECTION 25. 253.06 (4) (a) 3. to 4. of the statutes are amended to read:

253.06 **(4)** (a) 3. Accept a ~~draft~~ food instrument other than in exchange for ~~authorized~~ approved food that is ~~provided by the person~~ selected by the electronic benefit transfer cardholder.

3m. Provide ~~authorized~~ approved food or other commodities to ~~a participant or proxy~~ an electronic benefit transfer cardholder in exchange for a ~~draft~~ food instrument accepted by a 3rd party.

4. ~~Enter on a draft~~ Submit a payment request for a dollar amount that is higher than the actual retail price of the item for which ~~the draft~~ a food instrument was used.

SECTION 26. 253.06 (4) (a) 5. of the statutes is repealed.

SECTION 27. 253.06 (4) (a) 5m. of the statutes is created to read:

253.06 **(4)** (a) 5m. Confiscate a food instrument or ask for or enter the electronic benefit transfer cardholder's personal identification number.

SECTION 28. 253.06 (4) (a) 6. and 8. of the statutes are repealed.

SECTION 29. 253.06 (4) (a) 9. of the statutes is amended to read:

253.06 **(4)** (a) 9. ~~Submit for redemption a draft~~ Provide to someone other than the department a food instrument; a Women, Infants, and Children program electronic benefit transfer card; or food purchased with a food instrument for something of value.

SECTION 30. 253.06 (4) (a) 10. of the statutes is repealed.

SECTION 31. 253.06 (5) (a) 1. and 2. of the statutes are amended to read:

253.06 **(5)** (a) 1. Minimum qualification standards for the authorization of vendors and infant formula suppliers and for the awarding of a contract to an entity under sub. (3m).

2. Standards of operation for authorized vendors and infant formula suppliers and ~~food~~ direct distribution centers, including prohibited practices.

SECTION 32. 253.06 (5) (b) 1. to 3. of the statutes are amended to read:

253.06 **(5)** (b) 1. Denial of the application to be a participant or authorized vendor or infant formula supplier.

2. ~~Suspension~~ Summary suspension or termination of authorization for an authorized vendor or infant formula supplier or, in the case of a ~~food~~ direct distribution center, termination of the contract.

3. Disqualification from the program under this section for a vendor, infant formula supplier, or participant.

SECTION 33. 253.06 (5) (b) 6. to 8. of the statutes are created to read:

253.06 **(5)** (b) 6. Civil monetary penalty.

7. Warning letter.

8. Implementation of a corrective action plan.

SECTION 34. 253.06 (5) (d) (intro.) and 6. of the statutes are amended to read:

253.06 **(5)** (d) (intro.) The department may directly assess a forfeiture provided for under par. (b) 4., recoupment provided for under par. (b) 5. and an enforcement assessment provided for under par. (c). If the department determines that a forfeiture, recoupment or enforcement assessment should be levied, or that authorization or eligibility should be summarily suspended or terminated, for a particular violation or for failure to correct it, the department shall send a notice of assessment, summary suspension or termination to the vendor, ~~food~~ infant formula supplier, direct distribution center or participant. The notice shall inform the vendor, ~~food~~ infant formula supplier, direct distribution center or participant of the right to a hearing under sub. (6) and shall specify all of the following:

6. If applicable, ~~that~~ the ~~suspension or termination of authorization of the vendor or eligibility of the participant is~~ effective ~~beginning on the 15th day after receipt~~ date of the ~~notice of~~ summary suspension or termination.

SECTION 35. 253.06 (5) (e) of the statutes is renumbered 253.06 (5) (e) 1. and amended to read:

253.06 **(5)** (e) 1. The ~~suspension or~~ termination of authorization of a vendor, infant formula supplier, or direct distribution center or eligibility of a participant shall be effective beginning on the 15th day after receipt of the notice of ~~suspension or~~ termination.

2. All forfeitures, recoupments, and enforcement assessments shall be paid to the department within 15 days after receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement assessment is contested under sub. (6), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is adverse to the department or unless the final decision is appealed and the decision is stayed by court order under sub. (7). The

department shall remit all forfeitures paid to the secretary of administration for deposit in the school fund. The department shall deposit all enforcement assessments in the appropriation under s. 20.435 (1) (gr).

SECTION 36. 253.06 (5) (e) 3. of the statutes is created to read:

253.06 **(5)** (e) 3. The summary suspension of authorization of a vendor, infant formula supplier, or direct distribution center shall be effective immediately upon receipt of the notice under par. (d).

SECTION 37. 253.06 (6) (b) of the statutes is amended to read:

253.06 **(6)** (b) A person may contest an assessment of forfeiture, recoupment or enforcement assessment, a denial~~, suspension~~ or termination of authorization, a civil monetary penalty assessed in lieu of disqualification, a summary suspension, or a ~~suspension or~~ termination of eligibility by sending a written request for hearing under s. 227.44 to the division of hearings and appeals in the department of administration within 10 days after the receipt of the notice issued under sub. (3) (bm) or (5) (d). The administrator of the division of hearings and appeals may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division of hearings and appeals shall be the final administrative decision. The division of hearings and appeals shall commence the hearing and issue a final decision within 60 days after receipt of the request for hearing unless all of the parties consent to a later date. Proceedings before the division of hearings and appeals are governed by ch. 227. In any petition for judicial review of a decision by the division of hearings and appeals, the department, if not the petitioner who was in the proceeding before the division of hearings and appeals, shall be the named respondent.

SECTION 38. 253.06 (8) of the statutes is amended to read:

253.06 **(8)** INSPECTION OF PREMISES. The department may visit and inspect each authorized vendor and infant formula supplier and each ~~food~~ direct distribution center, and for such purpose shall be given unrestricted access to the premises described in the authorization or contract.

SECTION 39. 253.06 (9) and (10) of the statutes are created to read:

253.06 **(9)** CONFIDENTIALITY OF APPLICANT AND PARTICIPANT INFORMATION. (a) Any information about an applicant or participant, whether it is obtained from the applicant or participant or another source or is generated as a result of application for the Women, Infants, and Children program, that identifies the applicant or participant or a family member of the applicant or participant is confidential.

(b) Except as explicitly permitted under this section, the department shall restrict the use and disclosure of confidential applicant and participant information to any person directly connected with the administration or enforcement of the Women, Infants, and Children program that the department determines has a need to know the information for Women, Infants, and Children program purposes. Persons who may be allowed to access confidential information under this paragraph include personnel from the local agencies, persons under contract with the department to perform research regarding the Women, Infants, and Children program, and persons that are investigating or prosecuting Women, Infants, and Children program violations of federal, state, or local law.

****NOTE: The phrase "local agencies" comes directly from the federal rule, but should it be defined in subs. (9) and (10) here to clarify who has access to confidential information.

(c) The department or any local agency may use or disclose to public organizations confidential applicant and participant information for the

administration of other programs that serve individuals eligible for the Women, Infants, and Children program in accordance with 7 CFR 246.26 (h).

(d) Staff of the department and local agencies who are required by state law to report known or suspected child abuse or neglect may disclose confidential applicant and participant information without the consent of the participant or applicant to the extent necessary to comply with the law.

(e) Except in the case of subpoenas or search warrants, the department and local agencies may disclose confidential applicant and participant information to individuals or entities not listed in this section only if the affected applicant or participant signs a release form authorizing the disclosure and specifying the parties to which the information may be disclosed. The department or local agency shall allow applicants and participants to refuse to sign the release form and shall notify the applicant or participant that signing the form is not a condition of eligibility and refusing to sign the form will not affect the applicant's or participant's application or participation in the Women, Infants, and Children program. Release forms authorizing disclosure to private physicians or other health care providers may be included as part of the Women, Infants, and Children program application or certification process. All other requests for applicants or participants to sign voluntary release forms may occur only after the application and certification process is complete.

(f) The department or local agency shall provide to an applicant or participant access to all information he or she has provided to the Women, Infants, and Children program. In the case of an applicant or participant who is an infant or child, the access may be provided to a parent or guardian of the infant or child, assuming that any issues regarding custody or guardianship have been settled. The department or

local agency is not required to provide the applicant or participant or parent or guardian of an infant or child applicant or participant access to any other information in the file or record, including documentation of income provided by a 3rd party and staff assessments of an applicant or participant's condition or behavior, unless required by law or unless the information supports a state or local agency decision being appealed under 7 CFR 246.9.

(10) CONFIDENTIALITY OF VENDOR INFORMATION. (a) Any information about a vendor, whether it is obtained from the vendor or another source, that individually identifies the vendor except for the vendor's name, address, telephone number, Internet or electronic mail address, store type, and Women, Infants, and Children program authorization status is confidential. The department shall restrict the use or disclosure of confidential vendor information to any of the following:

1. Persons directly connected with the administration or enforcement of the Women, Infants, and Children program or the food stamp program under s. 49.79 that the department determines has a need to know the information for purposes of these programs. These persons may include personnel from local agencies and persons investigating or prosecuting violations of Women, Infants, and Children program or food stamp program federal, state, or local laws.

2. Persons directly connected with the administration or enforcement of any federal or state law or local ordinance. Before releasing information to a state or local entity, the department shall enter into a written agreement with the requesting party specifying that the information may not be used or redisclosed except for purposes directly connected with the administration or enforcement of the federal or state law or local ordinance.

3. A vendor that is subject to an adverse action under sub. (5), including a claim, to the extent that the confidential information concerns the vendor that is subject to the adverse action and is related to the adverse action.

(b) The department may disclose to all authorized vendors and applicants to be a vendor sanctions that have been imposed on vendors if the disclosure identifies only the vendor's name, address, length of the disqualification or amount of the monetary penalty, and a summary of the reason for the sanction provided in the notice of adverse action under sub. (5). The information under this paragraph may be disclosed only after all administrative and judicial review is exhausted and the department has prevailed regarding the sanction imposed on the vendor or after the time period for requesting administrative and judicial review has expired.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0581/P2
SWB:cjs

DOA:.....Stinebrink, BB0036 – Dementia training for health care providers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Dementia training for health care providers

This bill requires DHS to establish a two–year academic detailing primary care clinic dementia training program for health care providers in ten primary care clinics in the state through a contract with the Wisconsin Alzheimer's Institute. As part of the training program, DHS must provide primary care providers with clinical training and access to educational resources on best practices for diagnosis and management of common cognitive disorders and referral strategies to dementia specialists for complicated or rare cognitive or behavioral disorders. DHS must also ensure that the program includes at least the following components: 1) the most current research on effective clinical treatments and practices is systematically evaluated by the academic detailing team; 2) information gathered and evaluated regarding the effective clinical treatments and practices is packaged into an easily accessible format that is clinically relevant, rigorously sourced, and compellingly formatted; and 3) training is provided for clinicians to serve as academic detailers.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9119. Nonstatutory provisions; Health Services.

(1) ACADEMIC DETAILING TRAINING PROGRAM.

(a) In this subsection, "academic detailing" means a teaching model under which health care experts are taught techniques for engaging in interactional educational outreach to other health care providers and clinical staff to provide information on evidence-based practices and successful therapeutic interventions with the goal of improving patient care.

(b) The department of health services shall establish and implement a 2-year academic detailing primary care clinic dementia training program in 10 primary care clinics in the state through a contract with the Wisconsin Alzheimer's Institute.

(c) The department shall, as part of the training program, provide primary care providers with clinical training and access to educational resources on best practices for diagnosis and management of common cognitive disorders, and referral strategies to dementia specialists for complicated or rare cognitive or behavioral disorders.

(d) The department shall ensure that the training program under this subsection includes at least the following three components:

1. The most current research on effective clinical treatments and practices is systematically evaluated by the academic detailing team.

2. Information gathered and evaluated under subd. 1. is packaged into an easily accessible format that is clinically relevant, rigorously sourced, and compellingly formatted.

3. Training is provided for clinicians to serve as academic detailers that equips them with clinical expertise and proficiency in conducting an interactive educational exchange to facilitate individualized learning among participating primary care practitioners in the target clinics.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0584/P7
TJD:cdc/wlj/ahe

DOA:.....Stinebrink, BB0038 – Long-term care; managed care

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Long-term care programs; managed care

This bill generally makes changes to certain long-term care programs that receive funding under the Medical Assistance program. The Family Care program concluded its expansion statewide replacing the Community Options Program, known as COP. The bill eliminates the statutory language for the COP program, a requirement that DHS certify availability of an aging and disability resource center, and a requirement that aging and disability resource centers perform outreach in new Family Care program counties. The bill requires aging and disability resource centers to provide information and assistance on the self-directed services option, known as IRIS; the Family Care Partnership program; and the program of all-inclusive care for the elderly, known as PACE, in addition to the current requirement to provide information and assistance on the Family Care program. The bill eliminates regional long-term care advisory committees, which, among other things, evaluate the care management organizations that administer the Family Care program.

Current law specifies a 45-day deadline by which an applicant for or recipient of Medical Assistance must file an appeal of his or her eligibility determination. The

bill specifies that for appeals of the adverse benefit determinations described in the bill made by a care management organization or managed care organization, the Medical Assistance recipient has 90 days to appeal. The bill also specifies that the individual seeking an appeal must exhaust the internal appeal procedures of the care management organization or managed care organization first.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.009 (2) (em) of the statutes is amended to read:

16.009 **(2)** (em) Monitor, evaluate, and make recommendations concerning long–term community support services received by clients of ~~the long–term support community options program under s. 46.27~~ the self–directed services option, the family care program, the Family Care Partnership Program, and the program of all–inclusive care for the elderly.

SECTION 2. 16.643 (2) of the statutes is amended to read:

16.643 **(2)** ELIGIBILITY FOR LONG–TERM CARE PROGRAMS. A person who is determining eligibility for an individual for a long–term care program under s. ~~46.27,~~ 46.275~~,~~ or 46.277, the family care benefit under s. 46.286, the family care partnership program, the long–term care program defined in s. 46.2899 (1), or any other demonstration program or program operated under a waiver of federal medicaid law that provides long–term care benefits shall exclude from the determination any income from assets accumulated in an account that is part of a qualified ABLE program under section 529A of the Internal Revenue Code.

SECTION 3. 20.435 (4) (b) of the statutes is amended to read:

20.435 **(4)** (b) *Medical Assistance program benefits.* Biennially, the amounts in the schedule to provide a portion of the state share of Medical Assistance program

benefits administered under subch. IV of ch. 49, for a portion of the Badger Care health care program under s. 49.665, to provide a portion of the Medical Assistance program benefits administered under subch. IV of ch. 49 that are not also provided under par. (o), ~~to fund the pilot project under s. 46.27 (9) and (10),~~ to provide a portion of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers under s. 46.283, for services under the family care benefit under s. 46.284 (5), for the community options program under s. 46.27, 2017 stats., for assisting victims of diseases, as provided in ss. 49.68, 49.683, and 49.685, ~~for distributing grants under s. 146.64,~~ and for reduction of any operating deficits as specified in 2005 Wisconsin Act 15, section 3. Notwithstanding s. 20.002 (1), the department may transfer from this appropriation account to the appropriation account under sub. (5) (kc) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation account and may transfer between fiscal years funds that it transfers from the appropriation account under sub. (5) (kc) for the purposes specified in s. 46.485 (3r).

****NOTE: This is reconciled s. 20.435 (4) (b). This section has been affected by drafts with the following LRB numbers: –0584/p3 and –1772/p2.

SECTION 4. 20.435 (4) (bd) of the statutes is amended to read:

20.435 **(4)** (bd) *Long-term care programs.* The amounts in the schedule ~~for assessments, case planning, services, administration and risk reserve escrow accounts under s. 46.27,~~ for pilot projects under s. 46.271 (1), to fund services provided by resource centers other entities under s. 46.283 (5), for services under the family care program under s. 46.284 (5), ~~for services and supports under s. 46.2803 (2),~~ and for services provided under the children's community options program under

s. 46.272~~, and for the payment of premiums under s. 49.472 (5)~~. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. ~~Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties or by the department by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.~~

SECTION 5. 20.435 (4) (gm) of the statutes is amended to read:

20.435 **(4)** (gm) *Medical assistance; provider refunds and collections.* All moneys received from provider refunds, third party liability payments, drug rebates, audit recoveries, and other collections related to expenditures made from pars. (b), (jz), and (w), except for those moneys deposited in the appropriation accounts under par. (im) or (in) regardless of the fiscal year in which the expenditure from par. (b), (jz), or (w) is made, to provide a portion of the state share of Medical Assistance program benefits administered under subch. IV of ch. 49; to provide a portion of the Badger Care health care program under s. 49.665; to provide a portion of the Medical Assistance program benefits administered under subch. IV of ch. 49 that are not also provided under par. (o); ~~to fund the pilot project under s. 46.27 (9) and (10);~~ to fund services provided by resource centers under s. 46.283; to fund services under the family care benefit under s. 46.284 (5); and to assist victims of diseases, as provided in ss. 49.68, 49.683, and 49.685.

SECTION 6. 20.435 (4) (hp) of the statutes is amended to read:

20.435 **(4)** (hp) *Disabled children's long-term support waivers.* All moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a

waiver under s. ~~46.27 (11),~~ 46.275~~,~~ or 46.278 or provided under the disabled children's long–term support program, as defined in s. 46.011 (1g), for distribution to counties according to a formula developed by the department as a portion of the state share of payments for services for children under the waiver under s. 46.278 or for services provided under the disabled children's long–term support program.

SECTION 7. 20.435 (4) (im) of the statutes is amended to read:

20.435 **(4)** (im) *Medical assistance; correct payment recovery; collections; community services; other recoveries.* All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 49.849, all moneys received as collections and other recoveries from providers, drug manufacturers, and other 3rd parties under medical assistance performance–based contracts, all moneys received from the recovery of costs of care under ss. 46.27 (7g), 2017 stats., and 49.849 for enrollees who are ineligible for Medical Assistance, all moneys not appropriated under par. (in), and all moneys credited to this appropriation account under s. 49.89 (7) (f), for payments to counties and tribal governing bodies under s. 49.496 (4) (a), for payment of claims under s. 49.849 (5), for payments to the federal government for its share of medical assistance benefits recovered, for the state share of medical assistance benefits provided under subch. IV of ch. 49, for payments to care management organizations for provision of the family care benefit under s. 46.284 (5), for payments for long–term community support services ~~funded~~ under s. ~~46.27 (7) as provided in s. 46.27 (7g) (e) and~~ 49.849 (6) (b), 2017 stats., for administration of the waiver program under s. 46.99, and for costs related to collections and other recoveries.

SECTION 8. 20.435 (4) (in) of the statutes is amended to read:

20.435 **(4)** (in) *Community options program; family care; recovery of costs administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g), 2017 stats., and 49.849 for enrollees who are ineligible for medical assistance, the amounts in the schedule for administration of the recovery of costs of the care.

SECTION 9. 20.435 (4) (w) of the statutes is amended to read:

20.435 **(4)** (w) *Medical Assistance trust fund.* From the Medical Assistance trust fund, biennially, the amounts in the schedule for meeting costs of medical assistance administered under ss. ~~46.27,~~ 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6), for refunds under s. 50.38 (6) (a) and (6m) (a), and for administrative costs associated with augmenting the amount of federal moneys received under 42 CFR 433.51.

SECTION 10. 20.435 (7) (b) of the statutes is amended to read:

20.435 **(7)** (b) *Community aids and Medical Assistance payments.* The amounts in the schedule for human services and community mental health services under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), to fund activities in support of resource center operations, for services under the family care benefit under s. 46.284 (5), for Medical Assistance payment adjustments under s. 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45 (53) for services described in s. 49.45 (53) that are provided before January 1, 2012. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and

20.002 (1), the department of health services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27, 2017 stats. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 11. 20.930 of the statutes is amended to read:

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

SECTION 12. 46.10 (16) of the statutes is amended to read:

46.10 **(16)** The department shall delegate to county departments under ss. 51.42 and 51.437 or the local providers of care and services meeting the standards established by the department under s. 46.036, the responsibilities vested in the department under this section for collection of patient fees for services other than those provided at state facilities, those provided to children that are reimbursed under a waiver under s. ~~46.27 (11),~~ 46.275, 46.278, or 46.2785, or those provided under the disabled children's long–term support program if the county departments or providers meet the conditions that the department determines are appropriate. The department may delegate to county departments under ss. 51.42 and 51.437 the responsibilities vested in the department under this section for collection of patient fees for services provided at the state facilities if the necessary conditions are met.

SECTION 13. 46.21 (2m) (b) 1. a. of the statutes is amended to read:

46.21 **(2m)** (b) 1. a. The powers and duties of the county departments under ss. 46.215, 51.42 and 51.437~~, including the administration of the long–term support community options program under s. 46.27, if the county department under s. 46.215 is designated as the administering agency under s. 46.27 (3) (b) 1~~.

SECTION 14. 46.21 (2m) (b) 1. b. of the statutes is repealed.

SECTION 15. 46.215 (1) (m) of the statutes is repealed.

SECTION 16. 46.22 (1) (b) 1. e. of the statutes is repealed.

SECTION 17. 46.23 (3) (bm) of the statutes is repealed.

SECTION 18. 46.269 of the statutes is amended to read:

46.269 Determining financial eligibility for long-term care programs. To the extent approved by the federal government, the department or its designee shall exclude any assets accumulated in a person's independence account, as defined in s. 49.472 (1) (c), and any income or assets from retirement benefits earned or accumulated from income or employer contributions while employed and receiving ~~state–funded benefits under s. 46.27 or~~ medical assistance under s. 49.472 in determining financial eligibility and cost–sharing requirements, if any, for a long–term care program under s. ~~46.27,~~ 46.275~~,~~ or 46.277, for the family care program that provides the benefit defined in s. 46.2805 (4), for the Family Care Partnership program, or for the self–directed services option, as defined in s. 46.2897 (1).

SECTION 19. 46.27 of the statutes is repealed.

SECTION 20. 46.271 (1) (c) of the statutes is amended to read:

46.271 **(1)** (c) The department may contract with an aging unit, as defined in s. ~~46.27~~ 46.82 (1) (a), for administration of services under par. (a) if, by resolution, the county board of supervisors of that county so requests the department.

SECTION 21. 46.275 (3) (e) of the statutes is repealed.

SECTION 22. 46.275 (5) (b) 7. of the statutes is amended to read:

46.275 **(5)** (b) 7. Provide services in any community–based residential facility unless the county or department uses as a service contract the approved model contract developed under s. 46.27 (2) (j), 2017 stats., or a contract that includes all of the provisions of the approved model contract.

SECTION 23. 46.277 (1m) (at) of the statutes is amended to read:

46.277 **(1m)** (at) "Private nonprofit agency" ~~has the meaning specified in s. 46.27 (1) (bm)~~ means a nonprofit corporation, as defined in s. 181.0103 (17), that provides a program of all–inclusive care for the elderly under 42 USC 1395eee or 1396u–4.

SECTION 24. 46.277 (3) (a) of the statutes is amended to read:

46.277 **(3)** (a) ~~Sections 46.27 (3) (b) and~~ Section 46.275 (3) (a) and (c) to (e) ~~apply~~ applies to county participation in this program, except that services provided in the program shall substitute for care provided a person in a skilled nursing facility or intermediate care facility who meets the level of care requirements for medical assistance reimbursement to that facility rather than for care provided at a state center for the developmentally disabled. The number of persons who receive services provided by the program under this paragraph may not exceed the number of nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and approved by the department.

SECTION 25. 46.277 (5) (d) 2. (intro.) and b. of the statutes are consolidated, renumbered 46.277 (5) (d) 2. and amended to read:

46.277 **(5)** (d) 2. No county may use funds received under this section to provide residential services in any community–based residential facility, as defined in s. 50.01 (1g), unless ~~one of the following applies: b. The~~ the department approves the provision of services in a community–based residential facility that entirely consists of independent apartments, each of which has an individual lockable entrance and exit and individual separate kitchen, bathroom, sleeping and living areas, to individuals who are eligible under this section and are physically disabled or are at least 65 years of age.

SECTION 26. 46.277 (5) (d) 2. a. of the statutes is repealed.

SECTION 27. 46.277 (5) (d) 3. of the statutes is amended to read:

46.277 **(5)** (d) 3. If subd. 2. ~~a. or b.~~ applies, no county may use funds received under this section to pay for services provided to a person who resides or intends to reside in a community–based residential facility and who is initially applying for the services, if the projected cost of services for the person, plus the cost of services for existing participants, would cause the county to exceed the limitation under sub. (3) (c). The department may grant an exception to the requirement under this subdivision, under the conditions specified by rule, to avoid hardship to the person.

SECTION 28. 46.277 (5) (f) of the statutes is amended to read:

46.277 **(5)** (f) No county or private nonprofit agency may use funds received under this subsection to provide services in any community–based residential facility unless the county or agency uses as a service contract the approved model contract developed under s. 46.27 (2) (j), 2017 stats., or a contract that includes all of the provisions of the approved model contract.

SECTION 29. 46.278 (4) (a) of the statutes is amended to read:

46.278 **(4)** (a) ~~Sections 46.27 (3) (b) and~~ Section 46.275 (3) (a) and (c) to (e) ~~apply~~ applies to county participation in a program, except that services provided in the program shall substitute for care provided a person in an intermediate care facility for persons with an intellectual disability or in a brain injury rehabilitation facility who meets the intermediate care facility for persons with an intellectual disability or brain injury rehabilitation facility level of care requirements for medical assistance reimbursement to that facility rather than for care provided at a state center for the developmentally disabled.

SECTION 30. 46.2803 of the statutes is repealed.

SECTION 31. 46.2805 (1) (b) of the statutes is amended to read:

46.2805 **(1)** (b) A demonstration program known as the ~~Wisconsin partnership~~ Family Care Partnership program under a federal waiver authorized under 42 USC ~~1315~~ 1396n.

SECTION 32. 46.281 (1d) of the statutes is amended to read:

46.281 **(1d)** WAIVER REQUEST. The department shall request from the secretary of the federal department of health and human services any waivers of federal medicaid laws necessary to permit the use of federal moneys to provide the family care benefit and the self-directed services option to recipients of medical assistance. The department shall implement any waiver that is approved and that is consistent with ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department may implement operation of resource centers, care management organizations, and the family care benefit.

SECTION 33. 46.281 (1n) (d) of the statutes is repealed.

SECTION 34. 46.281 (3) of the statutes is repealed.

SECTION 35. 46.2825 of the statutes is repealed.

SECTION 36. 46.283 (3) (f) of the statutes is amended to read:

46.283 **(3)** (f) Assistance to a person ~~who is eligible for the family care benefit~~ with respect to the person's choice of whether or not to enroll in the self–directed services option, as defined in s. 46.2899 (1), a care management organization for the family care benefit or the Family Care Partnership program, or the program of all–inclusive care for the elderly and, if so, which available long–term care program or care management organization would best meet his or her needs.

SECTION 37. 46.283 (4) (e) of the statutes is repealed.

SECTION 38. 46.283 (4) (f) of the statutes is amended to read:

46.283 **(4)** (f) Perform a functional screening and a financial and cost–sharing screening for any resident~~, as specified in par. (e),~~ who requests a screening and assist any resident who is eligible and chooses to enroll in a care management organization or the self–directed services option to do so.

SECTION 39. 46.283 (6) (b) 7. of the statutes is repealed.

SECTION 40. 46.283 (6) (b) 9. of the statutes is amended to read:

46.283 **(6)** (b) 9. Review the number and types of grievances and appeals ~~concerning the long–term care system in the area served by~~ related to the resource center~~,~~ to determine if a need exists for system changes~~,~~ and recommend system or other changes if appropriate.

SECTION 41. 46.283 (6) (b) 10. of the statutes is repealed.

SECTION 42. 46.285 (intro.) of the statutes is renumbered 46.285 and amended to read:

46.285 Operation of resource center and care management organization. In order to meet federal requirements and assure federal financial

participation in funding of the family care benefit, a county, a tribe or band, a long–term care district or an organization, including a private, nonprofit corporation, may not directly operate both a resource center and a care management organization~~, except as follows:~~.

SECTION 43. 46.285 (1) of the statutes is repealed.

SECTION 44. 46.285 (2) of the statutes is repealed.

SECTION 45. 46.286 (3) (b) 2. a. of the statutes is repealed.

SECTION 46. 46.287 (2) (a) 1. (intro.) of the statutes is amended to read:

46.287 **(2)** (a) 1. (intro.) Except as provided in subd. 2., a client may contest any of the following applicable matters by filing, within 45 days of the failure of a resource center or ~~care management organization~~ county to act on the contested matter within the time frames specified by rule by the department or within 45 days after receipt of notice of a decision in a contested matter, a written request for a hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1):

SECTION 47. 46.287 (2) (a) 1. d. of the statutes is renumbered 46.287 (2) (a) 1m. b.

SECTION 48. 46.287 (2) (a) 1. e. of the statutes is repealed.

SECTION 49. 46.287 (2) (a) 1. f. of the statutes is repealed.

SECTION 50. 46.287 (2) (a) 1m. of the statutes is created to read:

46.287 **(2)** (a) 1m. Except as provided in subd. 2., a client may contest any of the following adverse benefit determinations by filing, within 90 days of the failure of a care management organization to act on a contested adverse benefit determination within the time frames specified by rule by the department or within 90 days after receipt of notice of a decision upholding the adverse benefit

determination, a written request for a hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1):

a. Denial of functional eligibility under s. 46.286 (1) as a result of the care management organization's administration of the long–term care functional screen, including a change from a nursing home level of care to a non–nursing home level of care.

c. Denial or limited authorization of a requested service, including determinations based on type or level of service, requirements or medical necessity, appropriateness, setting, or effectiveness of a covered benefit.

d. Reduction, suspension, or termination of a previously authorized service, unless the service was only authorized for a limited amount or duration and that amount or duration has been completed.

e. Denial, in whole or in part, of payment for a service.

f. The failure of a care management organization to act within the time frames provided in 42 CFR 438.408 (b) (1) and (2) regarding the standard resolution of grievances and appeals.

g. Denial of an enrollee's request to dispute financial liability, including copayments, premiums, deductibles, coinsurance, other cost sharing, and other member financial liabilities.

h. Denial of an enrollee, who is a resident of a rural area with only one care management organization, to obtain services outside the care management organization's network of contracted providers.

i. Development of a plan of care that is unacceptable to the enrollee because the plan of care requires the enrollee to live in a place that is unacceptable to the enrollee; the plan of care does not provide sufficient care, treatment, or support to meet the

enrollee's needs and support the enrollee's identified outcomes; or the plan of care requires the enrollee to accept care, treatment, or support that is unnecessarily restrictive or unwanted by the enrollee.

j. Involuntary disenrollment from the care management organization.

SECTION 51. 46.287 (2) (b) of the statutes is amended to read:

46.287 **(2)** (b) An enrollee may contest a decision, omission or action of a care management organization other than those specified in par. (a)~~, or may contest the choice of service provider. In these instances, the enrollee shall first send a written request for review by the unit of the department that monitors care management organization contracts. This unit shall review and attempt to resolve the dispute.~~ 1m. by filing a grievance with the care management organization. If the ~~dispute~~ grievance is not resolved to the satisfaction of the enrollee, he or she may request ~~a hearing under the procedures specified in par. (a) 1. (intro.)~~ that the department review the decision of the care management organization.

SECTION 52. 46.288 (2) (intro.) of the statutes is renumbered 46.288 (2) and amended to read:

46.288 **(2)** Criteria and procedures for determining functional eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under s. 46.286 (2) (a). ~~The rules for determining functional eligibility under s. 46.286 (1) (a) 1m. shall be substantially similar to eligibility criteria for receipt of the long–term support community options program under s. 46.27. Rules under this subsection shall include definitions of the following terms applicable to s. 46.286:~~

SECTION 53. 46.288 (2) (d) to (j) of the statutes are repealed.

SECTION 54. 46.2896 (1) (a) of the statutes is amended to read:

46.2896 **(1)** (a) "Long–term care program" means the long–term care program under s. ~~46.27,~~ 46.275, 46.277, 46.278, or 46.2785; the family care program providing the benefit under s. 46.286; the Family Care Partnership program; or the long–term care program defined in s. 46.2899 (1).

SECTION 55. 46.82 (3) (a) 13. of the statutes is repealed.

SECTION 56. 49.45 (2) (a) 23. of the statutes is amended to read:

49.45 **(2)** (a) 23. Promulgate rules that define "supportive services", "personal services" and "nursing services" provided in a certified residential care apartment complex, as defined under s. 50.01 (6d), for purposes of reimbursement under ~~ss. 46.27 (11) (c) 7. and~~ s. 46.277 (5) (e).

SECTION 57. 49.45 (3) (a) of the statutes is amended to read:

49.45 **(3)** (a) Reimbursement shall be made to each county department under ss. 46.215, 46.22, and 46.23 for any administrative services performed in the Medical Assistance program on the basis of s. 49.78 (8). ~~For purposes of reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a) are administrative services performed in the Medical Assistance program.~~

SECTION 58. 49.45 (5) (a) of the statutes is amended to read:

49.45 **(5)** (a) Any person whose application for medical assistance is denied or is not acted upon promptly or who believes that the payments made in the person's behalf have not been properly determined or that his or her eligibility has not been properly determined may file an appeal with the department pursuant to par. (b). Review is unavailable if the decision or failure to act arose more than 45 days before submission of the petition for a hearing, except as provided in par. (ag) or (ar).

SECTION 59. 49.45 (5) (ag) of the statutes is created to read:

49.45 **(5)** (ag) A person shall request a hearing within 90 days of the date of receipt of a notice from a care management organization or managed care organization upholding its adverse benefit determination relating to any of the following or within 90 days of the date the care management organization or managed care organization failed to act on the contested matter within the time specified by the department:

1. Denial or limited authorization of a requested services, including a determination based on the type or level of service, requirement for medical necessity, appropriateness, setting, or effectiveness of a covered benefit.

2. Reduction, suspension, or termination of a previously authorized service, unless the service was only authorized for a limited amount or duration and that amount or duration has been completed.

3. Denial, in whole or in part, of payment for a service.

4. Failure to provide services in a timely manner.

5. Failure of a care management organization or managed care organization to act within the time frames provided in 42 CFR 438.408 (b) (1) and (2) regarding the standard resolution of grievances and appeals.

6. Denial of an enrollee's request to dispute financial liability, including copayments, premiums, deductibles, coinsurance, other cost sharing, and other member financial liabilities.

7. Denial of an enrollee, who is a resident of a rural area with only one care management organization or managed care organization, to obtain services outside the organization's network of contracted providers.

SECTION 60. 49.45 (5) (ar) of the statutes is created to read:

49.45 **(5)** (ar) If a federal regulation specifies a different time limit to request a hearing than par. (a) or (ag), the time limit in the federal regulation shall apply.

SECTION 61. 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

49.45 **(5)** (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the department shall give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance determination, to the county clerk of the county. The county may be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a ~~certified~~ copy of its decision to the applicant or recipient, to the county clerk, and to any county officer charged with administration of the Medical Assistance program. The decision of the department shall have the same effect as an order of a county officer charged with the administration of the Medical Assistance program. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for a hearing or shall refuse to grant relief if:

SECTION 62. 49.45 (5) (b) 1. d. of the statutes is created to read:

49.45 **(5)** (b) 1. d. The issue is an adverse benefit determination described in par. (ag) 1. to 7. made by a care management organization or managed care organization and the person requesting the hearing has not exhausted the internal appeal procedure with the organization.

SECTION 63. 49.45 (6m) (c) 5. of the statutes is amended to read:

49.45 **(6m)** (c) 5. Admit only patients ~~assessed or who waive or are exempt from the requirement of assessment under s. 46.27 (6) (a) or,~~ if required under s. 50.035 (4n) or 50.04 (2h), who have been referred to a resource center.

SECTION 64. 49.45 (6m) (L) of the statutes is amended to read:

49.45 **(6m)** (L) For purposes of ~~ss. 46.27 (11) (c) 7. and~~ s. 46.277 (5) (e), the department shall, by July 1 annually, determine the statewide medical assistance daily cost of nursing home care and submit the determination to the department of administration for review. The department of administration shall approve the determination before payment may be made under s. ~~46.27 (11) (c) 7. or~~ 46.277 (5) (e).

SECTION 65. 49.45 (47) (b) of the statutes is amended to read:

49.45 **(47)** (b) No person may receive reimbursement ~~under s. 46.27 (11)~~ for the provision of services to clients in an adult day care center unless the adult day care center is certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

SECTION 66. 49.46 (1) (a) 14. of the statutes is amended to read:

49.46 **(1)** (a) 14. Any person who would meet the financial and other eligibility requirements for home or community–based services under s. ~~46.27 (11),~~ 46.277~~,~~ or 46.2785 but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law permits federal financial participation for medical assistance coverage of the person and if funding is available for the person under s. ~~46.27 (11),~~ 46.277~~,~~ or 46.2785.

SECTION 67. 49.46 (1) (em) of the statutes is amended to read:

49.46 **(1)** (em) To the extent approved by the federal government, for the purposes of determining financial eligibility and any cost–sharing requirements of

an individual under par. (a) 6m., 14., or 14m., (d) 2., or (e), the department or its designee shall exclude any assets accumulated in a person's independence account, as defined in s. 49.472 (1) (c), and any income or assets from retirement benefits earned or accumulated from income or employer contributions while employed and receiving ~~state–funded benefits under s. 46.27 or~~ medical assistance under s. 49.472.

SECTION 68. 49.46 (2) (b) 8. of the statutes is amended to read:

49.46 **(2)** (b) 8. Home or community–based services, if provided under s. ~~46.27 (11),~~ 46.275, 46.277, 46.278, 46.2785, 46.99, or under the family care benefit if a waiver is in effect under s. 46.281 (1d), or under the disabled children's long–term support program, as defined in s. 46.011 (1g).

SECTION 69. 49.47 (4) (as) 1. of the statutes is amended to read:

49.47 **(4)** (as) 1. The person would meet the financial and other eligibility requirements for home or community–based services under s. ~~46.27 (11),~~ 46.277~~,~~ or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d) but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3).

SECTION 70. 49.47 (4) (as) 3. of the statutes is amended to read:

49.47 **(4)** (as) 3. Funding is available for the person under s. ~~46.27 (11),~~ 46.277~~,~~ or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d).

SECTION 71. 49.47 (4) (b) (intro.) of the statutes is amended to read:

49.47 **(4)** (b) (intro.) Eligibility exists if the applicant's property, subject to the exclusion of any amounts under the Long–Term Care Partnership Program established under s. 49.45 (31), any amounts in an independence account, as defined in s. 49.472 (1) (c), or any retirement assets that accrued from employment while the applicant was eligible for the community options program under s. 46.27 (11), 2017

stats., or any other Medical Assistance program, including deferred compensation or the value of retirement accounts in the Wisconsin Retirement System or under the federal Social Security Act, does not exceed the following:

SECTION 72. 49.472 (3) (b) of the statutes is amended to read:

49.472 **(3)** (b) The individual's assets do not exceed $15,000. In determining assets, the department may not include assets that are excluded from the resource calculation under 42 USC 1382b (a), assets accumulated in an independence account, and, to the extent approved by the federal government, assets from retirement benefits accumulated from income or employer contributions while employed and receiving medical assistance under this section or state–funded benefits under s. 46.27, 2017 stats. The department may exclude, in whole or in part, the value of a vehicle used by the individual for transportation to paid employment.

SECTION 73. 49.472 (3) (f) of the statutes is amended to read:

49.472 **(3)** (f) The individual maintains premium payments under sub. (4) (am) and, if applicable and to the extent approved by the federal government, premium payments calculated by the department in accordance with sub. (4) (bm), unless the individual is exempted from premium payments under sub. (4) (dm) ~~or (5)~~.

SECTION 74. 49.472 (4) (am) of the statutes is amended to read:

49.472 **(4)** (am) To the extent approved by the federal government and except as provided in pars. (dm) and (em) ~~and sub. (5)~~, an individual who receives medical assistance under this section shall pay a monthly premium of $25 to the department.

SECTION 75. 49.472 (5) of the statutes is repealed.

SECTION 76. 49.849 (1) (e) of the statutes is amended to read:

49.849 **(1)** (e) "Public assistance" means any services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance

under subch. IV, ~~long–term community support services funded under s. 46.27 (7),~~ or aid under s. 49.68, 49.683, 49.685, or 49.785.

SECTION 77. 49.849 (2) (a) (intro.) of the statutes is amended to read:

49.849 **(2)** (a) (intro.) Subject to par. (b), the department may collect from the property of a decedent by affidavit under sub. (3) (b) or by lien under sub. (4) (a) an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long–term community support services under s. 46.27, 2017 stats., that is recoverable under s. 46.27 (7g) (c) 1., 2017 stats., or the aid under s. 49.68, 49.683, 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 78. 49.849 (6) (a) of the statutes is renumbered 49.849 (6).

SECTION 79. 49.849 (6) (b) of the statutes is repealed.

SECTION 80. 50.034 (1) (a) of the statutes is amended to read:

50.034 **(1)** (a) No person may operate a residential care apartment complex that provides living space for residents who are clients under s. ~~46.27 (11) or~~ 46.277 and publicly funded services as a home health agency or under contract with a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that is a home health agency unless the residential care apartment complex is certified by the department under this section. The department may charge a fee, in an amount determined by the department, for certification under this paragraph. The amount of any fee charged by the department for certification of a residential care apartment complex need not be promulgated as a rule under ch. 227.

SECTION 81. 50.034 (3) (a) 1. of the statutes is repealed.

SECTION 82. 50.034 (5m) of the statutes is amended to read:

50.034 **(5m)** PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (5p), when~~ When a residential care apartment complex first provides written material regarding the residential care apartment complex to a prospective resident, the residential care apartment complex shall also provide the prospective resident information specified by the department concerning the services of a resource center under s. 46.283, the family care benefit under s. 46.286, and the availability of a functional screening and a financial and cost–sharing screening to determine the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

SECTION 83. 50.034 (5n) (intro.) of the statutes is amended to read:

50.034 **(5n)** REQUIRED REFERRAL. (intro.) ~~Subject to sub. (5p), when~~ When a residential care apartment complex first provides written material regarding the residential care apartment complex to a prospective resident who is at least 65 years of age or has developmental disability or a physical disability and whose disability or condition is expected to last at least 90 days, the residential care apartment complex shall refer the prospective resident to a resource center under s. 46.283, unless any of the following applies:

SECTION 84. 50.034 (5p) of the statutes is repealed.

SECTION 85. 50.034 (6) of the statutes is amended to read:

50.034 **(6)** FUNDING. Funding for supportive, personal or nursing services that a person who resides in a residential care apartment complex receives, other than private or 3rd–party funding, may be provided only under s. ~~46.27 (11) (c) 7. or~~ 46.277 (5) (e), except if the provider of the services is a certified medical assistance provider under s. 49.45 or if the funding is provided as a family care benefit under ss. 46.2805 to 46.2895.

SECTION 86. 50.035 (4m) of the statutes is amended to read:

50.035 **(4m)** PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (4p), when~~ When a community–based residential facility first provides written material regarding the community–based residential facility to a prospective resident, the community–based residential facility shall also provide the prospective resident information specified by the department concerning the services of a resource center under s. 46.283, the family care benefit under s. 46.286, and the availability of a functional screening and a financial and cost–sharing screening to determine the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

SECTION 87. 50.035 (4n) (intro.) of the statutes is amended to read:

50.035 **(4n)** REQUIRED REFERRAL. (intro.) When a community–based residential facility first provides written information regarding the community–based residential facility to a prospective resident who is at least 65 years of age or has developmental disability or a physical disability and whose disability or condition is expected to last at least 90 days, the community–based residential facility shall refer the individual to a resource center under s. 46.283 ~~or, if the secretary has not certified under s. 46.281 (3) that a resource center is available in the area of the community–based residential facility to serve individuals in an eligibility group to which the prospective resident belongs, to the county department that administers a program under ss. 46.27 or 46.277~~, unless any of the following applies:

SECTION 88. 50.035 (4p) of the statutes is repealed.

SECTION 89. 50.04 (2g) (a) of the statutes is amended to read:

50.04 **(2g)** (a) ~~Subject to sub. (2i), a~~ A nursing home shall, within the time period after inquiry by a prospective resident that is prescribed by the department by rule, inform the prospective resident of the services of a resource center under s. 46.283, the family care benefit under s. 46.286, and the availability of a functional

screening and a financial and cost–sharing screening to determine the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

SECTION 90. 50.04 (2h) (a) (intro.) of the statutes is amended to read:

50.04 **(2h)** (a) (intro.) ~~Subject to sub. (2i), a~~ A nursing home shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least 65 years of age or has developmental disability or physical disability and whose disability or condition is expected to last at least 90 days, unless any of the following applies:

SECTION 91. 50.04 (2i) of the statutes is repealed.

SECTION 92. 50.04 (2m) of the statutes is repealed.

SECTION 93. 50.06 (7) of the statutes is amended to read:

50.06 **(7)** An individual who consents to an admission under this section may request that ~~an assessment be conducted for the incapacitated individual under the long–term support community options program under s. 46.27 (6) or, if the secretary has certified under s. 46.281 (3) that a resource center is available for the individual,~~ a functional screening and a financial and cost–sharing screening to determine eligibility for the family care benefit under s. 46.286 (1). If admission is sought on behalf of the incapacitated individual or if the incapacitated individual is about to be admitted on a private pay basis, the individual who consents to the admission may waive the requirement for a financial and cost–sharing screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to become eligible for medical assistance within 6 months.

SECTION 94. 51.06 (8) (b) 6. of the statutes is amended to read:

51.06 **(8)** (b) 6. The extent of Medical Assistance provided to relocated or diverted individuals that is in addition to Medical Assistance provided to the

individuals under s. ~~46.27 (11),~~ 46.275, 46.277, or 46.278, as a family care benefit under ss. 46.2805 to 46.2895, or under any other home–based or community–based program for which the department has received a waiver under 42 USC 1396n (c).

SECTION 95. 51.42 (3) (ar) 3. of the statutes is amended to read:

51.42 **(3)** (ar) 3. Plan for and establish a community developmental disabilities program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b), the county board of supervisors in a county with a single–county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs transfer the powers and duties of the county department under s. 51.437 to the county department of community programs. The county board of supervisors in a county with a single–county department of community programs and the county boards of supervisors in counties with a multicounty department of community programs may designate the county department of community programs to which these powers and duties have been transferred as the administrative agency of ~~the long–term support community options program under s. 46.27 (3) (b) 1. and 5. and~~ the community integration programs under ss. 46.275, 46.277 and 46.278.

SECTION 96. 51.421 (1) of the statutes is amended to read:

51.421 **(1)** PURPOSE. In order to provide the least restrictive and most appropriate care and treatment for persons with serious and persistent mental illness, community support programs should be available in all parts of the state. In order to integrate community support programs with other long–term care programs, community support programs shall be coordinated, to the greatest extent possible, ~~with the community options program under s. 46.27,~~ with the protective services system in a county, with the medical assistance program under subch. IV of

ch. 49 and with other care and treatment programs for persons with serious and persistent mental illness.

SECTION 97. 54.21 (2) (g) of the statutes is amended to read:

54.21 **(2)** (g) The current and likely future effect of the proposed transfer of assets on the ward's eligibility for public benefits, including medical assistance ~~or a benefit under s. 46.27~~.

SECTION 98. 54.34 (1) (k) of the statutes is amended to read:

54.34 **(1)** (k) Whether the proposed ward is a recipient of a public benefit, including medical assistance ~~or a benefit under s. 46.27~~.

SECTION 99. 71.52 (6) of the statutes is amended to read:

71.52 **(6)** "Income" means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section 131 of the internal revenue code), support money, cash public assistance (not including credit granted under this subchapter and amounts under s. 46.27, 2017 stats.), cash benefits paid by counties under s. 59.53 (21), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, nontaxable interest received on state or municipal bonds, worker's compensation, unemployment insurance, the gross amount of "loss of time" insurance, compensation and other cash benefits received from the United States for past or present service in the armed forces, scholarship and fellowship gifts or income, capital gains, gain on the sale of a personal residence excluded under section 121 of the internal revenue code, dividends, income of a nonresident or

part-year resident who is married to a full-year resident, housing allowances provided to members of the clergy, the amount by which a resident manager's rent is reduced, nontaxable income of an American Indian, nontaxable income from sources outside this state and nontaxable deferred compensation. Intangible drilling costs, depletion allowances and depreciation, including first-year depreciation allowances under section 179 of the internal revenue code, amortization, contributions to individual retirement accounts under section 219 of the internal revenue code, contributions to Keogh plans, net operating loss carry-backs and carry-forwards, capital loss carry-forwards, and disqualified losses deducted in determining Wisconsin adjusted gross income shall be added to "income". "Income" does not include gifts from natural persons, cash reimbursement payments made under title XX of the federal social security act, surplus food or other relief in kind supplied by a governmental agency, the gain on the sale of a personal residence deferred under section 1034 of the internal revenue code or nonrecognized gain from involuntary conversions under section 1033 of the internal revenue code. Amounts not included in adjusted gross income but added to "income" under this subsection in a previous year and repaid may be subtracted from income for the year during which they are repaid. Scholarship and fellowship gifts or income that are included in Wisconsin adjusted gross income and that were added to household income for purposes of determining the credit under this subchapter in a previous year may be subtracted from income for the current year in determining the credit under this subchapter. A marital property agreement or unilateral statement under ch. 766 has no effect in computing "income" for a person whose homestead is not the same as the homestead of that person's spouse.

SECTION 100. 71.58 (7) (a) of the statutes is amended to read:

71.58 **(7)** (a) For an individual, means income as defined under s. 71.52 (6), plus nonfarm business losses, plus amounts under s. 46.27, 2017 stats., less net operating loss carry–forwards, less first–year depreciation allowances under section 179 of the internal revenue code and less the first $25,000 of depreciation expenses in respect to the farm claimed by all of the individuals in a household.

SECTION 101. 102.07 (20) of the statutes is amended to read:

102.07 **(20)** An individual who is performing services for a person participating in the self–directed services option, as defined in s. 46.2897 (1), for a person receiving long–term care benefits under s. ~~46.27,~~ 46.275~~,~~ or 46.277 or under any children's long–term support waiver program on a self–directed basis, or for a person receiving the Family Care benefit, as defined in s. 46.2805 (4), or benefits under the Family Care Partnership program, as described in s. 49.496 (1) (bk) 3., on a self–directed basis and who does not otherwise have worker's compensation coverage for those services is considered to be an employee of the entity that is providing financial management services for that person.

SECTION 102. 108.02 (13) (k) of the statutes is amended to read:

108.02 **(13)** (k) "Employer" does not include a county department, an aging unit, or, under s. 46.2785, a private agency that serves as a fiscal agent or contracts with a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i), 46.272 (7) (e), or 47.035 as to any individual performing services for a person receiving long–term support services under s. ~~46.27 (5) (b),~~ 46.272 (7) (b), 46.275, 46.277, 46.278, 46.2785, 46.286, 46.495, 51.42, or 51.437 or personal assistance services under s. 47.02 (6) (c).

SECTION 103. 108.22 (10) of the statutes is amended to read:

108.22 **(10)** A private agency that serves as a fiscal agent under s. 46.2785 or contracts with a fiscal intermediary to serve as a fiscal agent under s. ~~46.27 (5) (i),~~ 46.272 (7) (e)~~,~~ or 47.035 as to any individual performing services for a person receiving long–term support services under s. ~~46.27 (5) (b),~~ 46.272 (7) (b), 46.275, 46.277, 46.278, 46.2785, 46.286, 46.495, 51.42, or 51.437 or personal assistance services under s. 47.02 (6) (c) may be found jointly and severally liable for the amounts owed by the person under this chapter, if, at the time the person's quarterly report is due under this chapter, the private agency served as a fiscal agent for the person. The liability of the agency as provided in this subsection survives dissolution, reorganization, bankruptcy, receivership, assignment for the benefit of creditors, judicially confirmed extension or composition, or any analogous situation of the person and shall be set forth in a determination or decision issued under s. 108.10. An appeal or review of a determination under this subsection shall not include an appeal or review of determinations of amounts owed by the person.

SECTION 104. 632.697 of the statutes is amended to read:

632.697 Benefits subject to department's right to recover. Death benefits payable under a life insurance policy or an annuity are subject to the right of the department of health services to recover under s. 46.27 (7g)<u>, 2017 stats.</u>, 49.496, 49.682, or 49.849 an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.683, 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), or an amount equal to long–term community support services under s. 46.27<u>, 2017 stats.,</u> that is recoverable under s. 46.27 (7g) (c) 1.<u>, 2017 stats.,</u> and that was paid on behalf of the deceased policyholder or annuitant.

SECTION 105. 701.0508 (1) (b) 1. of the statutes is amended to read:

701.0508 **(1)** (b) 1. The claim is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift, or death taxes, or on unemployment compensation contributions due or benefits overpaid; a claim for funeral or administrative expenses; a claim of this state under s. 46.27 (7g), 2017 stats., 49.496, 49.682, or 49.849; or a claim of the United States.

SECTION 106. 705.04 (2g) of the statutes is amended to read:

705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.683, 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), or an amount equal to long–term community support services under s. 46.27, 2017 stats., that is recoverable under s. 46.27 (7g) (c) 1., 2017 stats., and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 107. 766.55 (2) (bm) of the statutes is amended to read:

766.55 **(2)** (bm) An obligation incurred by a spouse that is recoverable under s. 46.27 (7g), 2017 stats., 49.496, 49.682, or 49.849 may be satisfied from all property that was the property of that spouse immediately before that spouse's death.

SECTION 108. 859.02 (2) (a) of the statutes is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift, or death taxes, or on unemployment insurance contributions due or benefits overpaid; a claim for funeral or administrative

expenses; a claim of this state under s. 46.27 (7g), 2017 stats., 49.496, 49.682, or 49.849; or a claim of the United States; or

SECTION 109. 859.07 (2) (a) 3. of the statutes is amended to read:

859.07 **(2)** (a) 3. The decedent or the decedent's spouse received services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785.

SECTION 110. 867.01 (3) (am) 4. of the statutes is amended to read:

867.01 **(3)** (am) 4. Whether the decedent or the decedent's spouse received services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785.

SECTION 111. 867.01 (3) (d) of the statutes is amended to read:

867.01 **(3)** (d) *Notice.* The court may hear the matter without notice or order notice to be given under s. 879.03. If the decedent or the decedent's spouse received services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785, the petitioner shall give notice by certified mail to the department of health services as soon as practicable after filing the petition with the court.

SECTION 112. 867.02 (2) (am) 6. of the statutes is amended to read:

867.02 **(2)** (am) 6. Whether the decedent or the decedent's spouse received services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long–term community support

services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785.

SECTION 113. 867.03 (1g) (c) of the statutes is amended to read:

867.03 **(1g)** (c) Whether the decedent or the decedent's spouse ever received services provided as a benefit under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or s. 49.785.

SECTION 114. 867.03 (1m) (a) of the statutes is amended to read:

867.03 **(1m)** (a) Whenever an heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death intends to transfer a decedent's property by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received services provided as a benefit under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785, the heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death shall give notice to the department of health services of his or her intent. The notice shall include the information in the affidavit under sub. (1g) and the heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death shall give the notice by certified mail, return receipt requested.

SECTION 115. 867.03 (1m) (b) of the statutes is amended to read:

867.03 **(1m)** (b) An heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death who files an affidavit under sub. (1g) that states that the decedent or the decedent's spouse received services provided as a benefit under a long–term care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7), 2017 stats., or aid under s. 49.68, 49.683, 49.685, or 49.785 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing the delivery date.

SECTION 116. 867.03 (2g) (b) of the statutes is amended to read:

867.03 **(2g)** (b) Property transferred under this section to or by an heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death is subject to the right of the department of health services to recover under s. 46.27 (7g), 2017 stats., 49.496, 49.682, or 49.849 an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.683, 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), or an amount equal to long–term community support services under s. 46.27, 2017 stats., that is recoverable under s. 46.27 (7g) (c) 1., 2017 stats., and that was paid on behalf of the decedent or the decedent's spouse. Upon request, the heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death shall provide to the department of health services information about any of the decedent's property that the heir, trustee, person named in the will to act as personal representative, or person who was guardian of the decedent at the time of the decedent's death has distributed and information about the persons to whom the property was distributed.

1 **SECTION 117.** 893.33 (4r) of the statutes is amended to read:

2 893.33 **(4r)** This section applies to liens of the department of health services
3 on real property under ss. 46.27 (7g), 2017 stats., 49.496, 49.682, and 49.849.

4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0607/P4
EHS:ahe

DOA:.....Stinebrink, BB0035 - Juvenile placements at Mendota Juvenile Treatment Center

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

1. Closing Lincoln Hills and Copper Lake Schools

2017 Wisconsin Act 185 requires, by January 1, 2020, the closure of the Lincoln Hills School and Copper Lake School, which is a Type 1 juvenile correctional facility (Type 1 facility) operated by DOC, and the establishment of new DOC-operated Type 1 facilities and new county-operated secured residential care centers for children and youth (SRCCCYs) for juveniles with correctional placements under the Juvenile Justice Code. Under the act, a juvenile under the supervision of a county at an SRCCCY may be transferred to the Mendota Juvenile Treatment Center (MJTC), which is a Type 1 facility operated by DHS, on the recommendation of DHS and after a court hearing. Under this bill, a court may place such a juvenile at MJTC only if DHS approves. In addition, only the Mendota Mental Health Institute director or his or her designee may make decisions regarding the admission of juveniles to and the treatment of juveniles at MJTC and the release and return of juveniles to the appropriate state or county facility.

Under current law, a county pays DOC a daily rate for each juvenile from that county placed at a Type 1 facility under DOC supervision. DOC may transfer

juveniles from a Type 1 facility to MJTC, and DOC is required to transfer an amount specified by statute each fiscal year to DHS for services DHS provides for those juveniles. Under Act 185, if a juvenile is transferred from an SRCCCY to MJTC, the juvenile is under DOC supervision just as if the juvenile were at a DOC–operated Type 1 facility, and the county pays DOC a daily rate for that juvenile. Similarly, DOC reimburses DHS for the juvenile's care at MJTC the same way it pays for other juveniles under its supervision at MJTC. Under this bill, such a juvenile remains under the supervision of the county, and DHS may directly charge the county a rate that DHS sets for care provided to such juveniles at MJTC.

Act 185 requires DHS to construct an expansion of MJTC to accommodate no fewer than 29 additional juveniles, subject to the approval of JCF. This bill eliminates the requirement that DHS obtain approval of JCF before constructing the expansion.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 **(2)** (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; <u>for care of juveniles</u>
10 <u>placed at the Mendota juvenile treatment center for whom counties are financially</u>
11 <u>responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care;</u> for
12 maintenance of state–owned housing at centers for the developmentally disabled
13 and mental health institutes; for repair or replacement of property damaged at the
14 mental health institutes or at centers for the developmentally disabled; for

reimbursing the total cost of using, producing, and providing services, products, and care; and to transfer to the appropriation account under sub. (5) (kp) for funding centers. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10, and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; <u>as payments from counties for the care of juveniles placed at the Mendota juvenile treatment center;</u> as payments for the rental of state–owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam, or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products, and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health Institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

SECTION 2. 46.057 (1) of the statutes is amended to read:

46.057 **(1)** The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute.

The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities <u>or in secured residential care centers for children and youth</u> and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. ~~Upon the recommendation of~~ <u>Subject to s. 938.357 (3) (c), with the approval of</u> the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

SECTION 3. 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act 185, section 15, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

46.057 **(1)** The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as

responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities or in secured residential care centers for children and youth and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Subject to s. 938.357 (3) (c), with the approval of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

SECTION 4. 46.057 (1m) of the statutes is created to read:

46.057 **(1m)** Only the director of the Mendota Mental Health Institute, or his or her designee, is authorized to make decisions regarding the admission of juveniles to and treatment of juveniles at the center and the release and return of juveniles to the appropriate state or county facility.

SECTION 5. 938.357 (3) (a) of the statutes is amended to read:

938.357 **(3)** (a) Subject to subs. (4) (b), (c), and (d) and (5) (e), if the proposed change in placement would involve placing a juvenile in a juvenile correctional facility or a secured residential care center for children and youth, notice shall be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal custodian, before the court makes a decision on the request. The juvenile is entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross–examine witnesses. The department of corrections shall have the opportunity to object to a change of placement of a juvenile from a secured residential care center for children and youth to a Type 1 juvenile correctional facility, except for the Mendota juvenile treatment center, under par. (b). The proposed new placement may be approved only if the court finds, on the record, that the conditions set forth in s. 938.34 (4m) (a) and (b) have been met.

SECTION 6. 938.357 (3) (c) of the statutes is amended to read:

938.357 **(3)** (c) ~~Upon the recommendation of~~ If the department of health services approves, the court may order the placement of a juvenile under par. (b) at the Mendota juvenile treatment center. A court may not order the department of health services to accept a juvenile placement under par. (b) at the Mendota juvenile treatment center that the department has not approved. A juvenile under the supervision of a county in a secured residential care center for children and youth who is transferred to Mendota juvenile treatment center under this paragraph remains under the supervision of that county.

SECTION 7. 938.357 (3) (d) of the statutes is amended to read:

938.357 **(3)** (d) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the

county where the juvenile was adjudicated delinquent ~~and that~~. The county department shall reimburse the department of corrections at the rate specified under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of ~~the~~ a juvenile's care while placed in a Type 1 juvenile correctional facility other than the Mendota juvenile treatment center. The county department shall reimburse the department of health services at a rate specified by that department for the cost of a juvenile's care while placed at the Mendota juvenile treatment center and these payments shall be deposited in the appropriation account under s. 20.435 (2) (gk).

SECTION 8. 2017 Wisconsin Act 185, section 110 (7g) is amended to read:

[2017 Wisconsin Act 185] Section 110 (7g) MENDOTA JUVENILE TREATMENT CENTER. The department of health services shall construct an expansion of the Mendota juvenile treatment center to accommodate no fewer than 29 additional juveniles~~, subject to the approval of the joint committee on finance~~.

SECTION 9319. Initial applicability; Health Services.

(1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of ss. 46.057 (1m) and 938.357 (3) (a), (c), and (d), with respect to a county department's supervision of a juvenile, first applies to a juvenile adjudicated delinquent by the court of the county and placed at that county's secured residential care center for children and youth under s. 938.34 (4m) on the effective date of this subsection.

SECTION 9419. Effective dates; Health Services.

(1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of s. 46.057 (1) (by SECTION 3) takes effect on the effective date specified in 2017 Wisconsin Act 185, section 112 (1).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0653/P2
SWB:cdc&cjs

DOA:.....Rice, BB0041 – Child support custodial parent fee

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

1. Child support custodial parent fee

This bill changes the annual fee collected from every individual receiving child support or family support payments from $25 to $35 in order to conform to applicable federal law, specifically changes enacted in the federal Bipartisan Budget Act of 2018.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 767.57 (1e) (c) of the statutes is amended to read:

3 767.57 **(1e)** (c) The department or its designee shall collect an annual fee of ~~$25~~

4 $35 from every individual receiving child support or family support payments. In

applicable cases, the fee shall comply with all requirements under 42 USC 654 (6) (B). The department or its designee may deduct the fee from maintenance, child or family support, or arrearage payments. Fees collected under this paragraph shall be deposited in the appropriation account under s. 20.437 (2) (ja).

SECTION 9406. Effective dates; Children and Families.

(1) ANNUAL FEE FOR RECEIVING CHILD SUPPORT OR FAMILY SUPPORT PAYMENTS. The treatment of s. 767.57 (1e) (c) takes effect on January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0654/P3
EAW:kjf&cjs

DOA:.....Rice, BB0042 - W-2 TEMP changes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. W-2 work experience programs

Under current law, the Wisconsin Works (W-2) program provides, among other things, work experience and benefits for low-income custodial parents who are at least 18 years old. One W-2 work experience program is known under current law as the "Trial Employment Match Program," or "TEMP." Under current law, participants in TEMP are placed in a job and the agency administering the W-2 program subsidizes the participants' employment for up to 40 hours per week. This bill changes the name of TEMP to "Subsidized Employment Placement," removes the 40-hour per week maximum subsidy, and allows a W-2 agency to negotiate with the employer a maximum number of hours per week for which the participant is eligible to receive a subsidy. This bill also removes the current 24-month participation limit for TEMP and community service and transitional placement jobs, which are also under W-2.

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

SECTION 1. 49.141 (1) (n) of the statutes is renumbered 49.141 (1) (Lm) and amended to read:

49.141 **(1)** (Lm) ~~"Trial employment match program job~~ "Subsidized employment placement" means a work component of Wisconsin Works administered under s. 49.147 (3).

SECTION 2. 49.143 (2r) of the statutes is amended to read:

49.143 **(2r)** JOB PROGRAMS. A Wisconsin Works agency shall collaborate with the local workforce development board to connect individuals seeking employment with employment opportunities, including ~~the trial employment match program~~ subsidized employment placement under s. 49.147 (3).

SECTION 3. 49.147 (1m) (b) of the statutes is amended to read:

49.147 **(1m)** (b) If the Wisconsin Works agency determines that the appropriate placement for an individual is in unsubsidized employment or a ~~trial employment match program job~~ subsidized employment placement and that the individual needs and wishes to pursue basic education, including a course of study meeting the standards established under s. 115.29 (4) (a) for the granting of a declaration of equivalency of high school graduation, the Wisconsin Works agency shall pay for the basic education services identified in the employability plan developed for the individual.

SECTION 4. 49.147 (2) (am) 2. of the statutes is amended to read:

49.147 **(2)** (am) 2. A Wisconsin Works agency shall, every 30 days, review the provision of case management services to an individual under this paragraph, if the individual is not successful in obtaining unsubsidized employment after legitimate efforts to secure employment, to determine whether the individual should be placed in a ~~trial employment match program job~~ subsidized employment placement,

community service job, or transitional placement. The department shall promulgate rules that specify the criteria for the review process under this subdivision.

SECTION 5. 49.147 (3) (title) of the statutes is amended to read:

49.147 **(3)** (title) ~~TRIAL~~ SUBSIDIZED EMPLOYMENT ~~MATCH PROGRAM~~ PLACEMENT.

SECTION 6. 49.147 (3) (a) of the statutes is amended to read:

49.147 **(3)** (a) *Administration.* A Wisconsin Works agency shall administer a ~~trial employment match program~~ subsidized employment placement as part of its administration of the Wisconsin Works program to improve the employability of individuals who otherwise are not able to obtain unsubsidized employment, as determined by the Wisconsin Works agency, by providing work experience and training to assist them to move promptly into unsubsidized employment. In determining an appropriate placement for a participant, a Wisconsin Works agency shall give priority to placement under this subsection over placements under subs. (4) and (5).

SECTION 7. 49.147 (3) (ac) (intro.) of the statutes is amended to read:

49.147 **(3)** (ac) *Employer subsidies and reimbursements.* (intro.) The Wisconsin Works agency shall pay to an employer that employs a participant under this subsection a wage subsidy in an amount that is negotiated between the Wisconsin Works agency and the employer but that is not more than the state or federal minimum wage that applies to the participant. The wage subsidy shall be paid for each hour that the participant actually works, up to a maximum ~~of 40 hours~~ number of hours per week, as negotiated between the Wisconsin Works agency and the employer. The employer shall pay the participant any difference between the wage subsidy amount and the participant's wage and must pay the participant at least minimum wage. In addition to paying the wage subsidy, the Wisconsin Works

agency may, as negotiated between the Wisconsin Works agency and the employer, reimburse the employer for all or a portion of other costs that are attributable to the employment of the participant, including any of the following:

SECTION 8. 49.147 (3) (am) of the statutes is amended to read:

49.147 **(3)** (am) *Education or training activities.* A ~~trial employment match program job~~ subsidized employment placement includes education and training activities, as prescribed by the employer as an integral part of work performed in ~~trial employment match program~~ the subsidized employment placement.

SECTION 9. 49.147 (3) (c) of the statutes is amended to read:

49.147 **(3)** (c) *Time-limited participation.* A participant under this subsection may participate in a ~~trial employment match program job~~ subsidized employment placement for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances determined by the Wisconsin Works agency. A participant may participate in more than one ~~trial employment match program job~~ subsidized employment placement~~, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension of the 24-month limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable job opportunity for that participant, as determined by a Wisconsin Works agency and approved by the department~~.

****NOTE: This is reconciled s. 49.147 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: –0654/P1 and –1935/P1.

SECTION 10. 49.147 (4) (a) of the statutes is amended to read:

49.147 **(4)** (a) *Administration.* A Wisconsin Works agency shall administer a community service job program as part of its administration of Wisconsin Works to improve the employability of an individual who is not otherwise able to obtain employment, as determined by the Wisconsin Works agency, by providing work experience and training, if necessary, to assist the individual to move promptly into unsubsidized public or private employment or a ~~trial employment match program job~~ subsidized employment placement. In determining an appropriate placement for a participant, a Wisconsin Works agency shall give placement under this subsection priority over placements under sub. (5). Community service jobs shall be limited to projects that the department determines would serve a useful public purpose or projects the cost of which is partially or wholly offset by revenue generated from such projects. After each 6 months of an individual's participation under this subsection and at the conclusion of each assignment under this subsection, a Wisconsin Works agency shall reassess the individual's employability.

SECTION 11. 49.147 (4) (b) of the statutes is amended to read:

49.147 **(4)** (b) *Time-limited participation.* An individual may participate in a community service job for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances approved by the department. An individual may participate in more than one community service job~~, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension to the 24-month limit on a case-by-case basis if the Wisconsin Works agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions~~

~~preclude a reasonable employment opportunity in unsubsidized employment for that participant, as determined by a Wisconsin Works agency and approved by the department, and if the Wisconsin Works agency determines, and the department agrees, that no trial employment match program job opportunities are available in the specified local labor market~~.

****NOTE: This is reconciled s. 49.147 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: –0654/P1 and –1935/P1.

SECTION 12. 49.147 (5) (a) 3. of the statutes is amended to read:

49.147 **(5)** (a) 3. The Wisconsin Works agency determines that the individual is incapable of performing a ~~trial employment match program job~~ <u>subsidized employment placement</u> or community service job.

SECTION 13. 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5) (b) (intro.).

****NOTE: This is reconciled s. 49.147 (5) (b) 1 (intro.). It only relates to changes made in LRB–1935/P2.

SECTION 14. 49.147 (5) (b) 1. a. to d. of the statutes are renumbered 49.147 (5) (b) 1m. to 4m.

****NOTE: This is reconciled s. 49.147 (5) (b) 1. a. to d. It only relates to changes made in LRB–1935/P2.

SECTION 15. 49.147 (5) (b) 2. of the statutes is repealed.

****NOTE: This is reconciled s. 49.147 (5) (b) 2. It is only connected to LRB–1935/P2.

SECTION 16. 49.148 (1) (a) of the statutes is amended to read:

49.148 **(1)** (a) ~~*Trial employment match program jobs*~~ <u>*Subsidized employment placement*</u>. For a participant in a ~~trial employment match program job~~ <u>subsidized employment placement</u>, the amount established in the contract between the Wisconsin Works agency and the ~~trial employment match program job~~ <u>subsidized employment placement</u> employer, but not less than minimum wage for every hour

actually worked in the ~~trial employment match program job~~ subsidized employment placement, not to exceed ~~40 hours~~ the maximum number of allowable hours per week, as negotiated between the Wisconsin Works agency and the employer, paid by the employer. Hours spent participating in education and training activities under s. 49.147 (3) (am) shall be included in determining the number of hours actually worked.

SECTION 17. 49.148 (1) (c) of the statutes is amended to read:

49.148 **(1)** (c) *Transitional placements.* For a participant in a transitional placement under s. 49.147 (5) or in a transitional placement and in technical college education under s. 49.147 (5m), a monthly grant of $608. For every hour that the participant fails to participate in any required activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to d.~~ 1m. to 4m., the grant amount shall be reduced by $5. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

****NOTE: This is reconciled s. 49.148 (1) (c). It only relates to changes made in LRB–1935/P2.

SECTION 18. 49.148 (1m) (c) (intro.) of the statutes is amended to read:

49.148 **(1m)** (c) (intro.) For purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c)~~,~~ and (4) (b), ~~and (5) (b) 2.,~~ all of the following apply:

****NOTE: This is reconciled s. 49.148 (1m) (c) (intro.). It is only connected to LRB–1935/P2.

SECTION 19. 49.161 (1) (title) of the statutes is amended to read:

49.161 **(1)** (title) ~~TRIAL EMPLOYMENT MATCH PROGRAM JOBS~~ SUBSIDIZED EMPLOYMENT PLACEMENT OVERPAYMENTS.

SECTION 20. 71.07 (2dx) (a) 5. of the statutes is amended to read:

71.07 **(2dx)** (a) 5. "Member of a targeted group" means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, or a person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or~~ in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) ~~(n)~~ (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex–convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under s. 71.07 (2dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.07 (2dj) (am) 2., 2013 stats.

SECTION 21. 71.28 (1dx) (a) 5. of the statutes is amended to read:

71.28 **(1dx)** (a) 5. "Member of a targeted group" means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or~~ in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) ~~(n)~~ (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental

security income recipient, a general assistance recipient, an economically disadvantaged ex–convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under s. 71.28 (1dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.28 (1dj) (am) 2., 2013 stats.

SECTION 22. 71.47 (1dx) (a) 5. of the statutes is amended to read:

71.47 **(1dx)** (a) 5. "Member of a targeted group" means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or~~ in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) ~~(n)~~ (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex–convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under s. 71.47 (1dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.47 (1dj) (am) 2., 2013 stats.

SECTION 23. 76.636 (1) (e) 3. of the statutes is amended to read:

76.636 **(1)** (e) 3. A person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or~~ in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) ~~(n)~~ (Lm).

SECTION 24. 102.07 (17m) of the statutes is amended to read:

102.07 **(17m)** A participant in a ~~trial employment match program job~~ subsidized employment placement under s. 49.147 (3) is an employee of any employer under this chapter for whom the participant is performing service at the time of the injury.

SECTION 25. 238.30 (4m) of the statutes is amended to read:

238.30 **(4m)** "Member of a targeted group" means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or~~ in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) ~~(n)~~ (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex–convict, a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51 (d) (12).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0671/P1
CMH:amn

DOA:.....Sherwin, BB0049 – Transfer document sales program references

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. Document sales appropriation

This bill moves the provision of document sales services and proceeds from document services from one appropriation in DOA to another appropriation in DOA.

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

SECTION 1. 20.505 (1) (kb) of the statutes is amended to read:

20.505 **(1)** (kb) *Transportation~~,~~ <u>and</u> records~~, and document services~~.* The amounts in the schedule to provide state vehicle and aircraft fleet, mail transportation, ~~document sales,~~ and records services primarily to state agencies; ~~to transfer the proceeds of document sales to state agencies publishing documents;~~ and

to provide for the general program operations of the public records board under s. 16.61. All moneys received from the provision of state vehicle and aircraft fleet, mail transportation, ~~document sales,~~ and records services primarily to state agencies~~, from documents sold on behalf of state agencies,~~ and from services provided to state agencies by the public records board shall be credited to this appropriation account, except that the proceeds of the sale provided for in 2001 Wisconsin Act 16, section 9401 (20j) shall be deposited in the general fund as general purpose revenue — earned.

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

SECTION 2. 20.505 (1) (kL) of the statutes is amended to read:

20.505 **(1)** (kL) *Printing, mail, communication, document sales, and information technology services; state agencies; veterans services.* The amounts in the schedule to provide document sales, printing, mail processing, electronic communications, information technology development, management, and processing services, but not enterprise resource planning system services under s. 16.971 (2) (cf), to state agencies and veterans services under s. 16.973 (9). All moneys received for the provision of ~~such~~ document sales services and services under ss. 16.971, 16.972, 16.973, 16.974 (3), and 16.997 (2) (d), other than moneys received and disbursed under ~~ss.~~ par. (ip) and s. 20.225 (1) (kb) ~~and 20.505 (1) (ip)~~, shall be credited to this appropriation account.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0673/P1
MPG:amn

DOA:.....Sherwin, BB0045 – Convert DOA Risk Management Admin Appropriation to Continuing

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

1. Risk management

This bill converts a DOA appropriation for risk management administration from annual to continuing.

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

SECTION 1. 20.505 (2) (ki) of the statutes is amended to read:

20.505 **(2)** (ki) *Risk management administration.* ~~The amounts in the schedule from~~ All moneys transferred under par. (k) for the administration of state risk management programs for worker's compensation claims, losses of and damage to state property and state liability. Notwithstanding s. 20.001 (3) ~~(a)~~ (c), the

unencumbered balance of this appropriation at the end of each fiscal year shall be transferred to the appropriation under par. (k).

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0674/P1
MPG:kjf

DOA:.....Sherwin, BB0047 – Sales & Services PR–O Appropriation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

1. Procurement and risk management services

This bill authorizes DOA to provide technical assistance and other services relating to procurement and risk management to local governmental units and private organizations. The bill requires DOA to charge fees for its services.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.004 (25) of the statutes is created to read:

16.004 **(25)** PROCUREMENT AND RISK MANAGEMENT SERVICES. The department may provide technical assistance and other services relating to procurement and risk management, including conducting educational seminars, courses, or conferences,

to local governmental units, as defined in s. 16.97 (7), and private organizations. The department shall charge and collect fees sufficient to recover the costs of activities authorized under this subsection.

SECTION 2. 20.505 (1) (jf) of the statutes is created to read:

20.505 **(1)** (jf) *Procurement and risk management services.* All moneys received under s. 16.004 (25) from local governmental units and private organizations for services relating to procurement and risk management, for the purposes for which received.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0689/P2
CMH:kjf

DOA:.....Bork, BB0060 – Lease Administration Efficiencies

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

1. Lease administration efficiencies

Under current law, DOA has the general responsibility for leasing real property by the state. Under current law, DOA, when entering into or renewing such a lease, must conduct a cost-benefit analysis comparing the proposed lease to the purchase of the space or another suitable space and must evaluate comparable lease options within 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. This bill modifies those requirements so they apply only if DOA is entering into a new lease and exempts various leases from those requirements including leases costing under $25,000 annually and leases for student housing; public defender office space; towers, hangars, and easements; DWD job centers; DMA recruiting offices; and facilities with a location required by law or designated by necessity or practical purposes.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.84 (5) (a) of the statutes is amended to read:

16.84 **(5)** (a) Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation, and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes. In exercising this responsibility, the department may not enter into, extend, or renew a lease involving an annual rent of more than $500,000 unless the secretary signs the lease, a copy of the proposed lease is submitted electronically to the chief clerk of each house for distribution, and the department notifies the joint committee on finance of the proposed lease and provides the committee with ~~the~~ <u>any required</u> information under par. (b) as well as a summary report of that information, including the terms of the lease and the lease rate per square foot of the proposed property and the comparable options. If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed lease within 14 working days after the date of the notification, the lease may be entered into, extended, or renewed. If, within 14 working days after the date of the notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed lease, the lease may be entered into, extended, or renewed only upon approval of the committee.

SECTION 2. 16.84 (5) (b) (intro.) of the statutes is amended to read:

16.84 **(5)** (b) (intro.) Before entering into~~, extending, or renewing~~ a <u>new</u> lease<u>, except for a lease with an annual cost that is less than $25,000 or except for a lease for a tower, a department of workforce development job center, a hangar, an easement, student housing, state public defender office space, a department of</u>

military affairs recruiting office, or a facility with a location required by law or designated for necessity or practical purposes, do all of the following:

SECTION 3. 16.84 (5) (b) 2. of the statutes is amended to read:

16.84 **(5)** (b) 2. Evaluate comparable lease options within a 10–mile radius of the property proposed in the lease~~, or if there are not sufficient comparable properties within a 10–mile radius to perform a meaningful comparison, a wider radius as needed,~~ to ensure the lease rate per square foot does not exceed the lease rate per square foot on comparable properties or the market rate by more than 5 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0691/P3
EAW:kjf&cdc

DOA:.....Bork, BB0059 – Family first prevention services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Family first prevention services

This bill makes certain changes to child welfare laws to allow foster care payments to be made on behalf of a child who is placed with his or her parent in a licensed family-based residential alcohol or drug abuse treatment facility in order to claim federal funding under Title IV-E of the federal Social Security Act. Under current law, the court assigned to exercise jurisdiction under the Children's Code ("children's court") has jurisdiction over a child alleged to be in need of protection or services ("CHIPS"). Current law establishes the grounds for alleging CHIPS. This bill adds that the children's court has jurisdiction over a child whose parent is residing in a residential family-based alcohol or drug abuse treatment program, if the parent requests jurisdiction in order to have his or her child reside at the program. The bill requires DCF to prepare a permanency plan for such a child, and allows DCF to place the child with the parent at the treatment program under a voluntary agreement or by an order of the children's court if the parent consents and if such a placement is recommended by the permanency plan. If a child is placed with his or her parent under such a voluntary agreement or an order of the children's court, the bill authorizes DCF to provide foster care funding for the placement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 48.02 (14m) of the statutes is created to read:

48.02 **(14m)** "Qualifying residential family-based treatment facility" means a certified residential family-based alcohol or drug abuse treatment facility that meets all of the following criteria:

(a) The treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling.

(b) The substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

SECTION 2. 48.13 of the statutes is amended to read:

48.13 Jurisdiction over children alleged to be in need of protection or services. Except as provided in s. 48.028 (3), the court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court~~, and~~ <u>if one of the following applies</u>:

(1) ~~Who~~ <u>The child</u> is without a parent or guardian~~;~~<u>.</u>

(2) ~~Who~~ <u>The child</u> has been abandoned~~;~~<u>.</u>

(2m) ~~Whose~~ The child's parent has relinquished custody of the child under s. 48.195 (1)~~;~~.

(3) ~~Who~~ The child has been the victim of abuse, as defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self–inflicted or inflicted by another~~;~~.

(3m) ~~Who~~ The child is at substantial risk of becoming the victim of abuse, as defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self–inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse~~;~~.

(4) ~~Whose~~ The child's parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to care for or provide necessary special treatment or care for the child~~;~~.

(4m) ~~Whose~~ The child's guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign the petition requesting jurisdiction under this subsection~~;~~.

(5) ~~Who~~ The child has been placed for care or adoption in violation of law~~;~~.

(8) ~~Who~~ The child is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized~~;~~.

(9) ~~Who~~ The child is at least age 12, signs the petition requesting jurisdiction under this subsection and is in need of special treatment or care which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide~~;~~.

(10) ~~Whose~~ The child's parent, guardian or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child~~;~~.

(10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of another child in the home~~;~~.

(11) ~~Who~~ The child is suffering emotional damage for which the parent, guardian or legal custodian has neglected, refused or been unable and is neglecting, refusing or unable, for reasons other than poverty, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms~~;~~.

(11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment~~; or~~.

(13) ~~Who~~ The child has not been immunized as required by s. 252.04 and not exempted under s. 252.04 (3).

SECTION 3. 48.13 (14) of the statutes is created to read:

48.13 **(14)** The child's parent is residing in a qualifying residential family–based treatment facility, signs the petition requesting jurisdiction under this subsection, and, with the department's consent, requests that the child reside with him or her at the qualifying residential family–based treatment facility.

SECTION 4. 48.207 (1) (L) of the statutes is created to read:

48.207 **(1)** (L) With a parent in a qualifying residential family–based treatment facility if the child's permanency plan includes a recommendation for such a

placement under s. 48.38 (4) (em) before the placement is made and the parent consents to the placement.

SECTION 5. 48.345 (3) (c) of the statutes is amended to read:

48.345 **(3)** (c) A foster home licensed under s. 48.62, a group home licensed under s. 48.625, a foster home, group home, or similar facility regulated in another state, or ~~in~~ the home of a guardian under s. 48.977 (2).

SECTION 6. 48.345 (3) (cm) of the statutes is amended to read:

48.345 **(3)** (cm) A group home described in s. 48.625 (1m) or a similar facility regulated in another state, if the child is at least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement.

SECTION 7. 48.345 (3) (d) of the statutes is amended to read:

48.345 **(3)** (d) A residential ~~treatment~~ care center for children and youth operated by a child welfare agency licensed under s. 48.60, or a similar facility regulated in another state.

SECTION 8. 48.345 (3) (e) of the statutes is created to read:

48.345 **(3)** (e) With a parent in a qualifying residential family–based treatment facility, or a similar facility regulated in another state, if the child's permanency plan includes a recommendation for such a placement under s. 48.38 (4) (em) before the placement is made.

SECTION 9. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, qualifying residential family–based treatment facility with a parent, or supervised independent living

arrangement, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a guardian or a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 10. 48.38 (2) (d) of the statutes is amended to read:

48.38 **(2)** (d) The child was placed under a voluntary agreement between the agency and the child's parent under s. 48.63 (1) (a) <u>or (bm)</u> or (5) (b) or under a voluntary transition–to–independent–living agreement under s. 48.366 (3).

SECTION 11. 48.38 (4) (em) of the statutes is created to read:

48.38 **(4)** (em) A recommendation regarding placement with a parent in a qualifying residential family–based treatment facility.

SECTION 12. 48.48 (17) (a) 3. of the statutes is amended to read:

48.48 **(17)** (a) 3. Provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing ~~the~~ <u>those</u> children in licensed foster homes or group homes in this state or <u>a similar facility regulated in</u> another state within a reasonable proximity to the agency with legal custody, placing ~~the~~ <u>those</u> children in the homes of guardians under s. 48.977 (2), <u>placing those children in a qualifying residential family–based treatment facility with a parent or in a similar facility regulated in another state,</u> or contracting for services for those children by licensed child welfare agencies <u>in this state or a similar child welfare agency regulated in another state</u>, except that the department may not purchase the educational component of private day treatment

programs unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 13. 48.48 (17) (c) 4. of the statutes is amended to read:

48.48 **(17)** (c) 4. Is living in a foster home, group home, ~~or~~ residential care center for children and youth, qualifying residential family-based treatment facility, or a similar facility regulated in another state or in a supervised independent living arrangement.

SECTION 14. 48.57 (1) (c) of the statutes is amended to read:

48.57 **(1)** (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes or group homes in this state or similar facilities regulated in another state within a reasonable proximity to the agency with legal custody, placing those children in the homes of guardians under s. 48.977 (2), placing those children in a qualifying residential family-based treatment facility, or in a similar facility regulated in another state, or contracting for services for those children by licensed child welfare agencies in this state or a child welfare agency regulated in another state, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 15. 48.57 (3) (a) 4. of the statutes is amended to read:

48.57 **(3)** (a) 4. Is living in a foster home, group home, residential care center for children and youth, ~~or~~ subsidized guardianship home, qualifying residential family-based treatment facility, or a similar facility regulated in another state or in a supervised independent living arrangement.

SECTION 16. 48.63 (1) (bm) of the statutes is created to read:

48.63 **(1)** (bm) Acting under a voluntary agreement, a child's parent, the department, or a county department may place the child in a qualifying residential family-based treatment facility with a parent, if such a placement is recommended in the child's permanency plan under s. 48.38. A placement under this paragraph may not exceed 180 days from the date on which the child was removed from the home under the voluntary agreement.

SECTION 17. 48.63 (1) (c) of the statutes is amended to read:

48.63 **(1)** (c) Voluntary agreements may be made only under par. (a) ~~or~~, (b), or (bm) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and shall specifically state that the agreement may be terminated at any time by the parent, guardian, or Indian custodian or by the child if the child's consent to the agreement is required. In the case of an Indian child who is placed under par. (a) ~~or~~, (b), or (bm) by the voluntary agreement of the Indian child's parent or Indian custodian, the voluntary consent of the parent or Indian custodian to the placement shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a) ~~or~~, (b), or (bm) is required whenever the child is 12 years of age or older.

SECTION 18. 48.645 (1) (a) of the statutes is amended to read:

48.645 **(1)** (a) The child is living in a foster home licensed under s. 48.62 if a license is required under that section, in a foster home located within the boundaries

of a reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.623, in a residential care center for children and youth licensed under s. 48.60, <u>with a parent in a qualifying residential family–based treatment facility,</u> or in a supervised independent living arrangement and has been placed in that home, center, or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a governing body of an Indian tribe in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 19. 48.645 (2) (a) 5. of the statutes is created to read:

48.645 **(2)** (a) 5. A qualifying residential family–based treatment facility when the child is residing there with a parent under a voluntary agreement under s. 48.63 (1) (bm) or when the child is placed there with a parent by an order of the court.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0693/P3
EAW:kjf&amn

DOA:.....Rice, BB0071 – Child care background check modifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Background checks for child care programs

This bill makes various definitional changes, changes who can conduct a rehabilitation review, and changes the timeline for an appeal of a decision of DCF in the context of the background check requirements for people who work or reside at a child care program.

Under current law, DCF is required to run a background check on caregivers and nonclient residents who work or reside at a child care program. This bill changes the definition of "caregiver" and adds the term "noncaregiver employee," to describe an employee or a contractor of a child care program who is not a caregiver, but whose work provides opportunities for unrestricted access to children in care. The bill also changes the term "nonclient resident" to "household member." Under the bill, DCF is required to run a background check on all caregivers, noncaregiver employees, and household members of a child care program.

Under current law, if a person has been convicted or adjudicated delinquent of a serious crime, that individual may not be a caregiver or nonclient resident of a child care program. This bill adds arson, patronizing a child, chronic or repeated neglect, and leaving a child unattended in a child care vehicle to the definition of "serious crime."

Under current law, certain offenses are only considered serious crimes if the person who is subject to the background check completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by DOC less than five years before the date of the background check. Under current law, a person may demonstrate his or her rehabilitation with respect to these serious crimes if he or she completed his or her sentence or was discharged by DOC less than five years before the date of the background check. If a person successfully demonstrates his or her rehabilitation under current law, he or she may be allowed to be a caregiver or nonclient resident of a child care program. Under the bill, these offenses are always considered a serious crime, no matter how long ago a person completed his or her sentence or was discharged by DOC, but a person may demonstrate rehabilitation if he or she has completed his or her sentence or was discharged by DOC more than five years ago. Under the bill, if a person successfully demonstrates his or her rehabilitation, he or she may be allowed to be a caregiver, noncaregiver employee, or household member of a child care program.

Under current law, DCF, the county department of human services or social services (county department), the agency under contract with the county department, or the school board that issued a license, certification, or contract to a child care program may conduct a rehabilitation review for the purpose of background checks. This bill removes the ability of county departments, agencies under contract with a county department, and school boards to conduct rehabilitation reviews.

Under current law, a person who is the subject of DCF's report on the results of a background check may appeal DCF's decision on whether the person is eligible to work or reside at the child care program. An appeal must be submitted within 60 days of the decision, unless DCF grants an extension. This bill changes the time to appeal the decision to ten days, unless DCF grants an extension.

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

1 **SECTION 1.** 48.651 (3) (a) of the statutes is amended to read:

2 48.651 **(3)** (a) If a ~~child care provider certified under sub. (1) is convicted of a~~
3 ~~serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1)~~
4 ~~(ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ person subject
5 to a background check under s. 48.686 (2) who operates, works at, or resides at a child
6 care provider certified under sub. (1) is convicted or adjudicated delinquent for
7 committing a serious crime, as defined in s. 48.686 (1) (c), ~~on or after his or her 10th~~

~~birthday,~~ or if the department provides written notice of a decision under s. 48.686 (4p) that the ~~child care provider, caregiver, or nonclient resident~~ person is ineligible ~~for certification, employment, or residence~~ to operate, work at, or reside at the child care provider, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under sub. (2) shall revoke the certification of the child care provider immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

SECTION 2. 48.651 (3) (b) of the statutes is amended to read:

48.651 **(3)** (b) If a ~~child care provider certified under sub. (1) is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider certified under sub. (1) is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under sub. (2) shall immediately suspend the certification of the child care provider until the department, county department, or agency obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~be certified under sub. (1)~~ operate, work at, or reside at the child care provider.

SECTION 3. 48.685 (4m) (a) 1. of the statutes is amended to read:

48.685 **(4m)** (a) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~.

SECTION 4. 48.685 (4m) (b) 1. of the statutes is amended to read:

48.685 **(4m)** (b) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~.

SECTION 5. 48.686 (1) (ac) of the statutes is created to read:

48.686 **(1)** (ac) "Approval" means a child care center license under s. 48.65, a child care provider certification under s. 48.651, or a contract with a child care provider under s. 120.13 (14).

SECTION 6. 48.686 (1) (ag) 1. (intro.) of the statutes is repealed.

SECTION 7. 48.686 (1) (ag) 1. a. of the statutes is renumbered 48.686 (1) (ag) 1. and amended to read:

48.686 **(1)** (ag) 1. An employee or ~~independent~~ contractor of a child care program <u>who is involved in the care or supervision of clients</u>.

SECTION 8. 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag) 1m. and amended to read:

48.686 **(1)** (ag) 1m. ~~Involved in the care or supervision of clients of a child care program or~~ <u>A person who</u> has <u>direct contact and</u> unsupervised access to clients of a child care program.

SECTION 9. 48.686 (1) (ar) of the statutes is repealed.

SECTION 10. 48.686 (1) (bm) of the statutes is amended to read:

48.686 **(1)** (bm) ~~"Nonclient resident"~~ "Household member" means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.

SECTION 11. 48.686 (1) (bo) of the statutes is created to read:

48.686 **(1)** (bo) "Licensing entity" means all of the following:

1. The department when licensing a child care center under s. 48.65.

2. The department in a county with a population of 750,000 or more, a county department, or an agency or Indian tribe contracted with under s. 48.651 (2) when certifying a child care provider under s. 48.651.

3. A school board when contracting with a child care provider under s. 120.13 (14).

SECTION 12. 48.686 (1) (bp) of the statutes is created to read:

48.686 **(1)** (bp) "Noncaregiver employee" means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

SECTION 13. 48.686 (1) (c) 5. of the statutes is amended to read:

48.686 **(1)** (c) 5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2), or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.02, 943.03, 943.04, 943.10 (2), 943.32 (2), ~~or~~ 948.081, 948.21 ~~(1) (a)~~, 948.215, or 948.53 (2) (b) 1.

SECTION 14. 48.686 (1) (c) 9. of the statutes is amended to read:

48.686 **(1)** (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23 (1g), ~~a violation of s. 948.51 (2) that is a felony under s. 948.51 (3) (b) or (c),~~ a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony~~, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2) (am)~~.

SECTION 15. 48.686 (1) (c) 10. of the statutes is amended to read:

48.686 **(1)** (c) 10. A violation of s. 948.22 (2), ~~if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2) (am),~~ unless the person has paid all arrearages due and is meeting his or her current support obligations.

SECTION 16. 48.686 (2) (a) of the statutes is amended to read:

48.686 **(2)** (a) ~~The department~~ A licensing entity shall require any person who applies for ~~issuance of~~ an initial ~~license~~ approval to operate a child care ~~center under s. 48.65, a school board shall require any person who proposes an initial contract with the school board under s. 120.13 (14), and the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any child care provider who applies for initial certification under s. 48.651~~ program to submit the information required for a background check request under par. (ag). ~~A~~ If the licensing entity is a school board, county department, or contracted agency or tribe, the licensing entity shall submit the completed background information request to the department.

SECTION 17. 48.686 (2) (ab) of the statutes is amended to read:

48.686 **(2)** (ab) Each child care program shall submit a request to the department for a ~~criminal~~ background check for each potential caregiver, noncaregiver employee, and ~~potential nonclient resident~~ household member prior to the date on which an individual becomes a caregiver, noncaregiver employee, or ~~nonclient resident~~ household member, and at least once during every 5–year period for each existing caregiver, noncaregiver employee, or ~~nonclient resident~~ household member, except if all of the following apply to the individual:

1. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient resident~~ individual has received a background check as described in par. (am) while ~~employed~~ working or seeking ~~employment by~~ work with another child care program within the state within the last 5 years.

2. The department provided to the child care program under subd. 1. a qualifying background check result for the ~~caregiver, potential caregiver, nonclient resident, or potential nonclient resident~~ individual.

3. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient resident is employed by~~ individual works or resides at a child care program within the state or has been separated from ~~employment~~ work or residence at a child care program within the state for a period of not more than 180 consecutive days.

SECTION 18. 48.686 (2) (ag) 1. b. of the statutes is amended to read:

48.686 **(2)** (ag) 1. b. Any additional information that the department deems necessary to perform the ~~criminal~~ background check.

SECTION 19. 48.686 (2) (ag) 2. of the statutes is amended to read:

48.686 **(2)** (ag) 2. A request for a ~~criminal~~ background check is considered submitted on the day that the department receives all of the information required under subd. 1.

SECTION 20. 48.686 (2) (ag) 3. of the statutes is amended to read:

48.686 **(2)** (ag) 3. The requester of a background check under this paragraph shall submit all fees required by the department pursuant to the instructions provided by the department, not to exceed the actual cost of conducting the ~~criminal~~ background check.

SECTION 21. 48.686 (2) (am) (intro.) of the statutes is amended to read:

48.686 **(2)** (am) (intro.) Upon receipt of a request submitted under par. (a) or (ab), the department shall obtain all of the following with respect to ~~a caregiver or a nonclient resident who is not under 10 years of age~~ the individual who is the subject of the request:

SECTION 22. 48.686 (2) (am) 1. of the statutes is amended to read:

48.686 **(2)** (am) 1. A fingerprint–based or name–based criminal history search from the records maintained by the department of justice.

SECTION 23. 48.686 (2) (am) 10. of the statutes is amended to read:

48.686 **(2)** (am) 10. A search of the department's ~~criminal~~ background check records.

SECTION 24. 48.686 (2) (ar) of the statutes is amended to read:

48.686 **(2)** (ar) After receiving a request under par. (a) or (ab), the department shall conduct the ~~criminal~~ background check as expeditiously as possible and shall make a good faith effort to complete all components of the ~~criminal~~ background check no later than 45 days after the date on which the request was submitted.

SECTION 25. 48.686 (2) (bd) of the statutes is amended to read:

48.686 **(2)** (bd) Notwithstanding par. (am), the department is not required to obtain the information specified in par. (am) 1. to 10., with respect to a ~~person~~ household member under 18 years of age whose background check request under par. (ag) indicates that the ~~person~~ household member is not ineligible to be permitted to reside at a child care program for a reason specified in sub. (4m) (a) 1. to 8. and with respect to whom the department otherwise has no reason to believe that the person is ineligible to be permitted to reside at the child care program for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 10. with respect to a ~~person~~ household member described in this paragraph ~~who is a nonclient resident or a potential nonclient resident of a child care program~~.

SECTION 26. 48.686 (3) (am) of the statutes is amended to read:

48.686 **(3)** (am) Every year or at any time that the department considers appropriate, the department may request the information specified in sub. (2) (am) 1. to 5. for all caregivers ~~under sub. (1) (ag) 2., nonclient residents of such a caregiver, and caregivers under sub. (1) (ag) 1. who have direct contact with clients. For the purposes of this paragraph, "direct contact" means face–to–face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client~~, noncaregiver employees, and household members.

SECTION 27. 48.686 (4m) (a) (intro.) of the statutes is amended to read:

48.686 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), ~~the department~~ a licensing entity may not ~~license, or continue or renew the license of, a person to operate a child care center under s. 48.65, the department in a county having a population of 750,000 or more, a county~~

~~department, or an agency contracted with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a school board may not contract with a person under s. 120.13 (14)~~ issue an approval to operate a child care program to a person, and a child care program may not employ or contract with a caregiver ~~specified in sub. (1) (ag) 1.~~ or noncaregiver employee or permit a household member to reside at the child care program if the ~~department, county department, contracted agency, school board,~~ licensing entity or child care program knows or should have known any of the following:

SECTION 28. 48.686 (4m) (a) 1. of the statutes is amended to read:

48.686 **(4m)** (a) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday.~~

SECTION 29. 48.686 (4m) (a) 2. of the statutes is created to read:

48.686 **(4m)** (a) 2. That the person is registered or is required to be registered on a state sex offender registry or repository or the national sex offender registry.

SECTION 30. 48.686 (4m) (a) 5. of the statutes is amended to read:

48.686 **(4m)** (a) 5. That the department has determined the person ineligible to ~~be licensed~~ receive an approval to operate a child care ~~center under s. 48.65, to be certified to operate a child care provider under s. 48.651, to contract with a school board under s. 120.13 (14)~~ program, to be employed ~~as a caregiver at~~ by a child care program, or to be a ~~nonclient resident at~~ household member of a child care program.

SECTION 31. 48.686 (4m) (a) 6. of the statutes is amended to read:

48.686 **(4m)** (a) 6. That the person has refused to provide information under sub. (2) (ag), or that the person refused to participate in, cooperate with, or submit required information for the ~~criminal~~ background check described in sub. (2) (am), including fingerprints.

SECTION 32. 48.686 (4m) (a) 7. of the statutes is amended to read:

48.686 **(4m)** (a) 7. That the person knowingly made a materially false statement in connection with the person's ~~criminal~~ background check described in sub. (2).

SECTION 33. 48.686 (4m) (a) 8. of the statutes is amended to read:

48.686 **(4m)** (a) 8. That the person knowingly omitted material information requested in connection with the person's ~~criminal~~ background check conducted under sub. (2).

SECTION 34. 48.686 (4m) (ad) of the statutes is amended to read:

48.686 **(4m)** (ad) ~~The department~~ A licensing entity may ~~license~~ issue an approval to operate a child care ~~center under s. 48.65; the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a child care provider under s. 48.651; and a school board may contract with a person under s. 120.13 (14),~~ program to a person conditioned on the receipt of the information specified in sub. (4p) (a) indicating that the person is not ineligible to be so licensed, certified, or contracted with for a reason specified in par. (a) 1. to 8.

SECTION 35. 48.686 (4m) (c) of the statutes is amended to read:

48.686 **(4m)** (c) A child care program may employ or contract with a potential caregiver or noncaregiver employee or permit a potential ~~nonclient resident~~ household member to reside at the child care program for up to 45 days from the date

a background check request is submitted to the department pending the completion of the department's report under sub. (4p) (a) if the department provides a preliminary report under sub. (4p) (c) to the child care program indicating that the ~~potential caregiver or nonclient resident~~ individual is not ineligible to work or reside at a child care program. At all times that ~~children in care~~ clients of a child care program are present, an individual who received a qualifying result on a background check described in sub. (2) (am) within the past 5 years must supervise a potential ~~employee~~ caregiver, noncaregiver employee, or ~~nonclient resident~~ household member permitted to work or reside at the child care program under this paragraph.

SECTION 36. 48.686 (4p) (a) of the statutes is amended to read:

48.686 **(4p)** (a) The department shall provide the results of the ~~criminal~~ background check to the child care program in a written report that indicates only that the individual on whom the background check was conducted is eligible or ineligible for employment or to reside at the child care program, without revealing any disqualifying ~~crime~~ offense or other information regarding the individual.

SECTION 37. 48.686 (4p) (b) of the statutes is amended to read:

48.686 **(4p)** (b) The department shall provide the results of the ~~criminal~~ background check to the individual on whom the background check was conducted in a written report that indicates whether the individual is eligible or ineligible for employment or to reside at the child care program. If the individual is ineligible for employment or to reside at the child care program, the department's report shall include information on each disqualifying ~~crime~~ offense and information on the right to appeal.

SECTION 38. 48.686 (4p) (c) of the statutes is amended to read:

48.686 **(4p)** (c) Before the department completes its report under par. (a), a caregiver under sub. (1) (ag) 2. may submit a written request to the department for a preliminary report indicating whether a potential caregiver, noncaregiver employee, or ~~nonclient resident~~ household member is eligible to work or reside at a child care program under sub. (4m) (c). If the department receives such a request, it shall provide a written preliminary report to that caregiver indicating whether the individual is barred from ~~employment as a caregiver~~ working or ~~residence as a nonclient resident~~ residing at a child care program on the basis of a background check under sub. (2) (am) 1. or 7. If the individual is ineligible ~~for employment or residence~~ to work or reside at a child care program based on the results of the preliminary report, the department shall also provide a preliminary report to the individual containing information related to each disqualifying ~~crime~~ offense.

SECTION 39. 48.686 (4p) (d) of the statutes is amended to read:

48.686 **(4p)** (d) The results of a report under par. (c) may not be appealed by the individual until receipt of the department's report under par. (b) following completion of all components of the ~~criminal~~ background check.

SECTION 40. 48.686 (4s) (a) of the statutes is amended to read:

48.686 **(4s)** (a) An individual who is the subject of the department's report on the results of a ~~criminal~~ background check may appeal the department's decision. Only the person who is the subject of the department's report may appeal the department's decision. Neither the child care program nor any other person may appeal the department's decision.

SECTION 41. 48.686 (4s) (b) of the statutes is amended to read:

48.686 **(4s)** (b) An appeal request shall be submitted to the department at the address, e–mail address, or fax number identified in the statement of appeal rights

no later than ~~60~~ 10 days after the date of the department's decision, unless the appellant requests, and the department grants, an extension for a specific amount of time prior to expiration of the ~~60~~ 10 day appeal period. Extensions may be granted for good cause shown.

SECTION 42. 48.686 (4s) (f) of the statutes is amended to read:

48.686 **(4s)** (f) The department shall sustain the results of its ~~criminal~~ background check report if supported by a preponderance of the available evidence.

SECTION 43. 48.686 (4s) (m) of the statutes is amended to read:

48.686 **(4s)** (m) Notwithstanding s. 19.35, the department may not publicly release or disclose the results of any ~~criminal~~ individual background report it issues, except that the department may release aggregated data by crime as listed in sub. (1) (c) from ~~criminal~~ background check results so long as the data does not contain personally identifiable information. The department may disclose and use information obtained in conducting ~~criminal~~ background checks as necessary during an appeal or reconsideration under this subsection or for another lawful purpose.

SECTION 44. 48.686 (5) of the statutes is repealed and recreated to read:

48.686 **(5)** (a) A person may have the opportunity to demonstrate his or her rehabilitation to the department or to a tribe authorized to conduct a rehabilitation review under sub. (5d) if any of the following apply:

1. An investigation under sub. (2) (am) indicates that sub. (4m) (a) 2., 3., or 4. applies to the person.

2. An investigation under sub. (2) (am) indicates that the person has been convicted or adjudicated delinquent of a serious crime as specified under sub. (1) (c) 9. or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in sub. (1) (c) 9. if committed in this state, and the person

completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under sub. (2) (am).

(b) If the department or tribe determines that the person has demonstrated rehabilitation in accordance with procedures established by the department by rule or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m) (a) does not apply.

SECTION 45. 48.686 (5c) (a) of the statutes is renumbered 48.686 (5c).

SECTION 46. 48.686 (5c) (b) of the statutes is repealed.

SECTION 47. 48.686 (5c) (c) of the statutes is repealed.

SECTION 48. 48.686 (5g) of the statutes is amended to read:

48.686 **(5g)** On January 1 of each year, the department shall submit a report to the legislature under s. 13.172 (2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5) ~~(a)~~, the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5) ~~(a)~~, and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

SECTION 49. 48.686 (5m) of the statutes is amended to read:

48.686 **(5m)** Notwithstanding s. 111.335, ~~the department~~ <u>a licensing entity</u> may refuse to ~~license a person~~ <u>issue an approval</u> to operate a child care ~~center, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14)~~ <u>program to a person</u>, and a child care program may refuse to employ or contract with a caregiver <u>or noncaregiver employee</u> or permit a

~~nonclient resident~~ household member to reside at the child care program if the person has been convicted of or adjudicated delinquent ~~on or after his or her 10th birthday~~ for an offense that is not a serious crime, but that is, in the estimation of the department, substantially related to the care of a client. The department shall notify the provider and the individual of the results of a substantially related determination pursuant to the process set forth in sub. (4p) for ~~criminal~~ background check determinations. The individual shall have the same appeal rights as set forth in sub. (4s), and the same appeal procedures apply.

SECTION 50. 48.686 (7) of the statutes is amended to read:

48.686 **(7)** The department shall conduct throughout the state periodic training sessions that cover procedures and uses of ~~criminal~~ background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

SECTION 51. 48.715 (4g) (a) of the statutes is amended to read:

48.715 **(4g)** (a) If a person ~~who has been issued a license under s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child care center is convicted of a serious crime, as defined in s. 48.686 (1) (c), if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is convicted or adjudicated delinquent for committing a serious crime ~~on or after his or her 10th birthday~~, or if the results of a ~~criminal~~ background check conducted under s. 48.686 indicate that the ~~person,~~ caregiver, ~~or nonclient resident~~ household member, or noncaregiver employee is not eligible to be licensed, certified, ~~or~~ employed, or permitted to reside at a child care program, the department shall

revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

SECTION 52. 48.715 (4g) (b) of the statutes is amended to read:

48.715 **(4g)** (b) If a person ~~who has been issued a license under s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child care center is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~be licensed to~~ operate, work at, or reside at a child care center.

SECTION 53. 49.133 of the statutes is repealed.

SECTION 54. 49.155 (7) (a) 1. of the statutes is amended to read:

49.155 **(7)** (a) 1. If a ~~child care provider is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider is convicted or adjudicated delinquent for committing a serious crime ~~on or after his or her 10th birthday~~, as defined in s. 48.686 (1) (c), or if the department provides written notice under s. 48.686 (4p) that the ~~child care provider, caregiver, or nonclient~~

~~resident~~ person is ineligible ~~for certification, employment, or residence~~ to operate, work at, or reside at the child care provider, the department or the county department under s. 46.215, 46.22, or 46.23 shall refuse to allow payment to the child care provider for any child care provided under this section beginning on the date of the conviction or delinquency adjudication.

SECTION 55. 49.155 (7) (a) 2. of the statutes is amended to read:

49.155 **(7)** (a) 2. If a ~~child care provider is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~, as defined in s. 48.686 (1) (c), the department or the county department under s. 46.215, 46.22, or 46.23 shall immediately ~~suspend~~ refuse to allow payment to the child care provider for any child care provided under this section until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~receive such a payment~~ operate, work at, or reside at the child care provider.

SECTION 56. 49.155 (7) (b) of the statutes is repealed and recreated to read:

49.155 **(7)** (b) 1. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider has been convicted or adjudicated delinquent for committing an offense that is not a serious crime, as defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that the offense substantially relates to the care of children or the department determines

that the offense substantially relates to the operation of a business, the department or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow payment to the child care provider for child care provided under this section.

2. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider is the subject of a pending criminal charge or delinquency petition for committing an offense that is not a serious crime, as defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that the offense substantially relates to the care of children or the department determines that the offense substantially relates to the operation of a business, the department or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow payment to the child care provider for child care provided under this section.

SECTION 57. 120.13 (14) (b) 1. of the statutes is amended to read:

120.13 **(14)** (b) 1. If a person ~~who has contracted under par. (a) to provide a child care program is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a), is convicted or adjudicated delinquent for committing a serious crime ~~on or after his or her 10th birthday~~, as defined under s. 48.686 (1) (c), the school board shall rescind the contract ~~of the contractor~~ for the child care program immediately upon providing written notice of the rescission and the grounds for the rescission and an explanation of the process for appealing the rescission.

SECTION 58. 120.13 (14) (b) 2. of the statutes is amended to read:

120.13 **(14)** (b) 2. If a person ~~who has contracted under par. (a) to provide a child care program is the subject of a pending criminal charge alleging that the person has~~

~~committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a) is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~, as defined in s. 48.686 (1) (c), the school board shall immediately suspend the contract ~~of the contractor~~ for the child care program until the school board obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~provide~~ operate, work at, or reside at a child care program under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0699/P2
EHS:ahe

DOA:.....Bork, BB0055 – Foster care youth driver's licensing program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Foster care youth driver's licensing

This bill requires DCF to establish or contract for a driver education program for individuals who are 15 years of age or older and in out–of–home care. The bill requires the program to provide assistance with identifying and enrolling in an appropriate driver education course, obtaining an operator's license, and obtaining motor vehicle liability insurance. The bill authorizes DCF to pay, for any individual in the program, any fees required to enroll in a driver education course or to obtain an operator's license and the cost of motor vehicle liability insurance on the vehicle owned or used by the individual during the program and after the individual obtains an operator's license.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 48.481 (4) of the statutes is created to read:

48.481 **(4)** DRIVER EDUCATION PROGRAM. The department shall establish or contract for a driver education program for individuals who are 15 years of age or older and in out–of–home care. The program shall provide assistance with identifying and enrolling in an appropriate driver education course, obtaining an operator's license, and obtaining motor vehicle liability insurance. From the appropriation under s. 20.437 (1) (a), the department may pay all of the following expenses that apply to an individual in the program:

(a) Fees required to enroll in a driver education course.

(b) Fees required to obtain an operator's license under ch. 343.

(c) The cost of motor vehicle liability insurance for the motor vehicle owned or used by the individual while participating in the program and after obtaining an operator's license, including any increase in the cost of motor vehicle liability insurance on a motor vehicle owned by an out–of–home care provider and used by the individual.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0700/P1
EHS:cdc&ahe

DOA:.....Bork, BB0054 – Appropriation for subsidized guardianships, interim caretakers, and successor guardians

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Subsidized guardianship payments

Under current law, in a county having a population of 750,000 or more, and in other counties under certain circumstances, DCF must provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services, and to an interim caretaker or successor guardian upon the death or incapacity of the guardian. This bill changes the appropriations from which DCF must make monthly subsidized guardianships payments.

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

2 **SECTION 1.** 20.437 (1) (cx) of the statutes is amended to read:

3 20.437 **(1)** (cx) *Child welfare services; aids.* The amounts in the schedule for

4 providing services to children and families under s. 48.48 (17) in a county having a

population of 750,000 or more, for the cost of subsidized guardianship payments under s. 48.623 (1) or (6), and, to the extent that a demonstration project authorized under 42 USC 1320a–9 reduces the cost of providing out–of–home care for children in that county, for services for children and families under s. 48.563 (4) in ~~other~~ counties having a population of less than 750,000.

SECTION 2. 20.437 (1) (dd) of the statutes is amended to read:

20.437 **(1)** (dd) *State out-of-home care~~, guardianship,~~ and adoption services.* The amounts in the schedule for foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), ~~for the cost of subsidized guardianship payments under s. 48.623 (1) or (6),~~ for the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., for the cost of the foster care monitoring system, for the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and for the cost of postadoption services to children with special needs.

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

SECTION 3. 20.437 (1) (mx) of the statutes is amended to read:

20.437 **(1)** (mx) *Federal aid; Milwaukee child welfare services aids.* All federal moneys received for providing services to children and families under s. 48.48 (17), to carry out the purposes for which received and for the cost of subsidized guardianship payments under s. 48.623 (1) or (6).

SECTION 4. 20.437 (1) (pd) of the statutes is amended to read:

20.437 **(1)** (pd) *Federal aid; state out-of-home care~~, guardianship,~~ and adoption services.* All federal moneys received for meeting the costs of providing foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), ~~the cost of subsidized guardianship payments under s. 48.623 (1) or (6),~~ the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of postadoption services to children with special needs. Disbursements for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

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

SECTION 5. 48.623 (3) (a) of the statutes is amended to read:

48.623 **(3)** (a) Except as provided in this paragraph, the county department shall provide the monthly payments under sub. (1) or (6). The county department shall provide those payments from moneys received under s. 48.48 (8p) or 48.569 (1) (d). In a county having a population of 750,000 or more or in the circumstances specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments under sub. (1) or (6). The department shall provide those payments from the appropriations under s. 20.437 (1) ~~(dd)~~ (cx) and ~~(pd)~~ (mx).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0704/P6
MDK:cdc/wlj/ahe

DOA:.....Sherwin, BB0053 – TEACH Statutory Language Changes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. Technology for Educational Achievement program

This bill makes various changes to the Technology for Educational Achievement program, known as TEACH, which is administered by DOA. The TEACH program offers telecommunications access to school districts, private schools, cooperative educational service agencies, technical college districts, independent charter school authorizers, juvenile correctional facilities, private and tribal colleges, and public library boards at discounted rates and by subsidizing the cost of installing data lines and video links. As part of the TEACH program, DOA awards information technology block grants to rural school districts and public libraries to improve information technology infrastructure. Under current law, the information technology block grant program ends on July 1, 2019. The maximum total amount DOA is allowed to award under the block grant program in the 2018–19 fiscal year is $7,500,000.

The bill continues the information technology block grant program until June 30, 2021. The bill also specifies that in each of the 2019–20 and 2020–21 fiscal years, the maximum total amount DOA may award under the block grant program is $3,000,000. The bill also specifies that a school district's eligibility for the block

grants is based on its membership in the most recent school year for which finalized data is available, instead of membership in the previous year. For other block grant requirements that refer to municipal population, the bill clarifies that population is determined in the first year of a fiscal biennium. For block grants made to public libraries, the bill makes changes to eligibility requirements pertaining to rural territories and makes certain public library systems and consortia of public libraries eligible for the grants.

The bill also eliminates grants to the following under the TEACH program: 1) school districts, public libraries, and public library systems for training teacher and librarians to use educational technology; and 2) school districts for developing and implementing a technology–enhanced high school curriculum. For the educational telecommunications access program under TEACH, the bill increases the data line speed that applies to a limit on what DOA may charge educational agencies for data lines. The bill also eliminates references to video links under the TEACH program.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.99 (3r) of the statutes is created to read:

16.99 **(3r)** "Rural territory" means any territory, population, and housing units located outside urbanized areas or urban clusters.

SECTION 2. 16.99 (6) of the statutes is repealed.

SECTION 3. 16.9945 (1) (intro.) of the statutes is amended to read:

16.9945 **(1)** COMPETITIVE GRANTS. (intro.) In fiscal years 2017–18 ~~and~~, 2018–19, 2019–20, and 2020–21, the department may annually award grants on a competitive basis to eligible school districts and to eligible public libraries for the purpose of improving information technology infrastructure. For purposes of awarding grants under this section, "improving information technology infrastructure" includes purchasing and installing on a bus a portable device that creates an area of wireless Internet coverage and purchasing for individuals to temporarily borrow from a school or for patrons to check out from a public library a portable device that creates

an area of wireless Internet coverage. In awarding grants to eligible school districts under this section, the department shall give priority to applications for school districts in which the percentage of pupils who satisfy the income eligibility criteria under 42 USC 1758 (b) (1) for a free or reduced–price lunch is greater than in other applicant school districts. The department shall require an applicant for a grant under this section to provide all of the following:

SECTION 4. 16.9945 (2) (a) of the statutes is renumbered 16.9945 (2) and amended to read:

16.9945 **(2)** A school district is eligible for a grant under this section ~~in fiscal year 2017–18~~ if the school district's membership in the ~~previous~~ most recent school year for which finalized school year data is available divided by the school district's area in square miles is 16 or less.

SECTION 5. 16.9945 (2) (b) of the statutes is repealed.

****NOTE: This is reconciled s. 16.9945 (2). This SECTION has been affected by drafts with the following LRB numbers: –0704/P5 and –0911/P2.

SECTION 6. 16.9945 (2m) (a) (intro.) of the statutes is repealed.

SECTION 7. 16.9945 (2m) (a) 1. of the statutes is renumbered 16.99 (3c).

SECTION 8. 16.9945 (2m) (a) 2. of the statutes is renumbered 16.99 (5g).

SECTION 9. 16.9945 (2m) (a) 3. of the statutes is renumbered 16.99 (5r).

SECTION 10. 16.9945 (2m) (b) (intro.) of the statutes is renumbered 16.9945 (2m) (b) and amended to read:

16.9945 **(2m)** (b) A public library, including ~~the branch of a public library~~ a library branch, is eligible for a grant under this section ~~in fiscal year 2017–18 or in fiscal year 2018–19 or in both fiscal years~~ if the population of the municipality within which the library or ~~branch of the library~~ library branch is located, as determined

in the first year of the fiscal biennium, is 20,000 or less and if the public library or ~~branch~~ library branch is located in ~~one of the following areas of the state:~~ a rural territory.

****NOTE: This is reconciled s. 16.9945 (2m) (b). This SECTION has been affected by drafts with the following LRB numbers: –0704/P5 and –0911/P2.

SECTION 11. 16.9945 (2m) (b) 1. to 3. of the statutes are repealed.

SECTION 12. 16.9945 (2m) (c) of the statutes is created to read:

16.9945 **(2m)** (c) A consortium of public libraries is eligible for a grant under this section and a public library system is eligible for a grant under this section if all of the following apply:

1. Either of the following applies:

a. The consortium consists of 3 or more eligible public libraries or library branches.

b. The public library system contains 3 or more eligible public libraries or library branches.

2. The consortium or public library system applies for a grant under this section.

SECTION 13. 16.9945 (3) (a) of the statutes is amended to read:

16.9945 **(3)** (a) If the membership of the eligible school district, as determined in the first year of the fiscal biennium, is fewer than 750 pupils, $30,000.

SECTION 14. 16.9945 (3) (b) of the statutes is amended to read:

16.9945 **(3)** (b) If the membership of the eligible school district, as determined in the first year of the fiscal biennium, is 750 pupils to 1,500 pupils, $40 multiplied by the school district's membership.

SECTION 15. 16.9945 (3) (c) of the statutes is amended to read:

16.9945 **(3)** (c) If the membership of the eligible school district, as determined in the first year of the fiscal biennium, is more than 1,500 pupils, $60,000.

SECTION 16. 16.9945 (3m) (a) of the statutes is amended to read:

16.9945 **(3m)** (a) If the population of the municipality within which the eligible public library or ~~branch~~ library branch is located, as determined in the first year of the fiscal biennium, is 2,000 or less, $5,000.

SECTION 17. 16.9945 (3m) (b) of the statutes is amended to read:

16.9945 **(3m)** (b) If the population of the municipality within which the eligible public library or ~~branch~~ library branch is located, as determined in the first year of the fiscal biennium, is at least 2,001 but less than 5,000, $7,500.

SECTION 18. 16.9945 (3m) (c) of the statutes is amended to read:

16.9945 **(3m)** (c) If the population of the municipality within which the eligible public library or ~~branch~~ library branch is located, as determined in the first year of the fiscal biennium, is at least 5,000 but less than 20,001, $10,000.

SECTION 19. 16.9945 (4) of the statutes is repealed and recreated to read:

16.9945 **(4)** FUNDING LIMITATION. The department may not award grants under this section that total more than $3,000,000 in the 2019–20 or 2020–21 fiscal year.

SECTION 20. 16.9945 (5) of the statutes is amended to read:

16.9945 **(5)** SUNSET. The department may not award grants under this section after ~~July 1, 2019~~ June 30, 2021.

****NOTE: This is reconciled s. 16.9945 (4). This SECTION has been affected by drafts with the following LRB numbers: –0704/P5 and –0911/P2.

SECTION 21. 16.996 of the statutes is repealed.

SECTION 22. 16.997 (1) of the statutes is amended to read:

16.997 **(1)** Except as provided in s. 196.218 (4t), the department shall promulgate rules establishing an educational telecommunications access program to provide educational agencies with access to data lines ~~and video links~~.

SECTION 23. 16.997 (2) (a) of the statutes is amended to read:

16.997 **(2)** (a) Allow an educational agency to make a request to the department for access to data lines ~~and video links~~.

SECTION 24. 16.997 (2) (b) of the statutes is amended to read:

16.997 **(2)** (b) Establish eligibility requirements for an educational agency to participate in the program established under sub. (1) and to receive additional telecommunications access under s. 16.998, including a requirement that a charter school sponsor use data lines ~~and video links~~ to benefit pupils attending the charter school and a requirement that Internet access to material that is harmful to children, as defined in s. 948.11 (1) (b), is blocked on the computers of juvenile correctional facilities that are served by data links ~~and video links~~ subsidized under this section.

SECTION 25. 16.997 (2) (c) of the statutes is amended to read:

16.997 **(2)** (c) Establish specifications for data lines ~~and video links~~ for which access is provided to an educational agency under the program established under sub. (1) or for which additional access is provided to an educational agency under s. 16.998.

SECTION 26. 16.997 (2) (d) of the statutes is amended to read:

16.997 **(2)** (d) Require an educational agency to pay the department not more than $250 per month for each data line ~~or video link~~ that is provided to the educational agency under the program established under sub. (1), except that the charge may not exceed $100 per month for each data line ~~or video link~~ that relies on a transport medium that operates at a speed of ~~1.544 megabits~~ 1 gigabyte per second.

SECTION 27. 16.997 (2) (f) of the statutes is amended to read:

16.997 **(2)** (f) Ensure that juvenile correctional facilities that receive access under this section to data lines ~~and video links~~ or that receive additional access under s. 16.998 to data lines~~, video links,~~ and bandwidth use those data lines ~~and video links~~ and that bandwidth only for educational purposes.

SECTION 28. 16.997 (2c) of the statutes is amended to read:

16.997 **(2c)** The department shall develop criteria to use to evaluate whether to provide more than one data line ~~and video link~~ to an educational agency. The department shall include in the criteria an educational agency's current bandwidth, equipment, and readiness, and the available providers and any other economic development in the geographic area that the educational agency serves.

SECTION 29. 16.997 (3) of the statutes is amended to read:

16.997 **(3)** The department shall prepare an annual report on the status of providing data lines ~~and video links~~ that are requested under sub. (2) (a) and the impact on the universal service fund of any payment under contracts under s. 16.974.

SECTION 30. 16.997 (7) of the statutes is repealed.

SECTION 31. 16.998 of the statutes is amended to read:

16.998 Educational telecommunications; additional access. An educational agency that is eligible for a rate discount for telecommunications services under 47 USC 254 may request data lines~~, video links,~~ and bandwidth access that is in addition to what is provided under the program under s. 16.997 (1). The department shall apply for aid under 47 USC 254 to cover the costs of the data lines~~, video links,~~ and bandwidth access that are provided under this section and shall credit any aid received to the appropriation account under s. 20.505 (4) (mp). To the extent that the aid does not fully cover those costs, the department shall require an

educational agency to pay the department a monthly fee that is sufficient to cover those costs and shall credit any monthly fee received to the appropriation account under s. 20.505 (4) (Lm).

SECTION 32. 20.505 (4) (s) of the statutes, as affected by 2017 Wisconsin Act 136 and 2017 Wisconsin Act 142, is amended to read:

20.505 **(4)** (s) *Telecommunications access for educational agencies~~,~~; infrastructure grants~~, and training grants for teachers and librarians~~*. Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts under s. 16.971 (13), (14), and (15) to the extent that the amounts due are not paid from the appropriation under sub. (1) (is), and to make payments to telecommunications providers under contracts under s. 16.971 (16) to the extent that the amounts due are not paid from the appropriation under sub. (1) (kL), ~~to make grants to school district consortia under s. 16.997 (7), and to make educational technology teacher training grants and librarian training grants under s. 16.996~~ and to make information technology infrastructure grants under s. 16.9945.

****NOTE: This is reconciled s. 20.505 (4) (s). This SECTION has been affected by drafts with the following LRB numbers: –0704/P5 and –0911/P2.

SECTION 33. 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

118.40 **(2r)** (e) 2p. a. Add the amounts appropriated in the current fiscal year under s. 20.255 (2), except s. 20.255 (2) (ac), ~~(aw),~~ (az), (bb), ~~(dg),~~ (dj), (fm), (fp), (fq), (fr), (fu), (k), and (m); and s. 20.505 (4) (es); and the amount, as determined by the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated for payments to telecommunications providers under contracts with school districts and cooperative educational service agencies under s. 16.971 (13)~~, for grants to school~~

~~district consortia under s. 16.997 (7), and to make educational technology teacher training grants under s. 16.996~~.

****NOTE: This is reconciled s. 118.40 (2r) (e) 2p. a. This SECTION has been affected by drafts with the following LRB numbers:–0704/P5, –1293/P2, and –1294/P2.

SECTION 34. 196.218 (5) (a) 12. of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0732/P1
KRP:cjs&ahe

DOA:.....Kretschmann, BB0076 – High cost transportation aid

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school district that qualified for high cost transportation aid in the previous school year but did not qualify in the current school year is eligible to receive aid equal to 50 percent of the high cost transportation aid the school district received in the previous school year, commonly called a "stop-gap" payment. However, current law provides that, if the total amount of stop-gap payments to all school districts in a school year exceeds $200,000, the state superintendent of public instruction must prorate the payments. This bill eliminates that cap and instead provides that, if the total amount of high cost transportation aid, including stop-gap payments, for a school year exceeds the amount appropriated for high cost transportation aid for the school year, all high cost transportation aid must be prorated.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 121.59 (2) (intro.) of the statutes is amended to read:

121.59 **(2)** (intro.) Annually the department shall, subject to sub. (3), pay to each eligible school district the amount determined as follows:

SECTION 2. 121.59 (2m) (a) (intro.), 1. and 2. of the statutes are renumbered 121.59 (2m) (intro.), (am) and (bm), and 121.59 (2m) (intro.) and (bm), as renumbered, are amended to read:

121.59 **(2m)** (intro.) ~~Beginning in the 2017–18 school year and in any school year thereafter, if a~~ If an eligible school district was eligible to receive aid under sub. (2) in the immediately preceding school year but is ineligible to receive aid in the current school year because the number under sub. (2) (d) is not a positive number, the state superintendent shall, subject to ~~par. (b)~~ sub. (3), pay to that eligible school district the amount determined as follows:

(bm) Multiply the amount under ~~subd. 1.~~ par. (am) by 0.5.

SECTION 3. 121.59 (2m) (b) of the statutes is repealed.

SECTION 4. 121.59 (3) of the statutes is amended to read:

121.59 **(3)** Aid under this section ~~shall be~~ is paid from the appropriation under s. 20.255 (2) (cq). If the appropriation under s. 20.255 (2) (cq) is insufficient to pay the full amount of aid under subs. (2) and (2m), the state superintendent shall prorate the payments among the eligible school districts entitled to receive aid under this section.

SECTION 9334. Initial applicability; Public Instruction.

(1) HIGH-COST TRANSPORTATION AID. The treatment of s. 121.59 (2) (intro.), (2m) (a) (intro.), 1., and 2. and (b), and (3) first applies to aid paid in the 2019–20 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0733/P1
KRP:emw

DOA:.....Kretschmann, BB0075 – Aid for pupil transportation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill increases the reimbursement rate to school districts and independent charter school operators, beginning in the 2019–20 school year, for transporting a pupil who lives more than 12 miles from the school the pupil attends from $365 per school year to $375 per school year. Under current law, a school district that provides transportation to pupils to and from summer classes may be reimbursed for certain transportation costs, but, if a pupil is transported fewer than 30 days, that aid is proportionately reduced. The bill eliminates the requirement that DPI reduce the amount of state aid a school district receives for transporting a pupil if the pupil is transported fewer than 30 days.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 121.58 (2) (a) 4. of the statutes is amended to read:

121.58 **(2)** (a) 4. For each pupil so transported whose residence is more than 12 miles from the school attended, ~~$300~~ $365 per school year in the ~~2016–17~~ 2018–19 school year and ~~$365~~ $375 per school year thereafter.

SECTION 2. 121.58 (4) of the statutes is amended to read:

121.58 **(4)** STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before October 1 of the year in which transportation is provided under s. 118.50 (3) (b) or 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident school district that a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with the department a report, containing such information as the department requires, on transportation provided by the school board to and from summer classes. Upon receipt of such report and if the summer classes meet the requirements of s. 121.14 (1) (a) 1. or 2., state aid shall be paid for such transportation. A school district ~~which~~ that provides such transportation shall be paid state aid for such transportation at the rate of $10 per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and $20 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended~~, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days~~.

SECTION 9334. Initial applicability; Public Instruction.

(1) STATE AID FOR SUMMER CLASS TRANSPORTATION. The treatment of s. 121.58 (4) first applies to state aid for transportation paid in the 2019–20 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0735/P2
FFK:emw&kjf

DOA:.....Kretschmann, BB0074 – Sparsity aid

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Sparsity aid

This bill makes certain additional school districts eligible for sparsity aid. Under current law, a school district is eligible for sparsity aid in the amount of $400 per pupil if the school district's membership in the previous school year did not exceed 745 pupils and if the membership divided by the school district's area in square miles is less than ten. Also, under current law, a school district that was eligible to receive sparsity aid in the previous school year but that is not eligible to receive sparsity aid in the current school year because the school district's membership exceeded 745 pupils may receive up to 50 percent of the aid the school district received in the previous school year.

Under this bill, beginning in the 2020–21 school year, a school district with the same density of pupils per square mile and a membership that exceeds 745 pupils is eligible for sparsity aid in the amount of $100 per pupil. The bill also provides that, beginning in the 2020–21 school year, a school district that is ineligible for sparsity aid because it no longer satisfies the pupils per square mile requirement may receive 50 percent of the aid the school district received in the previous school year.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 115.436 (2) (intro.) of the statutes is amended to read:

115.436 **(2)** (intro.) A school district is eligible for sparsity aid under this section if ~~it~~ the school district's membership in the previous school year divided by the school district's area in square miles is less than 10 and the school district satisfies ~~all~~ one of the following criteria:

SECTION 2. 115.436 (2) (b) of the statutes is created to read:

115.436 **(2)** (b) The school district's membership in the previous school year was greater than 745.

SECTION 3. 115.436 (2) (c) of the statutes is repealed.

SECTION 4. 115.436 (3) (a) of the statutes is amended to read:

115.436 **(3)** (a) ~~Beginning in~~ In the 2018–19 and 2019–20 school ~~year~~ years, from the appropriation under s. 20.255 (2) (ae) and subject to par. (b), the department shall pay to each school district eligible for sparsity aid $400 multiplied by the membership in the previous school year.

SECTION 5. 115.436 (3) (ac) of the statutes is created to read:

115.436 **(3)** (ac) Beginning in the 2020–21 school year, from the appropriation under s. 20.255 (2) (ae) and subject to par. (b), the department shall pay all of the following:

1. To each school district eligible for sparsity aid under sub. (2) (a), $400 multiplied by the school district's membership in the previous school year.

2. To each school district eligible for sparsity aid under sub. (2) (b), $100 multiplied by the school district's membership in the previous school year.

SECTION 6. 115.436 (3) (ag) of the statutes is created to read:

115.436 **(3)** (ag) Beginning in the 2020-21 school year, from the appropriation under s. 20.255 (2) (ae), the department shall, subject to par. (b), pay to each school district that received aid under this section in the previous school year but does not satisfy the number of pupils per square mile requirement under sub. (2) in the current school year 50 percent of the amount the school district received under par. (a) or (ac) in the previous school year.

SECTION 7. 115.436 (3) (am) of the statutes is amended to read:

115.436 **(3)** (am) ~~Beginning in~~ In the 2017-18, 2018-19, and 2019-20 school ~~year~~ years, from the appropriation under s. 20.255 (2) (ae), the department shall, subject to par. (b), pay to each school district that received aid under this section in the previous school year but does not satisfy the requirement under sub. (2) (a) in the current school year 50 percent of the amount received by the school district under par. (a) in the previous school year.

SECTION 8. 115.436 (3) (b) of the statutes is amended to read:

115.436 **(3)** (b) If the appropriation under s. 20.255 (2) (ae) in any fiscal year is insufficient to pay the full amount under pars. ~~(a), (am)~~ (ac), (ag), and (ap), the department shall prorate the payments among the school districts entitled to aid under this subsection.

SECTION 9434. Effective dates; Public Instruction.

(1) SPARSITY AID. The treatment of s. 115.436 (2) (intro.), (b), and (c) and (3) (ac), (ag), and (b) takes effect on July 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0760/P5
MIM:amn&ahe

DOA:.....Sherwin, BB0085 – Board oversight of group disability benefit insurance plans offered to state employees

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

DISABILITY PLANS

1. Oversight of group disability benefit insurance plans

Under current law, the Group Insurance Board oversees the group income continuation insurance plan and the group long–term disability insurance (LTDI) plan. This bill transfers oversight of those plans to the Employee Trust Funds Board. The bill provides explicit statutory authority for the ETFB to establish the LTDI plan.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 40.03 **(1)** (i) May determine that some or all of the disability annuities and

4 death benefits provided from the Wisconsin retirement system shall instead be

provided through group insurance plans ~~to be established by the group insurance board~~ either as separate plans or as integral parts of the group life and income continuation insurance plans established under this chapter.

SECTION 2. 40.03 (1) (p) of the statutes is amended to read:

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

SECTION 3. 40.03 (1) (q) of the statutes is created to read:

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

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

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

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

4. May apportion all excess moneys becoming available to the board through operation of the plans to reduce premium payments in following contract years or to establish reserves to stabilize costs in subsequent years. If the board determines that the excess became available due to favorable experience of specific groups of employers or specific employee groups, the board may make the apportionment in

a manner designated to benefit the specific employers or employee groups only, or to a greater extent than other employers and employee groups.

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

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

SECTION 4. 40.03 (2) (i) of the statutes is amended to read:

40.03 **(2)** (i) ~~Shall~~ Except as provided under pars. (ig) and (ir), shall promulgate, ~~with the approval of the board,~~ all rules~~, except rules promulgated under par. (ig) or (ir),~~ that are required for the efficient administration of the fund or of any of the benefit plans established by this chapter~~. In addition to being approved by the board,~~ and shall promulgate rules as necessary for a long–term disability insurance plan established under s. 40.64. All rules promulgated under this paragraph are subject to board approval under sub. (1) (m). Except rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to teachers ~~must be approved~~ are subject to approval by the teachers retirement board ~~and~~ under sub. (7) (d). Except rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to participants other than teachers ~~must be approved~~ are subject to approval by the Wisconsin retirement board~~, except rules promulgated under s. 40.30~~ under sub. (8) (d).

SECTION 5. 40.03 (2) (ig) of the statutes is amended to read:

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

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

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

SECTION 7. 40.03 (6) (a) 1. of the statutes is amended to read:

40.03 **(6)** (a) 1. Except as provided in par. (m), shall, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the group insurance plans ~~provided for by this chapter; or~~.

SECTION 8. 40.03 (6) (d) (intro.) of the statutes is amended to read:

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

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

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

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

40.23 **(1)** (bm) If an application by a participant age 55 or over, or by a protective occupation participant age 50 or over, for long–term disability insurance benefits

under s. 40.64 is disapproved under rules promulgated by the department, the date ~~which~~ that would have been the effective date for the insurance benefits ~~shall be~~ is the retirement annuity effective date if requested by the applicant within 60 days of the disapproval or, if the disapproval is appealed, within 60 days of the final disposition of the appeal.

SECTION 11. 40.61 (3) of the statutes is amended to read:

40.61 **(3)** ~~Any~~ An employer under s. 40.02 (28), other than the state, may offer to all of its employees ~~an~~ a group income continuation insurance plan through a program offered by the ~~group insurance~~ board. Notwithstanding sub. (2) and ss. 40.05 (5) and 40.62, the department may by rule establish different eligibility standards or contribution requirements for ~~such~~ those employees and employers and may by rule limit the categories of employers ~~which~~ that may be included as participating employers under this subchapter.

SECTION 12. 40.62 (1) of the statutes is amended to read:

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

SECTION 13. 40.64 of the statutes is created to read:

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

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

(1) TRANSFER OF OVERSIGHT OF GROUP DISABILITY BENEFIT INSURANCE PLANS.

(a) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the group insurance board that is primarily related to the group income continuation insurance plan or long–term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board.

(b) *Contracts.* All contracts entered into by the group insurance board in effect on the effective date of this paragraph that are primarily related to the group income continuation insurance plan or long–term disability insurance plan, as determined by the secretary of employee trust funds, remain in effect and are transferred to the employee trust funds board. The employee trust funds board shall carry out any obligations under those contracts unless modified or rescinded by the employee trust funds board to the extent allowed under the contract.

(c) *Rules.* All rules promulgated by the group insurance board in effect on the effective date of this paragraph that are primarily related to the group income continuation insurance plan or long–term disability insurance plan remain in effect until their specified expiration dates or until amended or repealed by the employee trust funds board.

(d) *Pending matters.* Any matter pending with the group insurance board on the effective date of this paragraph that is primarily related to the group income continuation insurance plan or long–term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board. All materials submitted to or actions taken by the group insurance board with

1 respect to the pending matter are considered as having been submitted to or taken
2 by the employee trust funds board.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0775/P1
KRP:emw

DOA:.....Kretschmann, BB0089 – Per pupil aid

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill provides that the amount of per pupil aid in the 2018–19 school year, which is $654 per pupil, continues at that level for future school years. Under current law, the amount of per pupil aid decreases to $630 per pupil in the 2019–20 school year and in each school year thereafter.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 115.437 (2) (a) of the statutes is amended to read:

3 115.437 **(2)** (a) Except as provided in par. (b), annually on the 4th Monday of
4 March, the department shall pay to each school district an amount equal to the
5 average of the number of pupils enrolled in the school district in the current and 2

preceding school years multiplied by $75 in the 2013–14 school year, by $150 in the 2014–15 and 2015–16 school years, by $250 in the 2016–17 school year, by $450 in the 2017–18 school year, and by $654 in the 2018–19 school year~~,~~ and ~~by $630~~ in each school year thereafter. The department shall make the payments from the appropriation under s. 20.255 (2) (aq).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0776/P3
KRP:cjs/kjf/ahe

DOA:.....Kretschmann, BB0090 - After-school program grant

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. After-school program grants

This bill creates a grant program under which DPI must award grants to support high-quality after-school programs and out-of-school-time programs to organizations that provide services to school-age children.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (dk) of the statutes is created to read:

20.255 **(2)** (dk) *After-school and out-of-school-time programs; grants.* Biennially, the amounts in the schedule for after-school and out-of-school-time program grants under s. 115.446.

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

SECTION 2. 115.446 of the statutes is created to read:

115.446 After-school and out-of-school-time programs; grants. From the appropriation under s. 20.255 (2) (dk), the department shall award grants to support high–quality after–school programs and out–of–school–time programs to organizations that provide services to school–age children. The department may promulgate rules to implement and administer this section.

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) AFTER-SCHOOL PROGRAM GRANTS; EMERGENCY RULES. The department of public instruction may promulgate emergency rules under s. 227.24 to implement and administer s. 115.446. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2020, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0780/P3
KRP:cdc

DOA:.....Kretschmann, BB0094 – Tribal language revitalization grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Tribal language revitalization grants

Under current law, a school board, cooperative educational service agency, or Head Start agency (applicant) may apply to DPI for a grant to support instruction in one or more American Indian languages. Under this bill, beginning in the 2020–21 school year, an applicant also may apply to DPI for a two–year grant to develop, implement, and provide American Indian heritage, language, and cultural instruction programs for children participating in Head Start programs and for pupils in grades kindergarten to two.

The bill also authorizes DPI to contract with the Great Lakes Inter–Tribal Council, Inc., to implement and administer those grant programs.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (1) (kt) of the statutes is created to read:

20.255 **(1)** (kt) *Tribal language revitalization grant program operations.* The amounts in the schedule to pay operational and administrative costs incurred by the Great Lakes Inter–Tribal Council, Inc., to implement and administer the tribal language revitalization grant programs under s. 115.745. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 5m. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

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

SECTION 2. 20.505 (8) (hm) 5m. of the statutes is created to read:

20.505 **(8)** (hm) 5m. The amount transferred to s. 20.255 (1) (kt) shall be the amount in the schedule under s. 20.255 (1) (kt).

SECTION 3. 115.745 (1) of the statutes is renumbered 115.745 (1) (intro.) and amended to read:

115.745 **(1)** (intro.) A school board, a cooperative educational service agency, or an agency determined by the state superintendent to be eligible for designation under 42 USC 9836 as a head start agency, in conjunction with a tribal education authority, may apply to the department for ~~a~~ <u>any of the following grants:</u>

<u>(a) A</u> grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

SECTION 4. 115.745 (1) (b) of the statutes is created to read:

115.745 **(1)** (b) Beginning in the 2020–21 school year, a 2–year grant to develop, implement, and provide American Indian heritage, language, and cultural

instruction programs for children participating in head start programs and for pupils in grades kindergarten to 2.

SECTION 5. 115.745 (2) of the statutes is renumbered 115.745 (2) (a).

SECTION 6. 115.745 (2) (b) of the statutes is created to read:

115.745 **(2)** (b) The department may contract with and, from the appropriation under s. 20.255 (1) (kt), pay the Great Lakes Inter-Tribal Council, Inc., to implement and administer the grant programs under this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0785/P1
EHS:cdc&kjf

DOA:.....Rice, BB0072 – Subsidy rates under Wisconsin Shares

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. Wisconsin Shares maximum reimbursement rate

Under current law, Wisconsin Shares is a part of the Wisconsin Works (W-2) program, which DCF administers. The W-2 program provides work experience and benefits for low-income custodial parents who are at least 18 years old. Under current law, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19 who needs child care services to participate in various education or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services under Wisconsin Shares.

DCF determines the maximum reimbursement rates for licensed child care services that are provided under Wisconsin Shares. DCF also determines the maximum reimbursement rates for services provided by certified family child care providers, but may set the rate for Level I certified family child care providers at no more than 75 percent of the licensed child care rate and for Level II certified family child care providers at no more than 50 percent of the licensed child care rate. Under this bill, the maximum rate for Level I or Level II certified family child care providers may not exceed the licensed child care rate.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.155 (6) (b) of the statutes is amended to read:

49.155 **(6)** (b) The department shall set maximum payment rates for Level I certified family child care providers certified under s. 48.651 (1) (a) for services provided to eligible individuals under this section. The maximum rates set under this paragraph may not exceed ~~75 percent of~~ the rates established under par. (a).

SECTION 2. 49.155 (6) (c) of the statutes is amended to read:

49.155 **(6)** (c) The department shall set maximum payment rates for Level II certified family child care providers for services provided to eligible individuals under this section. The maximum rates set under this paragraph may not exceed ~~50 percent of~~ the rates established under par. (a).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0794/P1
FFK:kjf

DOA:.....Kretschmann, BB0093 – Gifted and talented programs; grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill changes the purposes for which DPI awards grants to support gifted and talented pupils. Under current law, DPI must award these grants for the purpose of providing services and activities to gifted and talented pupils that will allow the pupils to fully develop their capabilities. Under the bill, DPI must award the grants for the purposes of providing such services and activities to underrepresented gifted and talented pupils, specifically gifted and talented pupils who are minority pupils, economically disadvantaged pupils, children with disabilities, or limited–English proficient pupils; and for providing teachers with professional development and training related to identifying and educating all gifted and talented pupils.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (fy) of the statutes is amended to read:

20.255 **(2)** (fy) *Grants to support gifted and talented pupils.* The amounts in the schedule for grants ~~for the~~ to support ~~of~~ programs for gifted and talented pupils under s. 118.35 (4).

SECTION 2. 118.35 (1) of the statutes is renumbered 118.35 (1) (intro.) and amended to read:

118.35 **(1)** (intro.) In this section~~, "gifted~~:

(b) "Gifted and talented pupils" means pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities.

SECTION 3. 118.35 (1) (a) of the statutes is created to read:

118.35 **(1)** (a) "Economically disadvantaged pupil" means a pupil who satisfies either the income eligibility criteria for a free or reduced–price lunch under 42 USC 1758 (b) (1) or other measures of poverty, as determined by the department.

SECTION 4. 118.35 (1) (c) of the statutes is created to read:

118.35 **(1)** (c) "Underrepresented gifted and talented pupil" means a gifted and talented pupil who is any of the following:

1. A minority group pupil, as defined in s. 121.845 (2).
2. An economically disadvantaged pupil.
3. A child with a disability, as defined in s. 115.76 (5).
4. A limited–English proficient pupil, as defined in s. 115.955 (7).

SECTION 5. 118.35 (4) of the statutes is renumbered 118.35 (4) (intro.) and amended to read:

118.35 **(4)** (intro.) From the appropriation under s. 20.255 (2) (fy), the department shall award grants to nonprofit organizations, cooperative educational service agencies, institutions within the University of Wisconsin System, and school districts for ~~the purpose of providing~~ any of the following purposes:

(a) Providing to underrepresented gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities. The services and activities under this paragraph may be provided inside or outside of a pupil's regular classroom.

SECTION 6. 118.35 (4) (b) of the statutes is created to read:

118.35 **(4)** (b) Providing teachers with professional development and training related to identifying and educating gifted and talented pupils.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0795/P3
FFK:cjs&wlj

DOA:.....Kretschmann, BB0092 – Milwaukee mathematics partnership

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Milwaukee mathematics partnership grant

Under this bill, beginning in the 2020–21 school year, DPI must award a grant to the school board of a first class city school district (currently, only Milwaukee Public Schools) to develop and implement a plan to improve mathematics instruction in the school district. The bill requires the school board to work with the UW–Milwaukee to develop and implement the plan.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (ah) of the statutes is created to read:

20.255 **(2)** (ah) *Mathematics partnership grant.* The amounts in the schedule for aid to a 1st class city school district under s. 119.313.

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

SECTION 2. 119.313 of the statutes is created to read:

119.313 Mathematics Partnership. (1) The board, in consultation with the University of Wisconsin– Milwaukee, shall develop and implement a plan to improve mathematics instruction in schools in the school district.

(2) Annually, beginning in the 2020–21 school year, from the appropriation under s. 20.255 (2) (ah), the department shall award a grant to the board to develop and implement the plan under sub. (1). The board may use grant proceeds for personnel costs associated with developing and implementing the plan under sub. (1).

(3) The department may promulgate rules to implement and administer this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0796/P2
FFK:cdc

DOA:.....Kretschmann, BB0091 – Drivers education aid

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill creates a new aid program for school boards, independent charter schools, and cooperative educational service agencies that offer a driver education program to pupils who meet the income eligibility standard for a free or reduced–price lunch in the federal school lunch program. To be eligible for this aid, a school board, independent charter school, or CESA must demonstrate to DPI that it reduced program participation fees for eligible pupils. Under the bill, DPI pays the school board, operator of the independent charter school, or CESA an amount equal to the number of eligible pupils who completed the driver education program in the previous school year multiplied by the lesser of $200 or the amount by which it reduced its program participation fees.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.255 (2) (cv) of the statutes is created to read:

20.255 **(2)** (cv) *Driver education aid.* The amounts in the schedule for driver education aid under s. 121.42.

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

SECTION 2. 121.41 of the statutes is amended to read:

121.41 Driver education programs; fees. A school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), cooperative educational service agency, or ~~the~~ technical college system board may establish and collect reasonable fees for any driver education program or part of a program which is neither required for nor credited toward graduation. The school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), cooperative educational service agency, or ~~the~~ technical college system board may waive any fee established under this subsection for any indigent pupil.

SECTION 3. 121.42 of the statutes is created to read:

121.42 Driver education programs; state aid. (1) In this section:

(a) "Driver education program" means an instructional program in driver education approved by the department and operated by a qualified driver education provider.

(b) "Eligible pupil" means a pupil who met the income eligibility standard for a free or reduced–price lunch in the federal school lunch program under 42 USC 1758 (b) (1) in the previous school year.

(c) "Qualified driver education provider" means a school board, the operator of a charter school authorized under s. 118.40 (2r) or (2x), or a cooperative educational service agency.

(2) Beginning in the 2020-21 school year, from the appropriation under s. 20.255 (2) (cv) and subject to sub. (4), the department shall pay to each qualified driver education provider the amount determined under sub. (3) if all of the following apply:

(a) The qualified driver education provider demonstrates to the department that for eligible pupils the qualified driver education provider reduced the fees the qualified driver education provider otherwise charges pupils to enroll in and complete the driver education program.

(b) By October 1, 2020, and annually thereafter, the qualified driver education provider reports to the department the number of eligible pupils who enrolled in and successfully completed a driver education program operated by qualified driver education in the previous school year.

(3) The department shall calculate the amount paid to a qualified driver education provider under sub. (2) by multiplying the number of eligible pupils reported under sub. (2) (b) by the lesser of the following:

(a) Two hundred dollars.

(b) The amount by which the qualified driver education provider reduced fees under sub. (2) (a) in the previous school year.

(4) If the appropriation under s. 20.255 (2) (cv) in any fiscal year is insufficient to pay the full amount of aid under sub. (2), the department shall prorate the aid payments among the entitled qualified driver education providers.

(5) The department may promulgate rules to implement and administer this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0943/P5
TJD:kjf&wlj

DOA:.....Ames, BB0117 – Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medicaid expansion

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless

adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.435 (4) (jw) of the statutes is amended to read:

20.435 **(4)** (jw) *BadgerCare Plus and hospital assessment.* All ~~moneys received from payment of enrollment fees under the program under s. 49.45 (23), a~~ll moneys transferred under s. 50.38 (9), all moneys transferred from the appropriation account under par. (jz), and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to provide a portion of the state share of administrative costs for the BadgerCare Plus Medical Assistance program under s. 49.471~~,~~ and for administration of the hospital assessment under s. 50.38.

SECTION 2. 49.45 (2p) of the statutes is repealed.

SECTION 3. 49.45 (23) of the statutes is repealed.

SECTION 4. 49.471 (1) (cr) of the statutes is created to read:

49.471 **(1)** (cr) "Enhanced federal medical assistance percentage" means a federal medical assistance percentage described under 42 USC 1396d (y) or (z).

SECTION 5. 49.471 (4) (a) 4. b. of the statutes is amended to read:

49.471 **(4)** (a) 4. b. The individual's family income does not exceed ~~100~~ <u>133</u> percent of the poverty line ~~before application of the 5 percent income disregard under 42 CFR 435.603 (d)~~.

SECTION 6. 49.471 (4) (a) 8. of the statutes is created to read:

49.471 **(4)** (a) 8. An individual who meets all of the following criteria:

a. The individual is an adult under the age of 65.

b. The adult has a family income that does not exceed 133 percent of the poverty line, except as provided in sub. (4g).

c. The adult is not otherwise eligible for the Medical Assistance program under this subchapter or the Medicare program under 42 USC 1395 et seq.

SECTION 7. 49.471 (4g) of the statutes is created to read:

49.471 **(4g)** MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For services provided to individuals described under sub. (4) (a) 8., the department shall comply with all federal requirements to qualify for the highest available enhanced federal medical assistance percentage. The department shall submit any amendment to the state medical assistance plan, request for a waiver of federal Medicaid law, or other approval request required by the federal government to provide services to the individuals described under sub. (4) (a) 8. and qualify for the highest available enhanced federal medical assistance percentage.

****NOTE: This is reconciled s. 49.471 (4g). This SECTION has been affected by drafts with the following LRB numbers: –0943/P3, –1566/P1, and –1569/P1.

SECTION 8. 49.686 (3) (d) of the statutes is amended to read:

49.686 **(3)** (d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2). This paragraph does not apply to an individual who is eligible for benefits under ~~the demonstration project for childless adults under s. 49.45 (23)~~ <u>BadgerCare Plus under s. 49.471 (4) (a) 8.</u> or to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 9119. Nonstatutory provisions; Health Services.

(1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health services shall submit any necessary request to the federal department of health and human services for a state plan amendment or waiver of federal Medicaid law or to modify or withdraw from any waiver of federal Medicaid law relating to the childless adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the incorporation of recipients of Medical Assistance under the demonstration project into the BadgerCare Plus program under s. 49.471 and the termination of the demonstration project.

****NOTE: This is reconciled SECTION 9119 (1). This SECTION has been affected by drafts with the following LRB numbers: –0943/P3, –1566/P1, and –1569/P1.

SECTION 9419. Effective dates; Health Services.

(1) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw) and 49.45 (23) takes effect on January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0950/P2
MIM:kjf

DOA:.....Kirschbaum, BB0119 – Prevailing wage

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

PREVAILING WAGE

1. Current law

Current law provides that laborers, workers, mechanics, and truck drivers employed on the site of certain state projects of public works 1) must be paid the prevailing wage rate; and 2) may not be required or allowed to work a greater number of hours per day and per week than the prevailing hours of labor, which is no more than 10 hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (commonly referred to as overtime pay) for all hours worked in excess of the prevailing hours of labor. Current law defines "prevailing wage rate" as the applicable prevailing wage rate determined by the U.S. Department of Labor under the federal Davis-Bacon Act. Current law provides for the enforcement and administration of the prevailing wage law by DOT for street or highway projects and by DOA for other projects.

2. Determination of prevailing wage rate; enforcement and administration of prevailing wage law

The bill creates a new definition for "prevailing wage rate" to replace the current definition. Under the bill, "prevailing wage rate" is defined as the hourly basic rate of pay, plus the hourly contribution for bona fide economic benefits, paid

for a majority of the hours worked in a trade or occupation in the area in which the project is located, except that, if there is no rate at which a majority of those hours is paid, "prevailing wage rate" means the average hourly basic rate of pay, plus the average hourly contribution for bona fide economic benefits, paid for the highest-paid 51 percent of hours worked in a trade or occupation in the area. The bill requires DWD to conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects that are subject to the prevailing wage law and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The bill contains certain other provisions regarding the calculation of prevailing wage rates by DWD, including provisions allowing persons to request recalculations or reviews of the prevailing wage rates determined by DWD. The bill also establishes a requirement that state agencies post prevailing wage rates and hours of labor on the sites of state projects other than street or highway projects.

3. Applicability of the prevailing wage law to local projects

This bill requires that laborers, workers, mechanics, and truck drivers employed on the site of certain local projects of public works be paid the prevailing wage and not be required or allowed to work a greater number of hours per day and per week than the prevailing hours of labor unless they are paid overtime for all hours worked in excess of the prevailing hours of labor.

4. Remedies for a violation of the prevailing wage law

The bill makes a contractor that fails to pay the prevailing wage rate or overtime pay to an employee as required under the prevailing wage law liable to the affected employee for not only the amount of unpaid wages and overtime pay, but also for liquidated damages in an amount equal to 100 percent of the unpaid wages and overtime pay.

5. Other changes

Current law allows an investigation to be conducted to determine compliance with the prevailing wage law upon request, but only if the requester is an individual who is an employee performing work on a prevailing wage project. The bill requires such an inspection on the request of any individual or entity.

Under current law, individuals who are employed to transport mineral aggregate to the site of a project or to transport excavated material or spoil away from the site of a project are not covered under the prevailing wage law. Subject to certain exceptions, the bill eliminates this exemption.

Finally, the bill includes, for both state and local projects of public works, provisions regarding coverage, compliance, enforcement, and penalties, including 1) requirements for affidavits to be filed by contractors affirming compliance with the prevailing wage law; 2) record retention requirements for contractors regarding wages paid to workers and provisions allowing for the inspection of those records by DWD; 3) liability and penalty provisions for certain violations; and 4) provisions prohibiting contracts from being awarded to persons who have failed to comply with the prevailing wage law.

TRANSPORTATION

HIGHWAYS

6. Transportation projects

Under current law, for certain highway projects for which DOT spends federal money, federal money must make up at least 70 percent of the funding for those projects. DOT is required to notify political subdivisions receiving aid for local projects whether the aid includes federal moneys and how those moneys must be spent. For certain projects that receive no federal money, DOT may not require political subdivisions to comply with any portion of DOT's facilities development manual other than design standards. Any local project funded with state funds under the surface transportation program or the local bridge program must be let through competitive bidding and by contract to the lowest responsible bidder. The bill repeals all of these requirements.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 19.36 (12) of the statutes is created to read:

19.36 **(12)** INFORMATION RELATING TO CERTAIN EMPLOYEES. Unless access is specifically authorized or required by statute, an authority may not provide access to a record prepared or provided by an employer performing work on a project to which s. 66.0903, 103.49, or 103.50 applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, "personally identifiable information" does not include an employee's work classification, hours of work, or wage or benefit payments received for work on such a project.

SECTION 2. 66.0129 (5) of the statutes is amended to read:

66.0129 **(5)** BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts exceeding $1,000 for the construction, maintenance or repair of hospital facilities to the lowest responsible bidder after advertising for bids by the publication of a class 2 notice under ch. 985. ~~Section~~ Sections 66.0901 ~~applies~~ and 66.0903 apply to bids and contracts under this subsection.

SECTION 3. 66.0903 (1) (a), (am), (b), (cm), (dr), (em), (hm) and (im) of the statutes are created to read:

66.0903 **(1)** (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (br), "area" means the city, village, or town in which a proposed project of public works that is subject to this section is located.

(am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).

(b) "Department" means the department of workforce development.

(cm) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

(dr) "Minor service or maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years or that is performed for a town and is not funded under s. 86.31, regardless of projected life span; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer

ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(em) "Multiple–trade project of public works" has the meaning given in s. 103.49 (1) (br).

(hm) "Single–trade project of public works" has the meaning given in s. 103.49 (1) (em).

(im) "Supply and installation contract" has the meaning given in s. 103.49 (1) (fm).

SECTION 4. 66.0903 (1) (c) of the statutes is amended to read:

66.0903 **(1)** (c) "Hourly basic rate of pay" has the meaning given in s. ~~16.856~~ 103.49 (1) (b)~~, 2015 stats~~.

SECTION 5. 66.0903 (1) (f) of the statutes is amended to read:

66.0903 **(1)** (f) "Prevailing hours of labor" has the meaning given in s. ~~16.856~~ 103.49 (1) ~~(e), 2015 stats.~~ (c).

SECTION 6. 66.0903 (1) (g) of the statutes is repealed and recreated to read:

66.0903 **(1)** (g) 1. "Prevailing wage rate" has the meaning given in s. 103.49 (1) (d).

SECTION 7. 66.0903 (1) (j) of the statutes is amended to read:

66.0903 **(1)** (j) "Truck driver" ~~includes an owner–operator of a truck~~ has the meaning given in s. 103.49 (1) (g).

SECTION 8. 66.0903 (1m) (b) of the statutes is amended to read:

66.0903 **(1m)** (b) The legislature finds that the enactment of ordinances or other enactments by local governmental units requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be

paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor would be logically inconsistent with, would defeat the purpose of, and would go against the ~~repeals~~ spirit of this section and the repeal of s. 66.0904, 2009 stats.~~, and s. 66.0903 (2) to (12), 2013 stats.~~ Therefore, this section shall be construed as an enactment of statewide concern for the ~~purposes of facilitating broader participation with respect to bidding on projects of public works, ensuring that wages accurately reflect market conditions, providing local governments with the flexibility to reduce costs on capital projects, and reducing spending at all levels of government in this state~~ purpose of providing uniform prevailing wage rate and prevailing hours of labor requirements throughout the state.

SECTION 9. 66.0903 (2) to (12) of the statutes are created to read:

66.0903 **(2)** APPLICABILITY. Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for a local governmental unit, including all of the following:

(a) A highway, street, bridge, building, or other infrastructure project.

(b) A project erected, constructed, repaired, remodeled, or demolished by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

(c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of the facility.

(d) A road, street, bridge, sanitary sewer, or water main project in which the completed road, street, bridge, sanitary sewer, or water main is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

(3) PREVAILING WAGE RATES AND HOURS OF LABOR. (am) A local governmental unit, before making a contract by direct negotiation or soliciting bids on a contract for the erection, construction, remodeling, repairing, or demolition of any project of public works, shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work contemplated. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects of public works that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting local governmental unit.

(ar) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(av) In determining prevailing wage rates under par. (am) or (ar), the department may not use data from projects that are subject to this section, s. 103.49

or 103.50, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 103.49 or 103.50, or 40 USC 3142. In determining prevailing wage rates under par. (am) or (ar), the department may not use data from any construction work that is performed by a local governmental unit or a state agency.

(bm) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(br) In addition to the recalculation under par. (bm), the local governmental unit that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the local governmental unit submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located and on which some work has been

performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (ar). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(dm) A local governmental unit that is subject to this section shall include a reference to the prevailing wage rates determined by the department and to the prevailing hours of labor in the notice published for the purpose of securing bids for the project of public works. Except as otherwise provided in this paragraph, if any contract or subcontract for a project of public works is entered into, the prevailing wage rates determined by the department and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(e) No contractor, subcontractor, or contractor or subcontractor's agent that is subject to this section may do any of the following:

1. Pay an individual performing the work described in sub. (4) less than the prevailing wage rate in the same or most similar trade or occupation determined under this subsection.

2. Allow an individual performing the work described in sub. (4) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor or subcontractor's agent pays the

individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual's hourly basic rate of pay.

(4) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays the employee for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employee's hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project of public works that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

(c) A person subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.

(5) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A single-trade project of public works for which the estimated project cost of completion is less than $48,000, a multiple-trade project of public works for which the estimated project cost of completion is less than $100,000, or, in the case of a multiple-trade project of public works erected, constructed, repaired, remodeled, or demolished by a private contractor for a city or village having a population of less than 2,500 or for a town, a multiple-trade project of public works for which the estimated project cost of completion is less than $234,000.

(b) Work performed on a project of public works for which the local governmental unit contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(f) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.

(g) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

(8) POSTING. A local governmental unit that has contracted for a project of public works shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project, or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.

(9) COMPLIANCE. (a) When the department finds that a local governmental unit has not requested a determination under sub. (3) (am) or that a local governmental unit, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under this section or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (3) (dm), the department shall notify the local governmental unit, contractor, or subcontractor of the noncompliance and shall file

the determination with the local governmental unit, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A local governmental unit may not authorize a final payment until the affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of the final payment.

(10) RECORDS; INSPECTION; ENFORCEMENT. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating

the name and trade or occupation of every individual performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.

(b) The department or the contracting local governmental unit may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4–week period. The department may request that a contractor, subcontractor, or agent submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for obtaining that information. Certified records submitted to the

department under this paragraph are open for public inspection and copying under s. 19.35 (1).

(d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that s. 103.005 (12) (a) does not apply to a person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar). Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section, including proceedings under sub. (11) (a).

(11) LIABILITY AND PENALTIES. (a) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided under subd. 2. or 3., whichever is applicable.

2. If the department determines upon inspection under sub. (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both. Each day that any violation continues is a separate offense.

2. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the

individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

3. Any individual employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

5. Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed

under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

6. Subdivision 1. does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar).

(12) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit applying for a determination under sub. (3) of the names of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with each name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A local governmental unit may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.

(d) Any person submitting a bid or negotiating a contract on a project of public works that is subject to this section shall, on the date the person submits the bid or negotiates the contract, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date the person submits the bid or negotiates the contract or at any other time within 3 years preceding the date the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 10. 84.41 (3) of the statutes is created to read:

84.41 **(3)** EMPLOYMENT REGULATIONS. Employment regulations set forth in s. 103.50 pertaining to wages and hours shall apply to all projects constructed under s. 84.40 in the same manner as such laws apply to projects on other state highways. Where applicable, the federal wages and hours law known as the Davis-Bacon act shall apply.

SECTION 11. 84.54 of the statutes, as created by 2017 Wisconsin Act 368, is repealed.

SECTION 12. 86.51 of the statutes, as created by 2017 Wisconsin Act 368, is repealed.

SECTION 13. 103.005 (12) (a) of the statutes is amended to read:

103.005 **(12)** (a) If any employer, employee, owner, or other person violates chs. 103 to 106, or fails or refuses to perform any duty required under chs. 103 to 106, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department or any judgment or decree made by any court in connection with chs. 103 to 106, for each such violation, failure or refusal, the employer, employee, owner or other person shall forfeit not less than $10 nor more than $100 for each offense. <u>This paragraph does not apply to any person that fails to provide any information to the department to assist the department in determining prevailing wage rates or prevailing hours of labor under s. 103.49 (3) (a) or (am) or 103.50 (3) or (4).</u>

SECTION 14. 103.49 of the statutes is created to read:

103.49 Wage rate on state work. (1) DEFINITIONS. In this section:

(a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (c), "area" means the city, village, or town in which a proposed project of public works that is subject to this section is located.

(am) "Bona fide economic benefit" means an economic benefit for which an employer makes irrevocable contributions to a trust or fund created under 29 USC

186 (c) or to any other bona fide plan, trust, program, or fund no less often than quarterly or, if an employer makes annual contributions to such a bona fide plan, trust, program, or fund, for which the employer irrevocably escrows moneys at least quarterly based on the employer's expected annual contribution.

(b) "Hourly basic rate of pay" means the hourly wage paid to any employee, excluding any contributions or payments for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefits, whether paid directly or indirectly.

(bg) "Insufficient wage data" means less than 500 hours of work performed in a particular trade or occupation on projects that are similar to a proposed project of public works that is subject to this section.

(bj) "Minor service or maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(br) "Multiple–trade project of public works" means a project of public works in which no single trade accounts for 85 percent or more of the total labor cost of the project.

(c) "Prevailing hours of labor" for any trade or occupation in any area means 10 hours per day and 40 hours per week and may not include any hours worked on a Saturday or Sunday or on any of the following holidays:

1. January 1.

2. The last Monday in May.

3. July 4.

4. The first Monday in September.

5. The 4th Thursday in November.

6. December 25.

7. The day before if January 1, July 4, or December 25 falls on a Saturday.

8. The day following if January 1, July 4, or December 25 falls on a Sunday.

(d) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for a majority of the hours worked in the trade or occupation on projects in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest–paid 51 percent of hours worked in that trade or occupation on projects in that area.

(em) "Single–trade project of public works" means a project of public works in which a single trade accounts for 85 percent or more of the total labor cost of the project.

(f) "State agency" means any office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. "State agency" also includes the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Wisconsin Aerospace Authority.

(fm) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts, and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

(g) "Truck driver" includes an owner–operator of a truck.

(1m) APPLICABILITY. Subject to sub. (3g), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for the state or a state agency, including all of the following:

(a) A project erected, constructed, repaired, remodeled, or demolished by one state agency for another state agency under any contract or under any statute specifically authorizing cooperation between state agencies.

(b) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or a state agency contracting for the erection, construction, repair, remodeling, or demolition of the facility.

(c) A sanitary sewer or water main project in which the completed sanitary sewer or water main is acquired by, or dedicated to, the state for ownership or maintenance by the state.

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract made for the erection, construction, remodeling, repairing, or demolition of any project of public works to which the state or any state agency is a party shall contain a stipulation that no individual performing the work described in sub. (2m) may be allowed to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such individual may be allowed or required to work more than such prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (3) in the same or most similar trade or occupation in the area in which the project of public works is situated. The notice published for the purpose of securing bids for the project must contain a reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor. Except as otherwise provided in this subsection, if any contract or subcontract for a project of public works that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours

per day or per week than the prevailing hours of labor, unless the person pays for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project of public works, and transport that excavated material or spoil away from the site of the project.

(c) A person that is subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.

(3) INVESTIGATION; DETERMINATION. (a) Before a state agency issues a request for bids for any work to which this section applies, the state agency having the authority to prescribe the specifications shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting state agency. A state agency that has contracted for a project of public works subject to this section shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (6m) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project.

(am) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in

addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(ar) In determining prevailing wage rates under par. (a) or (am), the department may not use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142. In determining prevailing wage rates under par. (a) or (am), the department may not use data from any construction work performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).

(b) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(c) In addition to the recalculation under par. (b), the state agency that requested the determination under this subsection may request a review of any

portion of a determination within 30 days after the date of issuance of the determination if the state agency submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located on which some work has been performed during the current survey period and that were considered by the department in issuing its most recent compilation under par. (am). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(3g) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A single–trade project of public works for which the estimated project cost of completion is less than $48,000 or a multiple–trade project of public works for which the estimated project cost of completion is less than $100,000.

(b) Work performed on a project of public works for which the state or the state agency contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(f) A public highway, street, or bridge project.

(g) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.

(h) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to, the state for ownership or maintenance by the state.

(4r) COMPLIANCE. (a) When the department finds that a state agency has not requested a determination under sub. (3) (a) or that a state agency, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2), the department shall notify the state agency, contractor or subcontractor of the noncompliance and shall file the determination with the state agency, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an

affidavit under par. (b) from each of the contractor's agents and subcontractors. A state agency may not authorize a final payment until the affidavit is filed in proper form and order. If a state agency authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (2m) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

(5) RECORDS; INSPECTION; ENFORCEMENT. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every individual performing the work described in sub. (2m) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.

(b) The department shall enforce this section. The department may demand and examine, and every contractor, subcontractor, and contractor's and subcontractor's agent shall keep, and furnish upon request by the department, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of this chapter relating to the examination of records. Section 111.322 (2m) applies to discharge and

other discriminatory acts arising in connection with any proceeding under this section.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4–week period. The department may request a contractor, subcontractor, or agent to submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for obtaining that information. Certified records submitted to the department under this paragraph are open for public inspection and copying under s. 19.35 (1).

(6m) LIABILITY AND PENALTIES. (ag) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2. or 3., whichever is applicable.

2. If the department determines upon inspection under sub. (5) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid

less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(am) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not

more than $200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.

(b) Whoever induces an individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any individual who is employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless

the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(e) Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(f) Paragraph (am) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (a) or (am).

(7) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies a list of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with any name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public

works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.

(d) Any person submitting a bid on a project of public works that is subject to this section shall, on the date the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person if the person is a business, owns or has owned at least a 25 percent interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 15. 103.50 of the statutes is created to read:

103.50 Highway contracts. (1) DEFINITIONS. In this section:

(a) "Area" means the county in which a proposed project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the

department determines that there is insufficient wage data in those counties, "area" means the entire state.

(b) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).

(bg) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

(c) "Prevailing hours of labor" has the meaning given in s. 103.49 (1) (c).

(d) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation in the area is paid, "prevailing wage rate" means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest–paid 51 percent of hours worked in that trade or occupation in that area.

(e) "Truck driver" has the meaning given in s. 103.49 (1) (g).

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. No contractor, subcontractor, agent, or other person performing any work on a project under a contract based on bids as provided in s. 84.06 (2) to which the state is a party for the construction or improvement of any highway may do any of the following:

(a) Pay an individual performing the work described in sub. (2m) less than the prevailing wage rate in the area in which the work is to be done determined under sub. (3).

(b) Allow an individual performing the work described in sub. (2m) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor or subcontractor's agent pays the individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual's hourly basic rate of pay.

(2g) NONAPPLICABILITY. This section does not apply to a single-trade project of public works, as defined in s. 103.49 (1) (em), for which the estimated project cost of completion is less than $48,000 or a multiple-trade project of public works, as defined in s. 103.49 (1) (br), for which the estimated project cost of completion is less than $100,000.

(2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial

establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project and return to the site of the project.

(c) A contractor, subcontractor, agent, or other person performing work on a project subject to this section shall pay a truck driver who is an owner–operator of a truck separately for his or her work and for the use of his or her truck.

(3) INVESTIGATIONS; DETERMINATIONS. The department shall conduct investigations and hold public hearings necessary to define the trades or occupations that are commonly employed in the highway construction industry and to inform the department of the prevailing wage rates in all areas of the state for those trades or occupations, in order to ascertain and determine the prevailing wage rates accordingly.

(4) CERTIFICATION OF PREVAILING WAGE RATES. The department of workforce development shall, by May 1 of each year, certify to the department of transportation the prevailing wage rates in each area for all trades or occupations commonly employed in the highway construction industry. The certification shall, in addition to the current prevailing wage rates, include future prevailing wage rates when such prevailing wage rates can be determined for any such trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. The certification shall also include wage rates for work performed on Sundays or the holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day or night when work is performed. If a construction project extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(4m) WAGE RATE DATA. In determining prevailing wage rates for projects that are subject to this section, the department shall use data from projects that are subject to this section, s. 66.0903 or 103.49, or 40 USC 3142. In determining prevailing wage rates for those projects, the department may not use data from any construction work that is performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).

(5) APPEALS TO GOVERNOR. If the department of transportation considers any determination of the department of workforce development of the prevailing wage rates in an area to be incorrect, it may appeal to the governor, whose determination is final.

(6) CONTENTS OF CONTRACTS. The department of transportation shall include a reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor in the notice published for the purpose of securing bids for a project.

Except as otherwise provided in this subsection, if any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department of workforce development, that department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. The department of transportation shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (7) in at least one conspicuous place that is easily accessible to the employees on the site of the project.

(7) PENALTIES. (a) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any individual employed on a project that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(e) Any individual employed on a project that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(f) Paragraph (a) does not apply to any individual who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) or (4).

(8) ENFORCEMENT AND PROSECUTION. The department of transportation shall require adherence to subs. (2), (2m), and (6). The department of transportation may

demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep and furnish upon request by the department of transportation, copies of payrolls and other records and information relating to compliance with this section. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall investigate as necessary and prosecute violations in a court of competent jurisdiction. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

SECTION 16. 103.503 (1) (a) of the statutes is amended to read:

103.503 **(1)** (a) "Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted or could have resulted in death, personal injury, or property damage and that occurred while the employee was performing the work described in s. 66.0903 (4)~~, 2013 stats.,~~ or ~~s. 16.856~~ 103.49 (2m)~~, 2015 stats.,~~ on a project of public works or while the employee was performing work on a public utility project.

SECTION 17. 103.503 (1) (e) of the statutes is amended to read:

103.503 **(1)** (e) "Employee" means a laborer, worker, mechanic, or truck driver who performs the work described in s. 66.0903 (4)~~, 2013 stats.,~~ or ~~s. 16.856~~ 103.49 (2m)~~, 2015 stats.,~~ on a project of public works or on a public utility project.

SECTION 18. 103.503 (1) (g) of the statutes is repealed and recreated to read:

103.503 **(1)** (g) "Project of public works" means a project of public works that is subject to s. 66.0903 or 103.49.

SECTION 19. 103.503 (2) of the statutes is amended to read:

103.503 **(2)** SUBSTANCE ABUSE PROHIBITED. No employee may use, possess, attempt to possess, distribute, deliver, or be under the influence of a drug, or use or

be under the influence of alcohol, while performing the work described in s. 66.0903 (4)~~, 2013 stats.,~~ or ~~s. 16.856~~ 103.49 (2m)~~, 2015 stats.,~~ on a project of public works or while performing work on a public utility project. An employee is considered to be under the influence of alcohol for purposes of this subsection if he or she has an alcohol concentration that is equal to or greater than the amount specified in s. 885.235 (1g) (d).

SECTION 20. 103.503 (3) (a) 2. of the statutes is amended to read:

103.503 **(3)** (a) 2. A requirement that employees performing the work described in s. 66.0903 (4)~~, 2013 stats.,~~ or ~~s. 16.856~~ 103.49 (2m)~~, 2015 stats.,~~ on a project of public works or performing work on a public utility project submit to random, reasonable suspicion, and post–accident drug and alcohol testing and to drug and alcohol testing before commencing work on the project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project.

SECTION 21. 104.001 (4) of the statutes is created to read:

104.001 **(4)** This section does not affect the requirement that employees employed on a public works project contracted for by a city, village, town, or county be paid at the prevailing wage rate, as defined in s. 66.0903 (1) (g), as required under s. 66.0903.

SECTION 22. 106.04 of the statutes is created to read:

106.04 Employment of apprentices on state public works projects. (1) DEFINITION. In this section, "project" means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

(2) WAIVER. If the department grants an exception or modification to any requirement in any contract for the performance of work on a project relating to the employment and training of apprentices, the department shall post that information on its Internet site, together with a detailed explanation for granting the exception or modification.

SECTION 23. 109.09 (1) of the statutes is amended to read:

109.09 **(1)** The department shall investigate and attempt equitably to adjust controversies between employers and employees ~~as to~~ regarding alleged wage claims. The department may receive and investigate any wage claim that is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employee during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ~~s.~~ ss. 66.0903, ~~2013 stats., s. 103.49, 2013 stats., s. 229.8275, 2013 stats., and s. 16.856, 2015 stats., and ss.~~ 103.02, 103.49, 103.82, ~~and~~ 104.12, and 229.8275. In pursuance of this duty, the department may sue the employer on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the

general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office of the district attorney who prosecuted the action.

SECTION 24. 111.322 (2m) (a) of the statutes is amended to read:

111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 25. 111.322 (2m) (b) of the statutes is amended to read:

111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 26. 111.322 (2m) (c) of the statutes is created to read:

111.322 **(2m)** (c) The individual files a complaint or attempts to enforce a right under s. 66.0903, 103.49, or 229.8275 or testifies or assists in any action or proceeding under s. 66.0903, 103.49, or 229.8275.

SECTION 27. 227.01 (13) (t) of the statutes is created to read:

227.01 **(13)** (t) Ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50, and 229.8275, except that any action or inaction which ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

SECTION 28. 229.682 (2) of the statutes is created to read:

229.682 **(2)** PREVAILING WAGE. The construction of a baseball park facility that is financed in whole or in part by a district is subject to s. 66.0903.

SECTION 29. 229.8275 of the statutes is created to read:

229.8275 Prevailing wage. A district may not enter into a contract under s. 229.827 with a professional football team, as described in s. 229.823, or a related party that requires the team or related party to acquire and construct or renovate football stadium facilities that are part of any facilities that are leased by the district to the team or to a related party unless the professional football team or related party agrees to all of the following:

(1) Not to allow any employee working on the football stadium facilities who would be entitled to receive the prevailing wage rate under s. 66.0903 and who would not be required or allowed to work more than the prevailing hours of labor, if the football stadium facilities were a project of public works subject to s. 66.0903, to be paid less than the prevailing wage rate or to be required or allowed to work more than the prevailing hours of labor, except as allowed under s. 66.0903 (4) (a).

(2) To require any contractor, subcontractor, or agent of a contractor or subcontractor performing work on the football stadium facilities to keep and allow inspection of records in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing work on a project of public works that is subject to s. 66.0903 is required to keep and allow inspection of records under s. 66.0903 (10).

(3) To comply with s. 66.0903 in the same manner as a local governmental unit contracting for the erection, construction, remodeling, repairing, or demolition of a project of public works is required to comply with s. 66.0903 and to require any contractor, subcontractor, or agent of a contractor or subcontractor performing work on the football stadium facilities to comply with s. 66.0903 in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing

work on a project of public works that is subject to s. 66.0903 is required to comply with s. 66.0903.

SECTION 30. 946.15 of the statutes is created to read:

946.15 Public construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any individual who seeks to be or is employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to give up, waive, or return any part of the compensation to which that individual is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

(2) Any individual employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which

a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the individual works part–time on a project on which a prevailing wage rate determination has been issued and part–time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any individual who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to allow any part of the wages to which that individual is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the individual's pay is guilty of a Class I felony, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(4) Any individual employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who allows any part of the wages to which that individual is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

SECTION 31. 978.05 (6) (a) of the statutes is amended to read:

978.05 **(6)** (a) Institute, commence, or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ch.

980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8), 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under chs. 48 and 938 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority of the county board to designate, under s. 48.09 (5), that the corporation counsel provide representation as specified in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the interests of the public under s. 48.14 or 938.14.

SECTION 9350. Initial applicability; Workforce Development.

(1) PREVAILING WAGE. The appropriate provisions regarding prevailing wage first apply, with respect to a project of public works that is subject to bidding, to a project for which the request for bids is issued on the effective date of this subsection and, with respect to a project of public works that is not subject to bidding, to a project the contract for which is entered into on the effective date of this subsection.

(2) DISCRIMINATION. The treatment of ss. 66.0903 (10) (d), 111.322 (2m) (c), and 229.8275 first applies to acts of discrimination that occur on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0965/P2
EHS:cdc

DOA:.....Bork, BB0122 – Foster care and kinship care rates

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Foster and kinship care rates

The bill increases the rates that are paid to a foster parent or a kinship care relative (a relative other than a parent) who is providing care and maintenance for a child.

The bill increases the monthly basic maintenance rates that are paid by the state or a county to a foster parent for the care and maintenance of a child by 2 percent beginning on January 1, 2020, and by an additional 2 percent beginning on January 1, 2021. Beginning on January 1, 2020, the monthly rates are $249 for a child of any age in a foster home certified to provide level one care and, for a foster home certified to provide higher than level one care, $412 for a child under five years of age, $451 for a child 5 to 11 years of age, $512 for a child 12 to 14 years of age, and $534 for a child 15 years of age or over. Beginning on January 1, 2021, the monthly rates are increased to $254 for a child of any age in a foster home certified to provide level one care and, for a foster home certified to provide higher than level one care, $420 for a child under five years of age, $460 for a child 5 to 11 years of age, $522 for a child 12 to 14 years of age, and $545 for a child 15 years of age or over.

The bill also increases the monthly basic maintenance rates that are paid by the state or a county to a kinship care relative (a relative other than a parent) who is

providing care and maintenance for a child. These rates are the same as for a foster home certified to provide level one care.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make payments in the amount of ~~$238~~ $249 per month beginning on January 1, ~~2018~~ 2020, and ~~$244~~ $254 per month beginning on January 1, ~~2019~~ 2021, to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 2. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 **(3n)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments for each child in the amount of ~~$238~~ $249 per month beginning on January 1, ~~2018~~ 2020, and ~~$244~~ $254 per month beginning on January 1, ~~2019~~ 2021, to a long–term kinship care relative who is

providing care and maintenance for that child if all of the following conditions are met:

SECTION 3. 48.62 (4) of the statutes is amended to read:

48.62 **(4)** Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, ~~2018~~ 2020, the rates are ~~$238~~ $249 for care and maintenance provided for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a foster home that is certified to provide care at a level of care that is higher than level one care, ~~$394~~ $412 for a child under 5 years of age; ~~$431~~ $451 for a child 5 to 11 years of age; ~~$490~~ $512 for a child 12 to 14 years of age; and ~~$511~~ $534 for a child 15 years of age or over. Beginning on January 1, ~~2019~~ 2021, the rates are ~~$244~~ $254 for care and maintenance provided for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a foster home that is certified to provide care at a level of care that is higher than level one care, ~~$404~~ $420 for a child under 5 years of age; ~~$442~~ $460 for a child 5 to 11 years of age; ~~$502~~ $522 for a child 12 to 14 years of age; and ~~$524~~ $545 for a child 15 years of age or over. In addition to these grants for basic maintenance, the department, county department, or licensed child welfare agency shall make supplemental payments for foster care to a foster home that is receiving an age–related rate under this subsection that are commensurate with the level of care that the foster home is certified to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 9406. Effective dates; Children and Families.

(1) FOSTER CARE AND KINSHIP CARE RATES. The treatment of ss. 48.57 (3m) (am) (intro.) and (3n) (am) (intro.) and 48.62 (4) takes effect on January 1, 2020, or on the day after publication, whichever is later.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0974/1
ARG:kjf

DOA:.....Kretschmann, BB0178 – Early College Credit Changes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. The Early College Credit and Dual Enrollment Programs

This bill eliminates the Early College Credit Program. Under the ECCP, a high school pupil, including a high school pupil attending a private school, may enroll in an institution of higher education for the purpose of taking one or more courses to earn high school credit or postsecondary credit or both. An institution of higher education is defined to mean an institution within the UW System, a tribally controlled college, or a private, nonprofit institution of higher education located in this state. The cost of tuition for each course is divided among the state, the school board of the pupil's school or the governing body of the private school the pupil attends, and the pupil. The share that each responsible party pays is dependent on whether the course is taken for high school credit or postsecondary credit and whether a course similar to the course taken at the institution of higher education is comparable to a course offered by the school district or private school.

The bill replaces the ECCP with a requirement that the UW System implement a program to provide tuition-free courses to high school students. See EDUCATION – HIGHER EDUCATION.

This bill also eliminates a program under which high school students may take courses at technical colleges. Under this program, a public school pupil who satisfies

certain criteria, including providing timely notice to the pupil's school district, may apply to attend a technical college for the purpose of taking one or more courses. With an exception, the technical college district board must admit the pupil to the technical college if the pupil meets course prerequisites and there is space available in the course. The pupil is eligible to receive both high school and technical college credit for courses successfully completed at the technical college. If the course is not comparable to courses offered in the school district, the school district must pay to the technical college the pupil's tuition and fees for each course taken for high school credit, and the pupil is not responsible for any portion of the tuition and fees for the course.

The bill replaces this program with a requirement that the technical college districts implement a program to provide tuition–free courses to high school students. See EDUCATION – HIGHER EDUCATION.

HIGHER EDUCATION

1. Dual enrollment at UW schools and technical colleges

This bill requires the Board of Regents of the UW System and technical college district boards to establish policies and implement programs under which students attending high school in this state are admitted, respectively, to the UW System or technical colleges as nondegree students and may enroll in courses offered for credit at a UW System school or technical college. The student must meet the requirements and prerequisites of the course and there must be space available in the course. In establishing the policies and implementing the program, the Board of Regents or technical college district board must consult with DPI and coordinate with the school districts and the governing bodies of private schools where the high school students are enrolled. The Board of Regents and technical college district boards may not charge tuition or fees to any high school student, or to the school district or private school in which the student is enrolled, in connection with the student's participation in the program or the student's enrollment in any course under this program. The UW school or technical college in which the student is enrolled must award postsecondary credit for any course successfully completed. The student must notify the school board of the public high school he or she attends, or the governing body of the private school he or she attends, of the student's intention to enroll in a UW school or technical college and of any course to be taken. If the student will be taking the course for high school credit, the school board or private school governing body must determine whether the course satisfies high school graduation requirements and the number of high school credits to award the student for the course, if any, and notify the student of these determinations. These programs replace the existing Early College Credit Program and dual enrollment program in technical colleges. See EDUCATION – PRIMARY AND SECONDARY EDUCATION.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (cy) of the statutes is amended to read:

20.255 **(2)** (cy) *Aid for transportation; open enrollment* ~~*and early college credit program*~~. The amounts in the schedule to reimburse parents for the costs of transportation of open enrollment pupils under ss. 118.51 (14) (b) and 118.52 (11) (b) ~~and for the payment of state aid under s. 118.55 (7g) for the transportation of pupils attending a course at an institution of higher education and receiving credit for the course under s. 118.55 (3) (b)~~.

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

SECTION 2. 20.445 (1) (d) of the statutes is repealed.

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

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

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

SECTION 4. 36.11 (3) (b) of the statutes is amended to read:

36.11 **(3)** (b) Subject to s. 36.31 (2m), the board shall establish policies for the appropriate transfer of credits between institutions within the system, including postsecondary credits earned by a high school pupil enrolled in a course at an institution within the system under the program under s. ~~118.55~~ 36.25 (56). If the

board determines that postsecondary credits earned by a high school pupil under the program under s. ~~118.55~~ 36.25 (56) are not transferable under this paragraph, the board shall permit the individual to take an examination to determine the individual's competency in the subject area of the course and, if the individual receives a passing score on the examination, shall award equivalent credits to the individual.

SECTION 5. 36.11 (3) (c) of the statutes is amended to read:

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

SECTION 6. 36.25 (56) of the statutes is created to read:

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

(b) The board shall establish policies and implement a program under which students attending high school in this state are admitted to the system as nondegree

students and may enroll in courses of instruction offered for transcripted credit at any institution if all of the following apply:

1. The student meets the requirements and prerequisites of the course.

2. There is space available in the course.

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

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

2. If the public school student specifies in the notice under subd. 1. that he or she intends to take a course at an institution for high school credit, the school board shall determine whether the course satisfies any of the high school graduation requirements under s. 118.33 and the number of high school credits to award the student for the course, if any. If the student attending a private school specifies in the notice under subd. 1. that he or she intends to take a course at an institution for high school credit, the governing body of the participating private school shall

determine whether the course satisfies any requirements necessary for high school graduation and the number of high school credits to award the student for the course, if any. In cooperation with the system, the state superintendent shall develop guidelines to assist school districts and participating private schools in making the determinations. The school board or governing body shall notify the student of its determinations, in writing, before the beginning of the semester in which the student will be enrolled. If the public school student disagrees with the school board's decision regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded, the student may appeal the school board's decision to the state superintendent within 30 days after the decision. The state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227. If the student attending a participating private school disagrees with any decision of a governing body under this subdivision, the student may appeal the decision to the governing body within 30 days after the decision.

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

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

SECTION 7. 36.27 (1) (a) of the statutes is amended to read:

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

SECTION 8. 38.04 (11) (a) 2. of the statutes is amended to read:

38.04 **(11)** (a) 2. In consultation with the state superintendent of public instruction, the board shall establish, by rule, a uniform format for district boards to use in reporting the number of pupils attending district schools under ~~ss. 38.12 (14) and~~ s. 118.15 (1) (b), (cm), and (d) and in reporting pupil participation in technical preparation programs under s. 118.34, including the number of courses taken for advanced standing in the district's associate degree program ~~and for technical college credit~~.

SECTION 9. 38.04 (21) (a) of the statutes is amended to read:

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

SECTION 10. 38.04 (21) (c) of the statutes is repealed.

SECTION 11. 38.12 (14) of the statutes is repealed.

SECTION 12. 38.12 (15) of the statutes is created to read:

38.12 **(15)** DUAL ENROLLMENT PROGRAM. (a) In this subsection, "transcripted credit" means that the technical college in which a high school student is enrolled under this subsection awards postsecondary credit for successful course completion

and issues a transcript from the technical college documenting successful completion of the course and the credits awarded for the course, if such a transcript is requested.

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

1. The student meets the requirements and prerequisites of the course.

2. There is space available in the course.

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

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

2. If the public school student specifies in the notice under subd. 1. that he or she intends to take a course at a technical college for high school credit, the school

board shall determine whether the course satisfies any of the high school graduation requirements under s. 118.33 and the number of high school credits to award the student for the course, if any. If the student attending a private school specifies in the notice under subd. 1. that he or she intends to take a course at a technical college for high school credit, the governing body of the participating private school shall determine whether the course satisfies any requirements necessary for high school graduation and the number of high school credits to award the student for the course, if any. In cooperation with the board and district boards, the state superintendent shall develop guidelines to assist school districts and participating private schools in making the determinations. The school board or governing body shall notify the student of its determinations, in writing, before the beginning of the semester in which the student will be enrolled. If the public school student disagrees with the school board's decision regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded, the student may appeal the school board's decision to the state superintendent within 30 days after the decision. The state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227. If the student attending a participating private school disagrees with any decision of a governing body under this subdivision, the student may appeal the decision to the governing body within 30 days after the decision.

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

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

SECTION 13. 38.22 (1) (intro.) of the statutes is amended to read:

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

SECTION 14. 38.28 (1m) (a) 1. of the statutes is amended to read:

38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under ss. 38.12 (9) ~~and (14)~~, 38.14 (3) and (9), and 118.15 (2) (a), all receipts from grants awarded under ss. 38.04 (8), (28), and (31), 38.14 (11), 38.26, 38.27, 38.31, 38.33, 38.38, and 38.42, all fees collected under s. 38.24, and driver education and chauffeur training aids.

SECTION 15. 106.125 of the statutes is repealed.

SECTION 16. 115.28 (54m) of the statutes is amended to read:

115.28 **(54m)** NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the department's Internet site a link to information about all of the educational options

available to children in the state who are at least 3 years old but not yet 18 years old, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full–time or part–time open enrollment in a nonresident school district, the ~~early college credit program~~ programs under ss. 36.25 (56) and 38.12 (15), and options for pupils enrolled in a home–based private educational program.

SECTION 17. 115.385 (1) (d) 1. of the statutes is repealed.

SECTION 18. 115.385 (4) of the statutes is amended to read:

115.385 **(4)** Annually, each public school, including a charter school, and each private school participating in a parental choice program under s. 118.60 or 119.23 shall provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in or attending the school. Each school shall simultaneously provide to the parent or guardian of each pupil enrolled in the school a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full–time or part–time open enrollment in a nonresident school district, the ~~early college credit program~~ programs under ss. 36.25 (56) and 38.12 (15), and options for pupils enrolled in a home–based private educational program.

SECTION 19. 118.33 (3m) of the statutes is amended to read:

118.33 **(3m)** A course taken at a technical college by a child attending the school part–time or in lieu of high school under s. 118.15 (1) (b), or attending the school under s. 118.15 (1) (cm), does not fulfill any of the high school graduation requirements under sub. (1) (a) unless the state superintendent has approved the course for that purpose. If a pupil satisfies all of the high school graduation

requirements under subs. (1) and (1m) (a), the school board shall grant a high school diploma to the pupil regardless of whether the pupil satisfied all or a portion of the requirements while attending an institution of ~~higher education~~ the University of Wisconsin System under s. ~~118.55~~ 36.25 (56) or a technical college under s. 38.12 (15).

SECTION 20. 118.55 of the statutes is repealed.

SECTION 21. 118.57 (1) of the statutes is amended to read:

118.57 **(1)** Annually, by January 31, each school board shall publish as a class 1 notice, under ch. 985, and post on its Internet site a description of the educational options available to children in the school district, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full–time or part–time open enrollment in a nonresident school district, and the ~~early college credit program~~ programs under ss. 36.25 (56) and 38.12 (15).

SECTION 22. 120.12 (17) of the statutes is repealed.

SECTION 23. 121.05 (1) (a) 5. of the statutes is amended to read:

121.05 **(1)** (a) 5. Pupils attending a technical college under s. 118.15 (1) (b) ~~and pupils attending an institution of higher education under s. 118.55~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0994/P2
EAW:ahe

DOA:.....Bork, BB0121 – Provide funding for American Indian tribes to fund a youth wellness center.

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

1. Youth wellness program

This bill provides funding to American Indian tribes to fund architectural plans for a youth wellness center.

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

2 **SECTION 1.** 20.505 (1) (kp) of the statutes is created to read:

3 20.505 **(1)** (kp) *Youth wellness center.* The amounts in the schedule to provide
4 funding to American Indian tribes to create architectural plans for a youth wellness
5 center. All moneys transferred from the appropriation account under sub. (8) (hm)
6 14. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a),

the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

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

SECTION 2. 20.505 (8) (hm) 14. of the statutes is created to read:

20.505 **(8)** (hm) 14. The amount transferred to sub. (1) (kp) shall be the amount in the schedule under sub. (1) (kp).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–0995/P2
KP:ahe&cdc

DOA:.....Mott, BB0129 – Repeal chiropractic examination appropriation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

1. Repeal chiropractic examination appropriation

This bill eliminates the appropriation for developing and administering examinations required for obtaining a chiropractic license. The requirement to successfully complete an examination administered by the Chiropractic Examining Board was replaced by 2013 Wisconsin Act 20 with a requirement to successfully complete an examination administered by the National Board of Chiropractic Examiners.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.165 (1) (gc) of the statutes is repealed.

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

SECTION 9238. Fiscal changes; Safety and Professional Services.

(1) CHIROPRACTIC EXAMINATION APPROPRIATION. The unencumbered balance in the appropriation account under s. 20.165 (1) (gc), 2017 stats., is transferred to the appropriation account under s. 20.165 (1) (g).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0996/P1
ARG:ahe

DOA:.....Mott, BB0132 – Outcomes-based funding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Distribution of performance-based funding for UW Schools

This bill specifies the UW System institutions eligible to receive performance funding after the UW System's restructuring under the plan approved by the Higher Learning Commission on or about June 28, 2018.

Current law requires the Board of Regents of the UW System to identify at least four metrics to measure a UW System institution's progress toward meeting each of 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. An institution includes the extension, but the Board of Regents may specify different metrics for the extension. The Board of Regents must develop a formula for distributing money to UW System institutions based on each institution's performance with respect to these metrics. The Board of Regents must submit this formula to JCF for approval before using the formula to distribute money. The amount of money allocated for distribution under the formula is $26,250,000 in each fiscal year.

This bill modifies the definition of an institution for purposes of performance funding. Under the bill, an institution eligible to receive performance funding, based on the Board of Regents' metrics and distribution formula, is any of the following:

1. A four–year UW System school, including any two–year UW System school associated with it as a branch campus under the UW System restructuring plan.

2. Any operational unit of the UW–Madison assigned former functions of the UW–Extension as a result of the UW System restructuring.

3. Any operational unit of the UW System administration assigned former functions of the UW–Extension as a result of the UW System restructuring.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

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

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

2. Any operational unit of the University of Wisconsin–Madison assigned former functions of the University of Wisconsin–Extension as a result of the system restructuring.

3. Any operational unit of system administration assigned former functions of the University of Wisconsin–Extension as a result of the system restructuring.

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

SECTION 3. 36.112 (2) (b) of the statutes is amended to read:

36.112 **(2)** (b) For each goal specified in par. (a), the Board of Regents shall identify at least 4 metrics to measure an institution's progress toward meeting the

goal. As the Board of Regents determines is appropriate, the board may specify different metrics for ~~the extension~~ an institution described in sub. (1) (a) 2. or 3.

SECTION 4. 36.112 (7) (c) of the statutes is amended to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1001/P1
MDK:emw

DOA:.....Mott, BB0130 – UW resident undergraduate tuition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

The bill prohibits the Board of Regents of the UW System from charging resident undergraduate academic fees in the 2019–20 and 2020–21 academic years that are more than the fees charged in the 2018–19 academic year.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) RESIDENT UNDERGRADUATE TUITION. Notwithstanding s. 36.27 (1) (a), the Board of Regents of the University of Wisconsin System may not charge resident

undergraduates enrolled in an institution or college campus in the 2019–20 or 2020–21 academic year more in academic fees than it charged resident undergraduates enrolled in that institution or college campus in the 2018–19 academic year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1012/P2
MIM:kjf&ahe

DOA:.....Sherwin, BB0136 – ETF appropriations adjustment

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

1. Employee trust funds appropriations

This bill eliminates certain appropriations to DETF and adjusts the appropriation from which costs for contracting for certain health insurance data collection and analysis may be paid.

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

2 **SECTION 1.** 20.515 (1) (gm) of the statutes is repealed.

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

3 **SECTION 2.** 20.515 (1) (m) of the statutes is repealed.

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

4 **SECTION 3.** 20.515 (1) (sr) of the statutes is repealed.

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

SECTION 4. 20.515 (1) (um) of the statutes is repealed.

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

SECTION 5. 20.515 (1) (ut) of the statutes is repealed.

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

SECTION 6. 40.01 (2) of the statutes is amended to read:

40.01 **(2)** PURPOSE. The public employee trust fund is a public trust and shall be managed, administered, invested and otherwise dealt with solely for the purpose of ensuring the fulfillment at the lowest possible cost of the benefit commitments to participants, as set forth in this chapter, and shall not be used for any other purpose. Revenues collected for and balances in the accounts of a specific benefit plan shall be used only for the purposes of that benefit plan, including amounts allocated under s. ~~20.515 (1) (um) or (ut) or~~ 40.04 (2), and shall not be used for the purposes of any other benefit plan. Each member of the employee trust funds board shall be a trustee of the fund and the fund shall be administered by the department of employee trust funds. All statutes relating to the fund shall be construed liberally in furtherance of the purposes set forth in this section.

SECTION 7. 40.04 (2) (a) of the statutes is amended to read:

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

****NOTE: This is reconciled s. 40.04 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: –0760/P4 and –1012/P1.

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

SECTION 9. 153.05 (2r) (intro.) of the statutes is amended to read:

153.05 **(2r)** (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the appropriation account under s. 20.515 (1) ~~(ut)~~ (w) the department of employee trust funds may expend up to $150,000, and from the appropriation accounts under s. 20.435 (1) (fn), (hg), and (hi) the department of health services, in its capacity as a public health authority, may expend moneys, to contract with a data organization to perform services under this subchapter that are specified for the data organization under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health services to perform or contract for the performance of these services. As a condition of the contract under this subsection, all of the following apply:

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1013/P4
MIM:kjf

DOA:.....Sherwin, BB0137 – ETF Internal Auditor

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

1. Internal auditor

This bill requires the ETF Board to appoint an internal auditor in the classified service who reports directly to the board.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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

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

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1015/P3
EHS:wlj

DOA:.....Hamer, BB0135 – Reauthorization of the stewardship program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

CONSERVATION

1. Warren Knowles-Gaylord Nelson Stewardship 2000 Program

This bill reauthorizes the Warren Knowles–Gaylord Nelson Stewardship 2000 Program until 2021–22 and maintains the amount that DNR may obligate under the program and each of its subprograms in each fiscal year. Current law authorizes the state to incur public debt for certain conservation activities under the stewardship program, which is administered by DNR. The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants to others to acquire land for these purposes. Current law establishes the amounts that DNR may obligate in each fiscal year through fiscal year 2019–20 for expenditure under each of these subprograms.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (ta) of the statutes is amended to read:

20.866 **(2)** (ta) *Natural resources; Warren Knowles-Gaylord Nelson stewardship 2000 program.* From the capital improvement fund a sum sufficient for the Warren Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917. The state may contract public debt in an amount not to exceed $1,046,250,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k), (5), (5g), and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this paragraph may not exceed $46,000,000 in fiscal year 2000-01, may not exceed $46,000,000 in fiscal year 2001-02, may not exceed $60,000,000 in each fiscal year beginning with fiscal year 2002-03 and ending with fiscal year 2009-10, may not exceed $86,000,000 in fiscal year 2010-11, may not exceed $60,000,000 in fiscal year 2011-12, may not exceed $60,000,000 in fiscal year 2012-13, may not exceed $47,500,000 in fiscal year 2013-14, may not exceed $54,500,000 in fiscal year 2014-15, and may not exceed $33,250,000 in each fiscal year beginning with 2015-16 and ending with fiscal year ~~2019-20~~ 2021-22.

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

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

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

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

SECTION 4. 23.0917 (3) (bm) of the statutes is amended to read:

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

SECTION 5. 23.0917 (3) (br) 2. of the statutes is amended to read:

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

SECTION 6. 23.0917 (3) (bt) 2. of the statutes is amended to read:

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

SECTION 7. 23.0917 (3) (bw) of the statutes is amended to read:

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

SECTION 8. 23.0917 (3) (dm) 7. of the statutes is amended to read:

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

SECTION 9. 23.0917 (4) (a) of the statutes is amended to read:

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

SECTION 10. 23.0917 (4) (d) 1m. e. of the statutes is amended to read:

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

SECTION 11. 23.0917 (4) (d) 2r. of the statutes is amended to read:

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

SECTION 12. 23.0917 (4) (d) 3. a. and b. of the statutes are amended to read:

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

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

SECTION 13. 23.0917 (4j) (b) of the statutes is amended to read:

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

SECTION 14. 23.0917 (5g) (a) of the statutes is amended to read:

23.0917 **(5g)** (a) Except as provided in pars. (b), (c), (d), and (e), if for a given fiscal year, the department obligates an amount from the moneys appropriated under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that is less than the annual bonding authority under that subprogram for that given fiscal year, the department may not obligate the unobligated amount in subsequent fiscal years.

This subsection applies beginning with fiscal year 2011-12 and ending with fiscal year ~~2019-20~~ 2021-22.

SECTION 15. 23.0917 (12) of the statutes is amended to read:

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

SECTION 16. 23.0953 (2) (a) (intro.) of the statutes is amended to read:

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

SECTION 17. 23.096 (2m) (intro.) of the statutes is amended to read:

23.096 **(2m)** (intro.) Notwithstanding sub. (2) (b), in each fiscal year beginning with fiscal year 2010-11 and ending with fiscal year ~~2019-20~~ 2021-22, the department may award grants under this section that equal up to 75 percent of the acquisition costs of the property if the natural resources board determines that all of the following apply:

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1018/P2
EKL:amn

DOA:.....Quinn, BB0138 – Assessment of leased property

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

1. Dark property and leased property tax assessments

This bill requires that real property be assessed for property tax purposes at its highest and best use and provides that real property includes any leases, rights, and privileges pertaining to the property, including assets that are inextricably intertwined with it. The bill also requires that an assessor determine the value of leased property by considering the lease provisions and actual rent if the provisions and rent are the result of an arm's-length transaction. In so doing, the bill reverses a 2008 decision by the Wisconsin Supreme Court that held a property tax assessment of leased retail property using the income approach must be based on market rent, which is what a person would pay based on similar rentals, rather than the actual rent. See, *Walgreen Company v. City of Madison*, 2008 WI 80, 752 N.W.2d 689 (2008). The bill also requires an assessor, when determining the value of property using generally accepted appraisal methods, to consider property as comparable to the property being assessed if the properties have the same or similar highest and best use or share certain characteristics, such as age, condition, and location. Under the bill, a property is not comparable to the property being assessed if the property is dark property or if the seller has placed restrictions on its highest and best use or that

prohibit competition, and the property being assessed is not dark property or subject to similar restrictions. The bill defines "dark property" as property that is vacant or unoccupied beyond the normal period for property in the same real estate market segment.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 70.03 (1) of the statutes is amended to read:

70.03 **(1)** In chs. 70 to 76, 78, and 79, "real property," "real estate," and "land" include not only the land itself but all buildings ~~and~~, fixtures, improvements ~~thereon, and all fixtures and~~, leases, rights, and privileges appertaining thereto, including assets that cannot be taxed separately as real property, but are inextricably intertwined with the real property, enable the real property to achieve its highest and best use, and are transferable to future owners, except as provided in sub. (2) and except that for the purpose of time–share property, as defined in s. 707.02 (32), real property does not include recurrent exclusive use and occupancy on a periodic basis or other rights, including, but not limited to, membership rights, vacation services, and club memberships. In this subsection, "lease" means a right in real estate that is related primarily to the property and not to the labor, skill, or business acumen of the property owner or tenant. In this subsection, "highest and best use" has the meaning given in s. 70.32 (1).

SECTION 2. 70.32 (1) of the statutes is amended to read:

70.32 **(1)** Real property shall be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a) at its highest and best use from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor

at private sale. In determining the value, the assessor shall consider recent arm's-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property; recent arm's-length sales of reasonably comparable property; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed. In this subsection, "arm's-length sale" means a sale between a willing buyer and willing seller, neither being under compulsion to buy or sell and each being familiar with the attributes of the property sold. In this subsection, "highest and best use" means the specific use of the property as of the current assessment date or a higher use to which the property can be expected to be put before the next assessment date, if the use is legally permissible, physically possible, not highly speculative, and financially feasible and provides the highest net return. When the current use of a property is the highest and best use of that property, value in the current use equals full market value. In this subsection, "legally permissible" does not include a conditional use that has not been granted as of the assessment date.

SECTION 3. 70.32 (1b) of the statutes is created to read:

70.32 **(1b)** In determining the value of real property under sub. (1), the assessor shall consider, as part of the valuation under sub. (1), any lease provisions and actual rent pertaining to a property and affecting its value, including the lease provisions and rent associated with a sale and leaseback of the property, if all such lease provisions and rent are the result of an arm's-length transaction involving persons who are not related, as provided under section 267 of the Internal Revenue Code for the year of the transaction. In this subsection, an "arm's-length transaction" means

an agreement between willing parties, neither being under compulsion to act and each being familiar with the attributes of the property.

SECTION 4. 70.32 (1d) of the statutes is created to read:

70.32 **(1d)** (a) To determine the value of property using generally accepted appraisal methods, the assessor shall consider all of the following as comparable to the property being assessed:

1. Sales or rentals of properties exhibiting the same or a similar highest and best use, as defined in sub. (1), with placement in the same real estate market segment.

2. Sales or rentals of properties that are similar to the property being assessed with regard to age, condition, use, type of construction, location, design, physical features, and economic characteristics, including similarities in occupancy and the potential to generate rental income. For purposes of this subdivision, such properties may be found locally, regionally, or nationally.

(b) For purposes of par. (a), a property is not comparable if any of the following applies:

1. At or before the time of sale, the seller places any deed restriction on the property that changes the highest and best use, as defined in sub. (1), of the property, or prohibits competition, so that it no longer qualifies as a comparable property under par. (a) 1. or 2. and the property being assessed lacks such a restriction.

2. The property is dark property and the property being assessed is not dark property. In this subdivision, "dark property" means property that is vacant or unoccupied beyond the normal period for property in the same real estate market segment. For purposes of this subdivision, what is considered vacant or unoccupied beyond the normal period may vary depending on the property location.

(c) For purposes of par. (a), "real estate market segment" means a pool of potential buyers and sellers that typically buy or sell properties similar to the property being assessed, including potential buyers who are investors or owner–occupants. For purposes of this paragraph, and depending on the type of property being assessed, the pool of potential buyers and sellers may be found locally, regionally, nationally, or internationally.

(d) The department of revenue shall assist local assessors with implementing and applying this subsection.

SECTION 9337. Initial applicability; Revenue.

(1) REAL PROPERTY TAX ASSESSMENTS. The treatment of ss. 70.03 (1) and 70.32 (1), (1b), and (1d) first applies to the property tax assessments as of January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1019/P2
EKL:cdc

DOA:.....Quinn, BB0139 – Repeal of the private school tuition subtraction

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Repeal of the private school tuition subtraction

The bill repeals the subtraction for private school tuition expenses that an individual may claim when determining his or her income for income tax purposes.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.05 (6) (b) 49. a. of the statutes is amended to read:

71.05 **(6)** (b) 49. a. Subject to the definitions provided in subd. 49. b. to g. and the limitations specified in subd. 49. h. to j. for taxable years beginning after

December 31, 2013, and before January 1, 2019, and subject to the limitation in subd. 49. k. for taxable years beginning after December 31, 2017, and before January 1, 2019, tuition expenses that are paid by a claimant for tuition for a pupil to attend an eligible institution.

SECTION 2. 71.05 (6) (b) 49. k. of the statutes is amended to read:

71.05 **(6)** (b) 49. k. For taxable years beginning after December 31, 2017, and before January 1, 2019, no modification may be claimed under this subdivision for an amount paid for tuition expenses, as described under this subdivision, if the source of the payment is an amount withdrawn from a college savings account, as described in s. 224.50.

SECTION 3. 71.05 (6) (b) 49. L. of the statutes is created to read:

71.05 **(6)** (b) 49. L. No new claim may be filed under this subdivision for a taxable year that begins after December 31, 2018.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1024/P1
EKL:cdc

DOA:.....Gilchrist, BB0141 - Repeal of sales tax exemption for farm-raised deer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Repeal of sales tax exemption for farm-raised deer

The bill repeals the sales and use tax exemption that applies to the sale of farm-raised deer to a person operating a hunting preserve or game farm in this state.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 77.54 (62) of the statutes is repealed.

3 **SECTION 9437. Effective dates; Revenue.**

(1) SALES AND USE TAX EXEMPTION FOR FARM-RAISED DEER. The treatment of s. 77.54 (62) takes effect on the first day of the 3rd month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1026/P2
JK:cdc

DOA:.....Quinn, BB0142 – Internal Revenue Code update

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Internal Revenue Code references

This bill adopts, for state income and franchise tax purposes, changes made to the Internal Revenue Code by the Bipartisan Budget Act and Consolidated Appropriations Act of 2018. The federal act retroactively extended, through the end of 2017, a variety of federal tax benefits for individuals and businesses, including the tuition expense deduction, the exclusion from income for forgiven mortgage debt, and tax incentives for businesses to invest in mine safety equipment or in certain communities. These provisions have always been temporary under federal law, generally expiring every one or two years, and had expired at the end of 2016. The federal act also includes several permanent provisions of limited scope, such as one allowing certain whistleblowers to fully deduct attorney fees.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.01 (6) (c) of the statutes is repealed.

SECTION 2. 71.01 (6) (j) 3. m. of the statutes is created to read:

71.01 **(6)** (j) 3. m. Sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115–141.

SECTION 3. 71.01 (6) (k) 3. of the statutes is amended to read:

71.01 **(6)** (k) 3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115–97 <u>and sections 40307 and 40413 of P.L. 115–123</u>.

SECTION 4. 71.01 (6) (L) 1. of the statutes is amended to read:

71.01 **(6)** (L) 1. For taxable years beginning after December 31, 2017, <u>and before January 1, 2019,</u> for individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in subds. 2. and 3. and s. 71.98 and subject to subd. 4.

SECTION 5. 71.01 (6) (L) 4. of the statutes is amended to read:

71.01 **(6)** (L) 4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes<u>, except that changes made by P.L. 115–63 and sections 11026, 11027, 11028, 13207,</u>

13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017.

SECTION 6. 71.01 (6) (m) of the statutes is created to read:

71.01 **(6)** (m) 1. For taxable years beginning after December 31, 2018, for individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subds. 2. and 3. and s. 71.98 and subject to subd. 4.

2. For purposes of this paragraph, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201 (a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections

40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b), and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

SECTION 7. 71.01 (7g) of the statutes is created to read:

71.01 **(7g)** For purposes of sub. (6) (b), 2013 stats., "Internal Revenue Code" includes section 109 of division U of P.L. 115-141.

SECTION 8. 71.22 (4) (c) of the statutes is repealed.

SECTION 9. 71.22 (4) (j) 3. m. of the statutes is created to read:

71.22 **(4)** (j) 3. m. Sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115-141.

SECTION 10. 71.22 (4) (k) 3. of the statutes is amended to read:

71.22 **(4)** (k) 3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after

December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115-97 and sections 40307 and 40413 of P.L. 115-123.

SECTION 11. 71.22 (4) (L) 1. of the statutes is amended to read:

71.22 **(4)** (L) 1. For taxable years beginning after December 31, 2017, and before January 1, 2019, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in subds. 2. and 3. and subject to subd. 4., and except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g), 71.42 (2), and 71.98.

SECTION 12. 71.22 (4) (L) 4. of the statutes is amended to read:

71.22 **(4)** (L) 4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by P.L. 115-63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017.

SECTION 13. 71.22 (4) (m) of the statutes is created to read:

71.22 **(4)** (m) 1. For taxable years beginning after December 31, 2018, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subds. 2. and 3. and subject to subd. 4., and except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g), 71.42 (2), and 71.98.

2. For purposes of this paragraph, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of

P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201 (a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b),

and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

SECTION 14. 71.22 (4m) (c) of the statutes is repealed.

SECTION 15. 71.22 (4m) (j) 3. m. of the statutes is created to read:

71.22 **(4m)** (j) 3. m. Sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115-141.

SECTION 16. 71.22 (4m) (k) 3. of the statutes is amended to read:

71.22 **(4m)** (k) 3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115-97 <u>and sections 40307 and 40413 of P.L. 115-123</u>.

SECTION 17. 71.22 (4m) (L) 1. of the statutes is amended to read:

71.22 **(4m)** (L) 1. For taxable years beginning after December 31, 2017, <u>and before January 1, 2019,</u> "Internal Revenue Code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in subds. 2. and 3. and s. 71.98 and subject to subd. 4.

SECTION 18. 71.22 (4m) (L) 4. of the statutes is amended to read:

71.22 **(4m)** (L) 4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes<u>, except that changes made by P.L. 115-63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017</u>.

SECTION 19. 71.22 (4m) (m) of the statutes is created to read:

71.22 **(4m)** (m) 1. For taxable years beginning after December 31, 2018, "Internal Revenue Code," for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subds. 2. and 3. and s. 71.98 and subject to subd. 4.

2. For purposes of this paragraph, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201 (a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and

(195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b), and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

SECTION 20. 71.22 (5g) of the statutes is created to read:

71.22 **(5g)** For purposes of subs. (4) (b) and (4m) (b), 2013 stats., "Internal Revenue Code" includes section 109 of division U of P.L. 115-141.

SECTION 21. 71.26 (2) (b) 3. of the statutes is repealed.

SECTION 22. 71.26 (2) (b) 10. d. of the statutes is amended to read:

71.26 **(2)** (b) 10. d. For purposes of subd. 10. a., "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2013, except that "Internal Revenue Code" includes the provisions of P.L. 113-97, P.L. 113-159, P.L. 113-168, section 302901 of P.L. 113-287, sections 171, 172, and 201 to 221 of P.L. 113-295, sections 102, 105, and 207 of division B of P.L. 113-295, P.L. 114-14, P.L. 114-26, section 2004 of P.L. 114-41, sections 503 and 504 of P.L. 114-74, sections 103, 104, 124, 168, 184, 185, 190, 204, 303, 306, 336, and 341

of division Q of P.L. 114–113, ~~and~~ P.L. 114–239, and sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115–141.

SECTION 23. 71.26 (2) (b) 11. d. of the statutes is amended to read:

71.26 **(2)** (b) 11. d. For purposes of subd. 11. a., "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115–97 and sections 40307 and 40413 of P.L. 115–123.

SECTION 24. 71.26 (2) (b) 12. a. of the statutes is amended to read:

71.26 **(2)** (b) 12. a. For taxable years beginning after December 31, 2017, and before January 1, 2019, for a corporation, conduit, or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust, or financial asset securitization investment trust under the Internal Revenue Code, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code.

SECTION 25. 71.26 (2) (b) 12. e. of the statutes is amended to read:

71.26 **(2)** (b) 12. e. For purposes of subd. 12. a., the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subdivision, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by P.L. 115–63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115–97 first apply for taxable years beginning after December 31, 2017.

SECTION 26. 71.26 (2) (b) 13. of the statutes is created to read:

71.26 **(2)** (b) 13. a. For taxable years beginning after December 31, 2018, for a corporation, conduit, or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust, or financial asset securitization investment trust under the Internal Revenue Code, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code.

b. For purposes of subd. 13. a., "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subd. 13. c. and d. and s. 71.98 and subject to subd. 13. e.

c. For purposes of subd. 13. a., "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to

171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201 (a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

d. For purposes of subd. 13. a., "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

e. For purposes of subd. 13. a., the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subdivision, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b), and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

SECTION 27. 71.26 (2) (b) 14. of the statutes is created to read:

71.26 **(2)** (b) 14. For purposes of par. (b) 2., 2013 stats., "Internal Revenue Code" includes section 109 of division U of P.L. 115-141.

SECTION 28. 71.34 (1g) (c) of the statutes is repealed.

SECTION 29. 71.34 (1g) (j) 3. m. of the statutes is created to read:

71.34 **(1g)** (j) 3. m. Sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115-141.

SECTION 30. 71.34 (1g) (k) 3. of the statutes is amended to read:

71.34 **(1g)** (k) 3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115-97 and sections 40307 and 40413 of P.L. 115-123.

SECTION 31. 71.34 (1g) (L) 1. of the statutes is amended to read:

71.34 **(1g)** (L) 1. For taxable years beginning after December 31, 2017, and before January 1, 2019, for tax option corporations, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in subds. 2., 3., and 5. and s. 71.98 and subject to subd. 4.

SECTION 32. 71.34 (1g) (L) 4. of the statutes is amended to read:

71.34 **(1g)** (L) 4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by P.L. 115-63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017.

SECTION 33. 71.34 (1g) (m) of the statutes is created to read:

71.34 **(1g)** (m) 1. For taxable years beginning after December 31, 2018, for tax option corporations, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subds. 2., 3., and 5. and s. 71.98 and subject to subd. 4.

2. For purposes of this paragraph, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L.

109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201 (a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

4. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b),

and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

5. For purposes of this paragraph, section 1366 (f) of the Internal Revenue Code (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375 of the Internal Revenue Code.

SECTION 34. 71.34 (1u) of the statutes is created to read:

71.34 **(1u)** For purposes of sub. (1g) (b), 2013 stats., "Internal Revenue Code" includes section 109 of division U of P.L. 115-141.

SECTION 35. 71.42 (2) (c) of the statutes is repealed.

SECTION 36. 71.42 (2) (j) 3. m. of the statutes is created to read:

71.42 **(2)** (j) 3. m. Sections 101 (m), (n), (o), (p), and (q) and 104 (a) of division U of P.L. 115-141.

SECTION 37. 71.42 (2) (k) 3. of the statutes is amended to read:

71.42 **(2)** (k) 3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2016, except that "Internal Revenue Code" includes sections 11024, 11025, and 13543 of P.L. 115-97 <u>and sections 40307 and 40413 of P.L. 115-123</u>.

SECTION 38. 71.42 (2) (L) 1. of the statutes is amended to read:

71.42 **(2)** (L) 1. For taxable years beginning after December 31, 2017, <u>and before January 1, 2019,</u> "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in subds. 2. to 4. and s. 71.98 and subject to subd. 5.

SECTION 39. 71.42 (2) (L) 5. of the statutes is amended to read:

71.42 **(2)** (L) 5. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by P.L. 115-63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017.

SECTION 40. 71.42 (2) (m) of the statutes is created to read:

71.42 **(2)** (m) 1. For taxable years beginning after December 31, 2018, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2018, except as provided in subds. 2. to 4. and s. 71.98 and subject to subd. 5.

2. For purposes of this paragraph, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2018: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; sections 104 and 307 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; section 1106 of P.L. 112-95; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 307, 326, and 411 of division Q of P.L. 114-113; sections 11011, 13201

(a) to (e) and (g), 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; and sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141.

3. For purposes of this paragraph, "Internal Revenue Code" does not include amendments to the federal Internal Revenue Code enacted after December 31, 2018.

4. For purposes of this paragraph, "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code.

5. For purposes of this paragraph, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this paragraph, apply for Wisconsin purposes at the same time as for federal purposes, except that changes made by sections 11012, 13221, 13301, 13304 (a) and (b), 13531, and 13601 of P.L. 115-97, 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41115, and 41116 of PL. 115-123 and section 101 (a), (b), and (h) of division U of P.L. 115-141 apply for taxable years beginning after December 31, 2018.

SECTION 41. 71.42 (2p) of the statutes is created to read:

71.42 **(2p)** For purposes of sub. (2) (b), 2013 stats., "Internal Revenue Code" includes section 109 of division U of P.L. 115-141.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1052/P3
EAW:kjf

DOA:.....Bork, BB0146 – Expanding funding for runaway and homeless youth services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Grants for services for homeless and runaway youth

This bill provides an additional $250,000 per year in funding for grants administered by DCF to support programs that provide services for homeless and runaway youth. Under current law, DCF awards $150,000 per year for this purpose.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 48.481 (3) of the statutes is repealed.

3 **SECTION 2.** 49.1385 of the statutes is amended to read:

1 **49.1385 Grants for services for homeless and runaway youth.** The
2 department may award not more than ~~$100,000~~ $400,000 in each fiscal year in
3 grants to support programs that provide services for homeless and runaway youth.
4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1112/P1
KP:amn

DOA:.....Hutter, BB0148 – Food, lodging, and recreation appropriation type change

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

1. Change in type of appropriation for regulation of food, lodging, and recreation

This bill converts a DATCP appropriation for regulation of food, lodging, and recreation from annual to continuing.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.115 (1) (gb) of the statutes is amended to read:

3 20.115 **(1)** (gb) *Food, lodging, and recreation.* ~~The amounts in the schedule for~~
4 ~~the regulation of food, lodging, and recreation under chs. 93, 97 and 98.~~ All moneys
5 received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21,

97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b), and (c) and (3s), 97.41, 97.60 to 97.65, 97.67, 98.145 and 98.146 for the regulation of food, lodging, and recreation ~~shall be credited to this appropriation~~ under chs. 93, 97, and 98.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1121/P2
TJD:kjf

DOA:.....Mott, BB0150 - Comprehensive mental health consultation program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

1. Mental health consultation program

This bill requires DHS to convene a statewide group of interested persons to develop a concept paper, business plan, and standards for a comprehensive mental health consultation program that incorporates general, geriatric, and addiction psychiatry, a perinatal psychiatry consultation program, and the child psychiatry consultation program, which operates under current law.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.435 (5) (ct) of the statutes is created to read:

20.435 **(5)** (ct) *Mental health consultation program.* The amounts in the schedule for developing a plan for a mental health consultation program under s. 51.441. No moneys may be encumbered under this paragraph after June 30, 2021.

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

SECTION 2. 51.441 of the statutes is created to read:

51.441 Comprehensive mental health consultation program. The department shall convene a statewide group of interested persons, including at least one representative of the Medical College of Wisconsin, to develop a concept paper, business plan, and standards for a comprehensive mental health consultation program that incorporates general psychiatry, geriatric psychiatry, addiction medicine and psychiatry, a perinatal psychiatry consultation program, and the child psychiatry consultation program under s. 51.442.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1138/P4
MCP&ZDW:ahe&cdc

DOA:.....Potts, BB0154 - Safe Drinking Water Loan Program Revenue Bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Safe Drinking Water Loan Program

This bill authorizes the issuance of revenue bonds for the Safe Drinking Water Loan Program under the environmental improvement fund, similar to the authority for revenue bonding under the Clean Water Fund Program. The program provides low-interest loans to municipalities for drinking water infrastructure projects, to help them comply with federal drinking water standards.

Under current law, the state may contract up to $71,400,000 in public debt for the Safe Drinking Water Loan Program. This bill increases the general obligation bonding authority for the program by $43,550,000 and requires DOA to allocate up to $40,000,000 of the authorized public debt to projects involving forgivable loans to private users of public water systems to cover not more than 50 percent of the cost to replace lead service lines.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 13.48 (26m) of the statutes is created to read:

13.48 **(26m)** LEAD SERVICE LINE REPLACEMENT. The legislature finds and determines that the prevalence of lead service lines in connections to public water systems poses a public health hazard and that processes for reducing lead entering drinking water from such pipes requires additional treatment of wastewater. It is therefore in the public interest, and it is the public policy of this state, to assist private users of public water systems in replacing lead service lines.

SECTION 2. 18.06 (9) of the statutes is amended to read:

18.06 **(9)** CLEAN WATER FUND PROGRAM <u>AND SAFE DRINKING WATER LOAN PROGRAM</u> BONDS. Notwithstanding sub. (4), the sale of bonds under this subchapter to provide revenue for the clean water fund program <u>or the safe drinking water loan program</u> may be a private sale to the environmental improvement fund under s. 25.43, if the bonds sold are held or owned by the environmental improvement fund, or a public sale, as provided in the authorizing resolution.

SECTION 3. 20.320 (1) (q) of the statutes is amended to read:

20.320 **(1)** (q) *Clean water fund program revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued for the clean water fund program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4) and deposited in the fund in the state treasury created under s. 18.57 (1), providing for reserves and for expenses of issuance and management of the revenue obligations, and to make payments under an agreement or ancillary arrangement

entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4), and the remainder to be transferred to the environmental improvement fund for the purposes of the clean water fund program under s. 281.58. Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 4. 20.320 (1) (r) of the statutes is amended to read:

20.320 **(1)** (r) *Clean water fund program repayment of revenue obligations.* From the environmental improvement fund, a sum sufficient to repay the fund in the state treasury created under s. 18.57 (1) the amount needed to retire revenue obligations issued for the clean water fund program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4), and to make payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4).

SECTION 5. 20.320 (1) (u) of the statutes is amended to read:

20.320 **(1)** (u) *Principal repayment and interest — clean water fund program revenue obligation repayment.* From the fund in the state treasury created under s. 18.57 (1), all moneys received by the fund and not transferred under s. 281.59 (4) (c) to the environmental improvement fund, for the purpose of the retirement of revenue obligations, providing for reserves and for operations relating to the management and retirement of revenue obligations issued for the clean water fund program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4), and to make payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further

established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds to be received thereafter.

SECTION 6. 20.320 (2) (q) of the statutes is created to read:

20.320 **(2)** (q) *Safe drinking water loan program revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued for the safe drinking water loan program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4) and deposited in the fund in the state treasury created under s. 18.57 (1), providing for reserves and for expenses of issuance and management of the revenue obligations, and to make payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4), and the remainder to be transferred to the environmental improvement fund for the purposes of the safe drinking water loan program under s. 281.61. Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 7. 20.320 (2) (r) of the statutes is created to read:

20.320 **(2)** (r) *Safe drinking water loan program repayment of revenue obligations.* From the environmental improvement fund, a sum sufficient to repay the fund in the state treasury created under s. 18.57 (1) the amount needed to retire revenue obligations issued for the safe drinking water loan program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4), and to make payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4).

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

SECTION 8. 20.320 (2) (u) of the statutes is created to read:

20.320 **(2)** (u) *Principal repayment and interest — safe drinking water loan program revenue obligation repayment.* From the fund in the state treasury created under s. 18.57 (1), all moneys received by the fund and not transferred under s. 281.59 (4) (c) to the environmental improvement fund, for the purpose of the retirement of revenue obligations, providing for reserves and for operations relating to the management and retirement of revenue obligations issued for the safe drinking water loan program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4), and to make payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to such revenue obligations issued under s. 281.59 (4). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds to be received thereafter.

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

SECTION 9. 20.866 (2) (td) of the statutes is amended to read:

20.866 **(2)** (td) *Safe drinking water loan program.* From the capital improvement fund, a sum sufficient to be transferred to the environmental improvement fund for the safe drinking water loan program under s. 281.61. The state may contract public debt in an amount not to exceed ~~$71,400,000~~ <u>$114,950,000</u> for this purpose.

****NOTE: This is reconciled s. 20.866 (2) (td). This SECTION has been affected by drafts with the following LRB numbers: -1138/P3 and -1741/P3.

SECTION 10. 25.43 (3) of the statutes is amended to read:

25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d), the environmental improvement fund may be used only for the purposes authorized

under ss. 20.320 (1) (r), (s), (sm), (t), and (x) and (2) (r), (s), and (x), 20.370 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y), 281.58, 281.59, 281.60, 281.61, 281.62, and 283.31.

SECTION 11. 281.59 (4) (a) of the statutes is amended to read:

281.59 **(4)** (a) The clean water fund program and the safe drinking water loan program are revenue–producing enterprises or programs, as defined in s. 18.52 (6).

SECTION 12. 281.59 (4) (am) of the statutes is amended to read:

281.59 **(4)** (am) Deposits, appropriations or transfers to the environmental improvement fund for the purposes of the clean water fund program or the safe drinking water loan program may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18 or in accordance with subch. IV of ch. 18 if designated a higher education bond.

SECTION 13. 281.59 (4) (c) of the statutes is amended to read:

281.59 **(4)** (c) The building commission may pledge any portion of revenues received or to be received in the fund established in par. (b) or the environmental improvement fund to secure revenue obligations issued under this subsection. The pledge shall provide for the transfer to the environmental improvement fund of all pledged revenues, including any interest earned on the revenues, which are in excess of the amounts required to be paid under s. 20.320 (1) (c) and (u) and (2) (c) and (u) for the purposes of the clean water fund program and the safe drinking water loan program. The pledge shall provide that the transfers be made at least twice yearly, that the transferred amounts be deposited in the environmental improvement fund and that the transferred amounts are free of any prior pledge.

SECTION 14. 281.59 (4) (f) of the statutes is amended to read:

281.59 **(4)** (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection, and all payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to revenue obligations issued under this subsection, can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program <u>and safe drinking water loan program</u> shall not exceed $2,526,700,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes.

SECTION 15. 281.61 (8) (b) of the statutes is created to read:

281.61 **(8)** (b) The department of administration shall allocate not more than $40,000,000 from proceeds of public debt authorized under s. 20.866 (2) (td) to projects involving forgivable loans to private users of public water systems to cover not more than 50 percent of the cost to replace lead service lines.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1144/P4
EAW:ahe&amn

DOA:.....Bork, BB0155 – Background checks for congregate care workers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Background checks for congregate care workers

This bill requires a licensing entity to perform a fingerprint-based background check for all workers at a congregate care facility, as required under federal law. The bill defines a congregate care facility to be a group home, shelter care facility, or residential care center for children and youth. Under current law, only caregivers and nonclient residents of a congregate care facility are required to receive a background check.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.435 (6) (jm) of the statutes is amended to read:

20.435 **(6)** (jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 48.685 (2) (am) ~~and~~, (b), and (ba), (3) (a) ~~and~~, (b), and

(c), and (5) (a), 48.686 (2) (am), (3) (am) and (bm), and (5) (a), 49.45 (47), 50.02 (2), 50.025, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. VI of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes, and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection. All moneys received under ss. 48.685 (8), 48.686 (2) (ag), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall be credited to this appropriation account.

SECTION 2. 20.437 (1) (jm) of the statutes is amended to read:

20.437 **(1)** (jm) *Licensing activities.* All moneys received from licensing activities under ss. 48.60, 48.62, 48.625, and 938.22 (7) and from fees under ss. 48.615, 48.625, 48.685 (8), and 938.22 (7) (b) and (c), for the costs of licensing child welfare agencies under s. 48.60, foster homes under s. 48.62, group homes under s. 48.625, and shelter care facilities under s. 938.22 (7) and for the purposes specified in s. 48.685 (2) (am) ~~and~~, (b), and (ba), (3) (a) ~~and~~, (b), and (c), and (5) (a) with respect to those entities.

SECTION 3. 48.685 (1) (ao) of the statutes is created to read:

48.685 **(1)** (ao) "Congregate care facility" means a group home, shelter care facility, or residential care center for children and youth.

SECTION 4. 48.685 (1) (ap) of the statutes is created to read:

48.685 **(1)** (ap) "Congregate care worker" means an adult who works in a congregate care facility. "Congregate care worker" includes a person who has or is seeking a license to operate a congregate care facility and does not include an unpaid volunteer.

SECTION 5. 48.685 (1) (c) 2. of the statutes is amended to read:

48.685 **(1)** (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5)**,** or (6), 940.22 (2) or (3), 940.225 (1), (2)**,** or (3), 940.285 (2), 940.29, 940.295, 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 ~~(2)~~, 948.215, 948.30, or 948.53.

SECTION 6. 48.685 (2) (am) 5. of the statutes is amended to read:

48.685 **(2)** (am) 5. Information maintained by the department of health services under this section and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979 (1) (b) regarding any denial to the person of a license, or continuation or renewal of a license to operate an entity, or of payments under s. 48.623 (6) for operating an entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, or continuation or renewal of a license, payments, employment, a contract, or permission to reside as described in this subdivision, the department, a county department, or a child welfare agency

need not obtain the information specified in subds. 1. to 4., and the department need not obtain a fingerprint–based background check under par. (ba).

SECTION 7. 48.685 (2) (b) (intro.) of the statutes is amended to read:

48.685 **(2)** (b) (intro.) Every entity shall obtain all of the following with respect to a caregiver specified in sub. (1) (ag) 1. a. or am. of the entity ~~and~~, with respect to a nonclient resident of a caregiver specified in sub. (1) (ag) 1. am., and with respect to a congregate care worker, except a caregiver specified in sub. (1) (ag) 1. b., of the entity:

SECTION 8. 48.685 (2) (ba) of the statutes is created to read:

48.685 **(2)** (ba) If the person who is the subject of the search under par. (am) or (b) is a congregate care worker, the department shall obtain a fingerprint–based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A), unless the search has been terminated under par. (am) 5. or (b) 5m.

SECTION 9. 48.685 (2) (bb) of the statutes is amended to read:

48.685 **(2)** (bb) If information obtained under par. (am) ~~or~~, (b), or (ba) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6) (a) or (am) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) ~~or~~, (b), or (ba) does not indicate such a charge or conviction, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am) ~~or~~, (b), or (ba), a background information form under sub. (6) (a) or (am),

or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

SECTION 10. 48.685 (2) (bg) of the statutes is amended to read:

48.685 **(2)** (bg) If an entity employs or contracts with a caregiver <u>or congregate care worker</u> for whom, within the last year, the information required under par. (b) 1m. to 3m. and 5m. has already been obtained by another entity, the entity may obtain that information from that other entity, which shall provide the information, if possible, to the requesting entity. If an entity cannot obtain the information required under par. (b) 1m. to 3m. and 5m. from another entity or if an entity has reasonable grounds to believe that any information obtained from another entity is no longer accurate, the entity shall obtain that information from the sources specified in par. (b) 1m. to 3m. and 5m.

SECTION 11. 48.685 (2) (bm) of the statutes is amended to read:

48.685 **(2)** (bm) If the person who is the subject of the search under par. (am) or (b) is not a resident of this state, or if at any time within the 5 years preceding the date of the search that person has not been a resident of this state, or if the department, county department, child welfare agency, or entity determines that the person's employment, licensing, or state court records provide a reasonable basis for further investigation, the department, county department, child welfare agency, or entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 5 years

preceding the date of the search information that is equivalent to the information specified in par. (am) 1. or (b) 1m. The department, county department, child welfare agency, or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The department, county department, or child welfare agency may release any information obtained under this paragraph only as permitted under 32 USC 20962 (e).

SECTION 12. 48.685 (2) (c) 1. of the statutes is amended to read:

48.685 **(2)** (c) 1. If the person who is the subject of the search under par. (am) is seeking an initial license to operate a foster home or is seeking relicensure after a break in licensure, the department, county department, or child welfare agency shall request under ~~42 USC 16962~~ 34 USC 20962 (b) a fingerprint–based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A). If that person is seeking subsidized guardianship payments under s. 48.623 (6), the department in a county having a population of 750,000 or more or county department shall request that fingerprint–based check. The department, county department, or child welfare agency may release any information obtained under this subdivision only as permitted under ~~42 USC 16962~~ 34 USC 20962 (e).

SECTION 13. 48.685 (2) (d) of the statutes is amended to read:

48.685 **(2)** (d) Every entity shall maintain, or shall contract with another person to maintain, the most recent background information obtained on a caregiver

or congregate care worker under par. (b). The information shall be made available for inspection by authorized persons, as defined by the department by rule.

SECTION 14. 48.685 (3) (b) of the statutes is amended to read:

48.685 **(3)** (b) Every 4 years or at any time within that period that an entity considers appropriate, the entity shall request the information specified in sub. (2) (b) 1m. to 5m. for all persons who are ~~caregivers specified in sub. (1) (ag) 1. a. or am. of the entity and for all nonclient residents of a caregiver specified in sub. (1) (ag) 1. am. of the entity~~ subject to sub. (2) (b).

SECTION 15. 48.685 (3) (c) of the statutes is created to read:

48.685 **(3)** (c) Every 4 years or at any time within that period that the department considers appropriate, the department shall obtain the information specified in sub. (2) (ba) for all persons who are congregate care workers.

SECTION 16. 48.685 (4m) (b) (intro.) of the statutes is amended to read:

48.685 **(4m)** (b) (intro.) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1) (ag) 1. a. or am. or a congregate care worker or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the entity knows or should have known any of the following:

SECTION 17. 48.685 (4m) (c) of the statutes is amended to read:

48.685 **(4m)** (c) If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 45 days pending the receipt of the information sought under sub. (2) (am) or (b) and (ba). If the background information form completed by a person under sub. (6) (am) indicates that the person is not

ineligible to be permitted to reside at an entity or with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity or with that caregiver for any of those reasons, the entity may permit the person to reside at the entity or with the caregiver for not more than 45 days pending receipt of the information sought under sub. (2) (am) or (b) and (ba). An entity shall provide supervision for a person who is employed, contracted with, or permitted to reside as permitted under this paragraph.

SECTION 18. 48.685 (4m) (d) of the statutes is amended to read:

48.685 **(4m)** (d) If the department learns that a caregiver, congregate care worker, or nonclient resident is the subject of a pending investigation for a crime or offense that, under this subsection or sub. (5), could result in a bar to ~~employment as a caregiver or residence~~ being a caregiver, working, or residing at an entity, the department may notify the entity of the pending investigation.

SECTION 19. 48.685 (5m) of the statutes is amended to read:

48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623 (6), and an entity may refuse to employ or contract with a caregiver or congregate care worker or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client.

SECTION 20. 48.685 (6) (am) of the statutes is amended to read:

48.685 **(6)** (am) Every 4 years an entity shall require all of its caregivers ~~and all~~, nonclient residents ~~of the entity or of a caregiver specified in sub. (1) (ag) 1. am. of the entity~~, congregate care workers, and nonclient residents of a caregiver specified in sub. (1) (ag) 1. am. to complete a background information form that is provided to the entity by the department.

SECTION 21. 48.685 (8) of the statutes is amended to read:

48.685 **(8)** The department, the department of health services, a county department, or a child welfare agency may charge a fee for obtaining the information required under sub. (2) (am) or (3) (a), for providing information to an entity to enable the entity to comply with sub. (2) (b) or (3) (b), or for obtaining and submitting fingerprints under sub. (2) (ba) or (bm) or (3) (c). The fee may not exceed the reasonable cost of obtaining the information or of obtaining and submitting fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40 (1) (d), for obtaining or maintaining information or for obtaining and submitting fingerprints if to do so would be inconsistent with federal law.

SECTION 22. 48.981 (7) (a) 4p. of the statutes is amended to read:

48.981 **(7)** (a) 4p. A public or private agency in this state or any other state that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person or for the purposes of conducting a background investigation under s. 48.685 of an adult congregate care worker, as defined in s. 48.685 (1) (ap).

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) EMERGENCY RULE MAKING FOR BACKGROUND CHECKS FOR CONGREGATE CARE WORKERS. The department of children and families may promulgate emergency rules

under s. 227.24 to implement the background check requirements for congregate care workers under s. 48.685. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until January 1, 2022, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) BACKGROUND CHECKS FOR CONGREGATE CARE WORKERS. No later than the first day of the 7th month beginning after the effective date of this subsection, the department of children and families, the county department as defined in s. 48.02 (2g), the child welfare agency, or the congregate care facility as defined in s. 48.685 (1) (ao) shall perform a comprehensive background check as required by s. 48.685 (2) for all congregate care workers, as defined in s. 48.685 (1) (ap), who are working at a congregate care facility on the effective date of this subsection.

SECTION 9306. Initial applicability; Children and Families.

(1) BACKGROUND CHECKS FOR CONGREGATE CARE WORKERS. The treatment of s. 48.685 (2) (b) (intro.), (ba), (bb), (bg), and (d), (4m) (b) (intro.), (c), and (d), (5m), and (8) first applies to a congregate care worker, as defined in s. 48.685 (1) (ap), on the following dates:

(a) For a congregate care worker who is hired by or enters into a contract with a congregate care facility, as defined in s. 46.685 (1) (ao), on the day after the effective date of this paragraph, on the day after the effective date of this paragraph.

(b) For a congregate care worker who is employed at or under contract with a congregate care facility, as defined in s. 48.685 (1) (ao), on the effective date of this paragraph, on the earlier of the following:

1. The first day of the 7th month beginning after the effective date of this subdivision.

2. The date on which the congregate care worker's criminal background check under SECTION 9106 (2) is complete.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1161/P4
EKL:cdc

DOA:.....Gilchrist, BB0159 – Imposing the cigarette tax on little cigars

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Excise tax on little cigars

This bill taxes little cigars at the same rate as the excise tax imposed on cigarettes. Under current law, all cigars are taxed at the rate of 71 percent of the manufacturer's established list price, limited to 50 cents per cigar. Under the bill, little cigars weighing no more than three pounds per thousand are taxed at the rate of 126 mills per little cigar and all other little cigars are taxed at the rate of 252 mills per little cigar. The bill defines "little cigar" to mean a cigar that has an integrated cellulose acetate filter and is wrapped in any substance containing tobacco.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 139.44 (4) of the statutes is amended to read:

139.44 **(4)** Any person who refuses to permit the examination or inspection authorized in s. 139.39 (2) or 139.83 (1) may be fined not more than $500 or imprisoned not more than 90 days or both. Such refusal shall be cause for immediate suspension or revocation of permit by the secretary.

SECTION 2. 139.75 (1m) of the statutes is created to read:

139.75 **(1m)** "Cigar" means a roll, of any size or shape, of tobacco for smoking that is made wholly or in part of tobacco, regardless of whether the tobacco is pure, flavored, adulterated, or mixed with an ingredient if the roll has a wrapper made wholly or in part of tobacco.

SECTION 3. 139.75 (4t) of the statutes is created to read:

139.75 **(4t)** "Little cigar" means a cigar that has an integrated cellulose acetate filter and is wrapped in a substance containing tobacco.

SECTION 4. 139.76 (1m) of the statutes is created to read:

139.76 **(1m)** The tax under sub. (1) is imposed on little cigars at the following rates:

(a) On little cigars weighing not more than 3 pounds per thousand, 126 mills on each little cigar.

(b) On little cigars weighing more than 3 pounds per thousand, 252 mills on each little cigar.

SECTION 5. 139.78 (1m) of the statutes is created to read:

139.78 **(1m)** The tax under sub. (1) is imposed on little cigars at the following rates:

(a) On little cigars weighing not more than 3 pounds per thousand, 126 mills on each little cigar.

(b) On little cigars weighing more than 3 pounds per thousand, 252 mills on each little cigar.

SECTION 6. 139.83 of the statutes is renumbered 139.83 (1).

SECTION 7. 139.83 (2) of the statutes is created to read:

139.83 **(2)** Sections 139.315, 139.32, 139.321, and 139.44 (8), as they apply to the tax under subch. II, apply to the administration and enforcement of this subchapter for little cigars.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1162/P5
EKL:cdc&ahe

DOA:.....Gilchrist, BB0158 – Imposing tobacco products tax on e-cigarettes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Excise tax on vapor products

The bill imposes the tobacco products tax on vapor products at the rate of 71 percent of the manufacturer's list price. Under the bill, "vapor product" is defined as any noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from a solution or other substance, regardless of whether the product contains nicotine. A "vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, as well as any container of a solution or other substance that is intended to be used with these items. Under the bill, any product regulated by the federal Food and Drug Administration as a drug or device is exempt from the tax.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 139.75 (5b) of the statutes is created to read:

139.75 **(5b)** "Manufacturer's list price" means the total price of tobacco products charged by the manufacturer or other seller to an unrelated distributor. The total price shall include all charges by the manufacturer or other seller that are necessary to complete the sale. The total price may not be reduced by any cost or expense, regardless of whether the cost or expense is separately stated on an invoice, that is incurred by the manufacturer or other seller, including fees, delivery, freight, transportation, packaging, handling, marketing, federal excise taxes, and import fees or duties. The total price may not be reduced by the value or cost of discounts or free promotional or sample products. For purposes of this subsection, a manufacturer or other seller is related to a distributor if the two parties have significant common purposes and substantial common membership or, directly or indirectly, substantial common direction or control.

SECTION 2. 139.75 (12) of the statutes is amended to read:

139.75 **(12)** "Tobacco products" means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready–rubbed and other smoking tobacco; vapor products; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under s. 139.30 (1m).

****NOTE: This is reconciled s.139.75(12). This SECTION has been affected by drafts with the following LRB numbers: –1161/P2 and –1162/P4.

SECTION 3. 139.75 (14) of the statutes is created to read:

139.75 **(14)** (a) "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance.

(b) "Vapor product" includes all of the following:

1. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

2. Any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(c) "Vapor product" does not include a product regulated as a drug or device under sections 501 to 524A of the federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360n–1.

SECTION 4. 139.76 (1) of the statutes is amended to read:

139.76 **(1)** An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff <u>and little cigars</u>, of 71 percent of the manufacturer's ~~established~~ list price to distributors ~~without diminution by volume or other discounts on domestic products~~ and, for moist snuff, at the rate of 100 percent of the manufacturer's ~~established~~ list price to distributors ~~without diminution by volume or other discounts on domestic products~~. The tax imposed under this subsection on cigars<u>, except little cigars,</u> shall not exceed an amount equal to 50 cents for each cigar. ~~On products imported from another country,~~

~~not including moist snuff, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States.~~ The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.

****NOTE: This is reconciled s. 139.76(1). This SECTION has been affected by drafts with the following LRB numbers: –1161/P2 and –1162/P4.

SECTION 5. 139.78 (1) of the statutes is amended to read:

139.78 **(1)** A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff <u>and little cigars</u>, of 71 percent of the ~~cost~~ <u>manufacturer's list price</u> of the tobacco products and, for moist snuff, at the rate of 100 percent of the manufacturer's ~~established~~ list price to distributors ~~without diminution by volume or other discounts on domestic products~~. The tax imposed under this subsection on cigars<u>, except little cigars,</u> shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

****NOTE: This is reconciled s. 139.78(1). This SECTION has been affected by drafts with the following LRB numbers: –1161/P2 and –1162/P4.

SECTION 9137. Nonstatutory provisions; Revenue.

(1) INVENTORY TAX IMPOSED ON VAPOR PRODUCTS. On the effective date of this subsection, an inventory tax is imposed upon vapor products, as defined under s. 139.75 (14), that are held in inventory for sale or resale in the possession of distributors or retailers. Any person who is in possession of any vapor products shall pay the tax at the rate of 71 percent of the manufacturer's list price, as defined under s. 139.75 (5b). Any person liable for this tax shall determine the number of vapor products in the person's possession on the effective date of this subsection, and shall file a return, and pay the tax due, no later than the 30th day after the effective date of this subsection.

SECTION 9437. Effective dates; Revenue.

(1) TOBACCO PRODUCTS TAX; VAPOR PRODUCTS AND LITTLE CIGARS. The treatment of ss. 139.44 (4), 139.75 (1m), (4t), (5b), (12), and (14), 139.76 (1) and (1m), 139.78 (1) and (1m), the renumbering of s. 139.83, the creation of s. 139.83 (2), and SECTION 9137 (1) of this act take effect on the first day of the 3rd month beginning after publication.

****NOTE: This is reconciled ss. 139.44 (4), 139.75 (1m), (4t), and (12), 139.76 (1) and (1m), 139.78 (1) and (1m), and 139.83. This SECTION has been affected by drafts with the following LRB numbers: –1161/P2 and –1162/P4.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1163/P1
EKL:amn

DOA:.....Gilchrist, BB0157 – Repealing sales tax exemption for clay pigeons and game birds

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Repeal of sales tax exemption for game birds and clay pigeons

This bill repeals the sales and use tax exemption that applies to the sale of live game birds and clay pigeons to qualifying bird hunting preserves and shooting facilities.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 77.54 (47) of the statutes is repealed.

SECTION 9437. Effective dates; Revenue.

(1) REPEAL OF SALES AND USE TAX EXEMPTION FOR GAME BIRDS AND CLAY PIGEONS. The treatment of s. 77.54 (47) takes effect on the first day of the 3rd month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1172/P4
JK:cjs

DOA:.....Quinn, BB0163 – Manufacturing and agriculture credit limitation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Manufacturing and agriculture credit limitation

Currently, a person may claim a tax credit on the basis of the person's income from manufacturing or agriculture. This bill limits to $300,000 the amount of income from manufacturing that a person may use as the basis for claiming the credit.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 71.07 (5n) (d) 2. of the statutes is amended to read:

3 71.07 **(5n)** (d) 2. ~~For~~ Except as provided in subd. 2m., for purposes of
4 determining a claimant's eligible qualified production activities income under this
5 subsection, the claimant shall multiply the claimant's qualified production activities

income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or extracted by the claimant by the agriculture property factor.

SECTION 2. 71.07 (5n) (d) 2m. of the statutes is created to read:

71.07 **(5n)** (d) 2m. For taxable years beginning after December 31, 2018, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant, including a beneficiary or fiduciary, shall multiply the claimant's qualified production activities income, not exceeding $300,000, from property manufactured by the claimant by the manufacturing property factor.

SECTION 3. 71.28 (5n) (d) 2. of the statutes is amended to read:

71.28 **(5n)** (d) 2. Except as provided in ~~subd.~~ subds. 2m. and 3., for purposes of determining a claimant's eligible qualified production activities income under this subsection, the claimant shall multiply the claimant's qualified production activities income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or extracted by the claimant by the agriculture property factor.

SECTION 4. 71.28 (5n) (d) 2m. of the statutes is created to read:

71.28 **(5n)** (d) 2m. Except as provided in subd. 3., for taxable years beginning after December 31, 2018, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant shall multiply the claimant's qualified production activities income, not exceeding $300,000, from property manufactured by the claimant by the manufacturing property factor.

SECTION 5. 71.28 (5n) (d) 3. a. of the statutes is amended to read:

71.28 **(5n)** (d) 3. a. The eligible qualified production activities income determined under subd. 2. or 2m.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1173/P1
JK:cjs

DOA:.....Quinn, BB0164 - Repeal 2017-19 broadcaster apportionment modifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Broadcaster's income apportionment

Under current law, a broadcaster's gross royalties and other gross receipts received for the use or license of intangible property are apportioned to this state for income and franchise tax purposes only if the commercial domicile of the purchaser or licensee is in this state and the purchaser or licensee has a direct connection or relationship with the broadcaster pursuant to a contract under which the royalties or receipts are derived. This bill eliminates that provision. As a result, a broadcaster's gross royalties and other gross receipts received for the use or license of intangible property are apportioned in the same manner as those of other taxpayers. In general, such royalties and receipts are apportioned to this state if the purchaser or licensee uses the property at a location in this state, is billed for the purchase or license at a location in this state, or has its commercial domicile in this state.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.01 (1as) of the statutes is repealed.

SECTION 2. 71.04 (7) (dh) 3. of the statutes is amended to read:

71.04 **(7)** (dh) 3. ~~Except as provided in subd. 4., if~~ If the purchaser of a service receives the benefit of a service in more than one state, the gross receipts from the performance of the service are included in the numerator of the sales factor according to the portion of the service received in this state.

SECTION 3. 71.04 (7) (dh) 4. of the statutes is repealed.

SECTION 4. 71.04 (7) (dj) 1. (intro.) of the statutes is renumbered 71.04 (7) (dj) (intro.) and amended to read:

71.04 **(7)** (dj) (intro.) Except as provided in ~~subd. 2. and~~ par. (df), gross royalties and other gross receipts received for the use or license of intangible property, including patents, copyrights, trademarks, trade names, service names, franchises, licenses, plans, specifications, blueprints, processes, techniques, formulas, designs, layouts, patterns, drawings, manuals, technical know–how, contracts, and customer lists, are sales in this state if any of the following applies:

SECTION 5. 71.04 (7) (dj) 1. a. of the statutes is renumbered 71.04 (7) (dj) 1m. and amended to read:

71.04 **(7)** (dj) 1m. The purchaser or licensee uses the intangible property in the operation of a trade or business at a location in this state. ~~Except as provided in subd. 2., if~~ If the purchaser or licensee uses the intangible property in the operation of a trade or business in more than one state, the gross royalties and other gross receipts

from the use of the intangible property shall be divided between those states having jurisdiction to impose an income tax on the taxpayer in proportion to the use of the intangible property in those states.

SECTION 6. 71.04 (7) (dj) 1. b. of the statutes is renumbered 71.04 (7) (dj) 2m.

SECTION 7. 71.04 (7) (dj) 1. c. of the statutes is renumbered 71.04 (7) (dj) 3m.

SECTION 8. 71.04 (7) (dj) 2. of the statutes is repealed.

SECTION 9. 71.04 (7) (g) of the statutes is repealed.

SECTION 10. 71.22 (1e) of the statutes is repealed.

SECTION 11. 71.25 (9) (dh) 3. of the statutes is amended to read:

71.25 **(9)** (dh) 3. ~~Except as provided in subd. 4. if~~ <u>If</u> the purchaser of a service receives the benefit of a service in more than one state, the gross receipts from the performance of the service are included in the numerator of the sales factor according to the portion of the service received in this state.

SECTION 12. 71.25 (9) (dh) 4. of the statutes is repealed.

SECTION 13. 71.25 (9) (dj) 1. (intro.) of the statutes is renumbered 71.25 (9) (dj) (intro.) and amended to read:

71.25 **(9)** (dj) (intro.) Except as provided in ~~subd. 2m. and~~ par. (df), gross royalties and other gross receipts received for the use or license of intangible property, including patents, copyrights, trademarks, trade names, service names, franchises, licenses, plans, specifications, blueprints, processes, techniques, formulas, designs, layouts, patterns, drawings, manuals, technical know–how, contracts, and customer lists, are sales in this state if any of the following applies:

SECTION 14. 71.25 (9) (dj) 1. a. of the statutes is renumbered 71.25 (9) (dj) 1n. and amended to read:

71.25 **(9)** (dj) 1n. The purchaser or licensee uses the intangible property in the operation of a trade or business at a location in this state. ~~Except as provided in subd. 2m., if~~ If the purchaser or licensee uses the intangible property in the operation of a trade or business in more than one state, the gross royalties and other gross receipts from the use of the intangible property shall be divided between those states having jurisdiction to impose an income tax on the taxpayer in proportion to the use of the intangible property in those states.

SECTION 15. 71.25 (9) (dj) 1. b. of the statutes is renumbered 71.25 (9) (dj) 2n.

SECTION 16. 71.25 (9) (dj) 1. c. of the statutes is renumbered 71.25 (9) (dj) 3n.

SECTION 17. 71.25 (9) (dj) 2m. of the statutes is repealed.

SECTION 18. 71.25 (9) (g) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1174/P3
JK:ahe&amn

DOA:.....Quinn, BB0166 – Modify automatic individual income tax rate reductions

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Lowest bracket rate reduction

This bill modifies the requirement that individual income tax rates for the taxable year ending on December 31, 2019, be decreased in proportion to the increase in sales and use tax collections from October 1, 2018, to September 30, 2019, due to the expansion of the state's authority to collect sales and use taxes from out-of-state retailers, pursuant to the U.S. Supreme Court decision, *South Dakota v. Wayfair, Inc.*, 585 U.S. ___ (2018). The bill uses the increase in sales and use tax revenue to decrease the rate of the lowest tax bracket rather than the rate of all tax brackets.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 73.03 (71) (b) of the statutes is amended to read:

73.03 **(71)** (b) After the department makes the determination under par. (a), the department shall determine how much the lowest individual income tax ~~rates~~ rate under s. 71.06 (1q) (a) and (2) (i) 1. and (j) 1. may be reduced for the taxable year ending on December 31, 2019, in order to decrease individual income tax revenue by the amount determined under par. (a). ~~For purposes of this paragraph, the tax rate reductions shall be calculated in proportion to the share of gross tax attributable to each of the tax brackets under s. 71.06 in effect during the most recently completed taxable year.~~

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1175/P1
JK:ahe

DOA:.....Quinn, BB0169 – Real estate transfer fee exemption limitations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

1. Real estate transfer fee exemption

Current law provides an exemption to the real estate transfer fee for a conveyance by a subsidiary corporation to its parent for no consideration. This bill clarifies that both the subsidiary and the parent must be a corporation. The bill also modifies the real estate transfer fee exemption for a conveyance made solely in order to provide or release security for a debt or obligation so that the exemption does not apply if the debt or obligation was incurred as the result of a conveyance.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 77.25 (7) of the statutes is amended to read:

77.25 **(7)** By a subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of cancellation, surrender or transfer of capital stock between parent and subsidiary corporation.

SECTION 2. 77.25 (10) of the statutes is amended to read:

77.25 **(10)** Solely in order to provide or release security for a debt or obligation, if the debt or obligation was not incurred as the result of a conveyance.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1184/P1
MIM:cdc

DOA:.....Sherwin, BB0172 – 2015 GHIP health insurance opt–outs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

HEALTH INSURANCE

1. Stipend in lieu of health insurance

This bill expands the eligibility of certain state employees to receive a stipend in lieu of health insurance coverage under the group health insurance program. Current law provides that state employees who were eligible for coverage in calendar year 2015 and who did not elect coverage for 2015 are not eligible to receive a stipend in lieu of health care coverage. This bill removes that prohibition if the employee elects to take state health care coverage in any calendar year following calendar year 2015.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 40.513 (3) (a) of the statutes is amended to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1188/P6
MES:amn&cjs

DOA:.....Quinn, BB0168 – Restore homestead tax credit indexing provisions

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ***to amend*** 71.54 (1) (g) (intro.), 71.54 (2) (b) 4. and 71.54 (2m); and ***to create*** 71.54 (1) (h), 71.54 (2) (b) 5. and 71.54 (2m) (c) of the statutes; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Homestead tax credit changes to indexing provisions and increasing the maximum income

Under current law, the homestead income tax credit is not allowed to claimants whose household income exceeds $24,680. Under this bill, that maximum income threshold is increased to $30,000 for claims filed in 2020 and thereafter.

Under current law, the homestead tax credit formula factors, which are maximum income, maximum property taxes, and income threshold, are not indexed for inflation. This bill amends those provisions and restores the indexing provisions of the former law. Under the bill, the homestead tax credit formula factors would be indexed for inflation for taxable year 2020 and beyond, except that the maximum income will not be indexed for taxable year 2020.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.54 (1) (g) (intro.) of the statutes is amended to read:

71.54 **(1)** (g) *2012 ~~and thereafter~~ to 2019*. (intro.) The amount of any claim for calendar years beginning before January 1, 2020, filed in 2012 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

SECTION 2. 71.54 (1) (h) of the statutes is created to read:

71.54 **(1)** (h) *2020 and thereafter*. Subject to sub. (2m), the amount of any claim for calendar years beginning after December 31, 2019, filed in 2020 and thereafter, and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

1. If the household income was $8,060 or less in the year to which the claim relates, the claim is limited to 80 percent of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead.

2. If the household income was more than $8,060 in the year to which the claim relates, the claim is limited to 80 percent of the amount by which the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead exceeds 6.655 percent of the household income exceeding $8,060.

3. No credit may be allowed if the household income of a claimant exceeds $30,000.

4. Notwithstanding the time limitations described in par. (g) (intro.), the provisions of par. (g) 4., 5., 6., and 7. apply to claims filed under this paragraph.

SECTION 3. 71.54 (2) (b) 4. of the statutes is amended to read:

71.54 **(2)** (b) 4. In calendar years 2011 ~~or any subsequent calendar year~~ to 2019, $1,460.

SECTION 4. 71.54 (2) (b) 5. of the statutes is created to read:

71.54 **(2)** (b) 5. Subject to sub. (2m), in calendar year 2020 or any subsequent calendar year, $1,460.

SECTION 5. 71.54 (2m) of the statutes is amended to read:

71.54 **(2m)** INDEXING FOR INFLATION; ~~2010~~ 2020 AND THEREAFTER. (a) For calendar years beginning after December 31, ~~2009, and before January 1, 2011~~ 2019, the dollar amounts of the threshold income under sub. (1) ~~(f)~~ (h) 1. and 2., the maximum household income under sub. (1) ~~(f)~~ (h) 3. and the maximum property taxes under sub. (2) (b) ~~3.~~ 5. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for the month of August of the year before the previous year through the month of July of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for August ~~2007~~ 2017 through July ~~2008~~ 2018, as determined by the federal department of labor, except that the adjustment may occur only if the percentage is a positive number. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts

required under this paragraph and incorporate the changes into the income tax forms and instructions.

(b) The department of revenue shall annually adjust the slope under sub. (1) ~~(f)~~ (h) 2. such that, as a claimant's income increases from the threshold income as calculated under par. (a), to an amount that exceeds the maximum household income as calculated under par. (a), the credit that may be claimed is reduced to $0 and the department of revenue shall incorporate the changes into the income tax forms and instructions.

SECTION 6. 71.54 (2m) (c) of the statutes is created to read:

71.54 **(2m)** (c) Notwithstanding the indexing provisions under par. (a), the dollar amount of maximum household income under sub. (1) (h) 3. may not be indexed for a claim filed for calendar years beginning after December 31, 2019, and before January 1, 2021.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1190/P4
MES:wlj&amn

DOA:.....Quinn, BB0165 – Family and individual reinvestment credit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Family and individual reinvestment income tax credit

This bill creates a new family and individual reinvestment income tax credit for taxable years beginning in 2019. The credit is nonrefundable and may be claimed only up to the amount of the taxpayer's income tax liability. Under the bill, for a single individual or an individual who files as a head of household whose adjusted gross income is less than $80,000, for a married couple filing jointly whose combined AGI is less than $125,000, or for a married individual filing separately whose AGI is less than $62,500, the credit is equal to 10 percent of the claimant's net tax liability or $100 ($50 for married separate filers), whichever is greater. Net tax liability is a claimant's income tax liability after the application of most nonrefundable income tax credits. Under the bill, the credit phases out to zero as a single individual or head of household filer's AGI increases from $80,000 to $100,000. A similar phaseout occurs for a married joint filer whose combined AGI increases from $125,000 to $150,000 and a married separate filer whose AGI increases from $62,500 to $75,000. Also, under the bill, no new claims for the working families tax credit may be filed for a taxable year that begins after December 31, 2018.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 71.07 (5m) (e) of the statutes is created to read:

2 71.07 **(5m)** (e) *Sunset*. No credit may be claimed under this subsection for
3 taxable years beginning after December 31, 2018.

4 **SECTION 2.** 71.07 (5me) of the statutes is created to read:

5 71.07 **(5me)** FAMILY AND INDIVIDUAL REINVESTMENT CREDIT. (a) *Definitions*. In
6 this subsection:

7 1. "Claimant" means an individual who is eligible to claim the credit under this
8 subsection.

9 2. "Household" means a claimant and an individual related to the claimant as
10 husband or wife.

11 3. "Net tax liability" means a claimant's income tax liability after he or she
12 completes the computations for nonrefundable credits listed in s. 71.10 (4) (a) to (gy).

13 (b) *Filing claims*. For taxable years beginning after December 31, 2018, and
14 subject to the limitations provided in this subsection, a claimant may claim as a
15 credit against the tax imposed under s. 71.02, up to the amount of those taxes, one
16 of the following amounts:

17 1. If the claimant is single or files as a head of household and his or her adjusted
18 gross income is less than $80,000 in the year to which the claim relates, the greater
19 of $100 or an amount equal to 10 percent of his or her net tax liability.

2. If the claimant is single or files as a head of household and his or her adjusted gross income is at least $80,000 but less than $100,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $20,000 and the numerator of which is the difference between the claimant's adjusted gross income and $80,000.

b. Subtract from 1.0 the amount that is calculated under subd. 2. a.

c. Multiply the amount that is calculated under subd. 2. b. by 10 percent.

d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 2. c.

3. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is less than $125,000 in the year to which the claim relates, the greater of $50 or an amount equal to 10 percent of the married couple's net tax liability.

4. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is at least $125,000 but less than $150,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $25,000 and the numerator of which is the difference between the married couple's adjusted gross income and $125,000.

b. Subtract from 1.0 the amount that is calculated under subd. 4. a.

c. Multiply the amount that is calculated under subd. 4. b. by 10 percent.

d. Multiply the amount of the married couple's net income tax liability by the amount that is calculated under subd. 4. c.

5. If the claimant is married and filing separately and his or her adjusted gross income is less than $62,500 in the year to which the claim relates, the greater of $25 or an amount equal to 10 percent of his or her net tax liability.

6. If the claimant is married and filing separately and his or her adjusted gross income is at least $62,500 but less than $75,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is $12,500 and the numerator of which is the difference between the claimant's adjusted gross income and $75,000.

b. Subtract from 1.0 the amount that is calculated under subd. 6. a.

c. Multiply the amount that is calculated under subd. 6. b. by 10 percent.

d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 6. c.

(c) *Limitations*. 1. No credit may be allowed under this subsection unless it is claimed within the period under s. 71.75 (2).

2. Part–year residents and nonresidents of this state are not eligible for the credit under this subsection.

3. Except as provided in subd. 4., only one credit per household is allowed each year.

4. If a married couple files separately, each spouse may claim the credit calculated under par. (b) 5. or 6., except a married person living apart from the other spouse and treated as single under section 7703 (b) of the Internal Revenue Code may claim the credit under par. (b) 1. or 2.

5. The credit under this subsection may not be claimed by a person who may be claimed as a dependent on the individual income tax return of another taxpayer.

(d) *Administration*. The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding, and proceed as it is authorized in respect to taxes under this chapter. The income tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest, and penalties apply to the credit under this subsection.

SECTION 3. 71.10 (4) (gye) of the statutes is created to read:

71.10 **(4)** (gye) Family and individual reinvestment credit under s. 71.07 (5me).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1191/P2
MES:kjf

DOA:.....Quinn, BB0162 - Individual income tax capital gains exclusion limitation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Capital gains exclusion limitation

Under current law, there is an income tax exclusion for individuals, fiduciaries, members of limited liability companies and partnerships, and shareholders of tax-option corporations for 30 percent of the net long-term capital gains realized from the sale of assets held more than one year and the sale of all assets acquired from a decedent, and an exclusion for 60 percent of such gains realized from the sale of farm assets held more than one year and the sale of all farm assets acquired from a decedent.

Under this bill, for individuals, the exclusion of 30 percent of such net long-term capital gains, and all assets acquired from a decedent, does not apply to taxable years beginning after December 31, 2018, if the taxpayer's federal adjusted gross income exceeds specified threshold amounts. These amounts are $100,000 for a single individual or head of household filer; $150,000 for a married couple who files jointly; and $75,000 for a married individual who files separately. The bill also provides that for a taxpayer whose FAGI, before adjustment for net capital gains, is below the specified threshold amounts, such a taxpayer may claim the current law

capital gains exclusion for nonfarm assets to the extent that the sum of the taxpayer's noncapital gains adjusted FAGI and the taxpayer's net federal capital gains does not exceed the threshold amount. The bill does not affect the exclusion of the gains realized from the sale of farm assets held more than one year and the sale of farm assets acquired from a decedent.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.05 (6) (b) 9. of the statutes is renumbered 71.05 (6) (b) 9. (intro.) and amended to read:

71.05 **(6)** (b) 9. (intro.) On assets held more than one year and on all assets acquired from a decedent, 30 percent of the capital gain as computed under the ~~internal revenue code~~ Internal Revenue Code, not including capital gains for which the federal tax treatment is determined under section 406 of P.L. 99–514; not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason; and not including amounts treated as capital gain for federal income tax purposes from the sale or exchange of a lottery prize. For purposes of this subdivision, the capital gains and capital losses for all assets shall be netted before application of the percentage. For taxable years beginning after December 31, 2018, this subdivision does not apply to any of the following individuals whose federal adjusted gross income in the year to which the subtraction relates exceeds the following threshold amounts, except that for a taxpayer whose federal adjusted gross income, less 30 percent of eligible long–term capital gains from nonfarm assets, is below the specified threshold amount, the taxpayer may claim the subtraction under this subdivision reduced by

the amount of the taxpayer's federal adjusted gross income that exceeds the threshold amount:

SECTION 2. 71.05 (6) (b) 9. a. of the statutes is created to read:

71.05 **(6)** (b) 9. a. For an estate, a trust, a single individual, or an individual who files as a head of household, $100,000.

SECTION 3. 71.05 (6) (b) 9. b. of the statutes is created to read:

71.05 **(6)** (b) 9. b. For a married couple who files a joint return, $150,000.

SECTION 4. 71.05 (6) (b) 9. c. of the statutes is created to read:

71.05 **(6)** (b) 9. c. For a married individual who files a separate return, $75,000.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1192/P2
MES:cjs

DOA:.....Quinn, BB0161 – Increase the earned income tax credit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Increase the earned income tax credit

Under this bill, for taxable years beginning after 2018, an individual who is eligible to claim the federal earned income tax credit may claim as a credit against Wisconsin taxes due 11 percent of the amount that the claimant may claim under the federal credit if the claimant has one qualifying child with the same principal place of abode, 14 percent if the claimant has two such qualifying children, and 34 percent if the claimant has three or more such qualifying children. Currently, the percentage of the federal credit that an individual may claim for Wisconsin purposes is 4 if the claimant has one qualifying child with the same principal place of abode, 11 if the claimant has two such qualifying children, and 34 if the claimant has three or more such qualifying children. The credit is refundable, which means that, if the amount of credit due the claimant exceeds his or her tax liability, the difference is refunded to the claimant by check.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.07 (9e) (aj) (intro.) of the statutes is amended to read:

71.07 **(9e)** (aj) (intro.) For taxable years beginning after December 31, 2010, <u>and before January 1, 2019,</u> an individual may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the person is eligible for the taxable year under section 32 (b) (1) (A) to (C) of the Internal Revenue Code:

SECTION 2. 71.07 (9e) (ak) of the statutes is created to read:

71.07 **(9e)** (ak) For taxable years beginning after December 31, 2018, an individual may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the individual is eligible for the taxable year under section 32 (b) (1) of the Internal Revenue Code:

1. If the individual has one qualifying child who has the same principal place of abode as the individual, 11 percent.

2. If the individual has 2 qualifying children who have the same principal place of abode as the individual, 14 percent.

3. If the individual has 3 or more qualifying children who have the same principal place of abode as the individual, 34 percent.

SECTION 3. 73.03 (73) (f) 1. of the statutes is amended to read:

73.03 **(73)** (f) 1. Subject to subd. 2., for taxable years beginning after December 31, 2020, the department shall make the pilot program described under par. (b) permanent and applicable to all eligible claimants of the earned income tax credit under s. 71.07 (9e) ~~(aj)~~ <u>(ak)</u>, based on the specifications described under pars. (b) and (c) 2.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1193/P2
MES:kjf&ahe

DOA:.....Quinn, BB0160 - Child and dependent care tax credit for individuals

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Child and dependent care tax credit

This bill creates a nonrefundable individual income tax credit based on the federal tax credit for expenses for household and dependent care services necessary for gainful employment. Under the bill, an individual who is eligible for and claims the federal tax credit for expenses for household and dependent care services may claim 50 percent of the same amount as a nonrefundable credit on his or her Wisconsin income tax return. Under the bill, the Wisconsin credit may not be claimed by a part-year resident or nonresident of this state.

This bill also sunsets the current law individual income tax subtract modification that allows a taxpayer a deduction for the same expenses for which the credit may be claimed.

Generally, the federal credit is a nonrefundable individual income tax credit that may be claimed by an individual for employment-related expenses for household services and dependent care services for a qualifying individual. Because the credit is nonrefundable, it may be claimed only up to the amount of a taxpayer's tax liability. Under federal law, a qualifying individual is someone who has the same

principal place of abode as the claimant for more than one-half the year, is the claimant's dependent, and is 1) a child 12 or under; 2) a child 13 or older who is incapable of self-care; or 3) the claimant's spouse who is incapable of self-care.

The federal credit may be claimed for expenses to enable the claimant to be gainfully employed or actively search for gainful employment. Generally, allowable expenses for a qualifying individual under federal law include costs for in-home care or daycare, nursery school or preschool programs, and before-school and after-school care for school-age children. Depending on the claimant's adjusted gross income, the credit may be worth between 20 percent and 35 percent of the claimant's allowable expenses, up to a maximum annual amount of $3,000 if there is one qualifying individual and up to $6,000 if there are two or more qualifying individuals.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.05 (6) (b) 43. d. of the statutes is amended to read:

71.05 **(6)** (b) 43. d. For taxable years beginning after December 31, 2013, <u>and before January 1, 2020,</u> up to $3,000 if the claimant has one qualified individual and up to $6,000 if the claimant has more than one qualified individual.

SECTION 2. 71.07 (8m) of the statutes is created to read:

71.07 **(8m)** ADDITIONAL HOUSEHOLD AND DEPENDENT CARE EXPENSES TAX CREDIT. (a) *Definitions*. In this subsection:

1. "Claimant" means an individual who is eligible for and claims the household and dependent care expenses tax credit for the taxable year to which the claim under this subsection relates.

2. "Household and dependent care expenses tax credit" means the tax credit under section 21 of the Internal Revenue Code.

(b) *Filing claims*. Subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the

amount of those taxes, an amount equal to 50 percent of the amount of the household and dependent care expenses tax credit that the claimant claimed on his or her federal income tax return for the taxable year to which the claim under this subsection relates.

(c) *Limitations.* 1. No credit may be allowed under this subsection unless it is claimed within the time period under s. 71.75 (2).

2. No credit may be allowed under this subsection for a taxable year covering a period of less than 12 months, except for a taxable year closed by reason of the death of the taxpayer.

3. The credit under this subsection may not be claimed by either a part–year resident or a nonresident of this state.

4. The credit under this subsection may be claimed for taxable years beginning after December 31, 2019.

5. A claimant who claims the credit under this subsection is subject to the special rules in 26 USC 21 (e) (2) and (4).

(d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

SECTION 3. 71.10 (4) (cs) of the statutes is created to read:

71.10 **(4)** (cs) Additional household and dependent care expenses tax credit under s. 71.07 (8m).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1194/P1
MES:wlj

DOA:.....Quinn, BB0173 – Increase the county and municipal government levy limit minimum increase factor

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

This bill changes the allowable percentage increase of the property tax levy that a city, village, town, or county may impose. Generally, under current law, local levy limits are applied to the property tax levies that are imposed in December of each year. Current law prohibits any political subdivision from increasing its levy by a percentage that exceeds its valuation factor, which is the greater of either 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed (net new construction). Under the bill, the valuation factor is the greater of either 2 percent or the percentage change in net new construction.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 66.0602 (1) (d) of the statutes is amended to read:

66.0602 **(1)** (d) "Valuation factor" means a percentage equal to the greater of either the percentage change in the political subdivision's January 1 equalized value due to new construction less improvements removed between the previous year and the current or ~~zero~~ 2 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1195/P2
EKL:amn&cdc

DOA:.....Quinn, BB0170 – Requiring low-income housing credit as addition to income

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Addition of low-income housing tax credit to income

Under this bill, a business that claims the low-income housing credit must include the amount of the credit in income when computing its income or franchise tax liability.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 71.05 (6) (a) 15. of the statutes is amended to read:

3 71.05 **(6)** (a) 15. Except as provided under s. 71.07 (3p) (c) 5., the amount of the

4 credits computed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),

(3rm), (3rn), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5f), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8b), (8r), and (10) and not passed through by a partnership, limited liability company, or tax–option corporation that has added that amount to the partnership's, company's, or tax–option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 2. 71.21 (4) (a) of the statutes is amended to read:

71.21 **(4)** (a) The amount of the credits computed by a partnership under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8b), (8r), and (10) and passed through to partners shall be added to the partnership's income.

SECTION 3. 71.26 (2) (a) 4. of the statutes is amended to read:

71.26 **(2)** (a) 4. Plus the amount of the credit computed under s. 71.28 (1dm), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (3wm), (3y), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8b), (8r), (9s), and (10) and not passed through by a partnership, limited liability company, or tax–option corporation that has added that amount to the partnership's, limited liability company's, or tax–option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 4. 71.34 (1k) (g) of the statutes is amended to read:

71.34 **(1k)** (g) An addition shall be made for credits computed by a tax–option corporation under s. 71.28 (1dm), (1dx), (1dy), (3), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (3wm), (3y), (4), (5), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8b), (8r), and (10) and passed through to shareholders.

SECTION 5. 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn),

(3w), (3y), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), (6n), (8b), (8r), (9s), and (10) and not passed through by a partnership, limited liability company, or tax–option corporation that has added that amount to the partnership's, limited liability company's, or tax–option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

SECTION 9337. Initial applicability; Revenue.

(1) INCLUSION OF LOW-INCOME HOUSING CREDIT IN INCOME. The treatment of ss. 71.05 (6) (a) 15., 71.21 (4) (a), 71.26 (2) (a) 4., 71.34 (1k) (g), and 71.45 (2) (a) 10. first applies to taxable years beginning on January 1, 2019.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1216/P1
MLJ:kjf

DOA:.....Stinebrink, BB0174 – EMAC Appropriations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

1. Emergency management

This bill changes the appropriations for fire, crash, and rescue emergencies and for the emergency management assistance compact from sum certain annual appropriations to continuing appropriations. An annual sum certain appropriation is expendable only for the fiscal year for which the appropriation is made and only up to the dollar amount shown in the schedule for that fiscal year. A continuing appropriation is expendable until fully depleted, and the moneys held therein do not lapse. Therefore, the effect of this change is to allow the moneys in the appropriations to continue to be spent until depleted.

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

SECTION 1. 20.465 (1) (h) of the statutes is amended to read:

20.465 **(1)** (h) *Intergovernmental services.* ~~The amounts in the schedule to provide services to local units of government for fire, crash and rescue emergencies~~

~~and to provide assistance under s. 323.80.~~ All moneys received from local units of government for services provided for fire, crash, and rescue emergencies and as reimbursement from other states and territories for any losses, damages, or expenses incurred when units or members of the Wisconsin national guard are activated in state status to provide assistance under s. 323.80 ~~shall be credited to this appropriation~~, to provide services to local units of government for fire, crash, and rescue emergencies and to provide assistance under s. 323.80.

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

SECTION 2. 20.465 (3) (h) of the statutes is amended to read:

20.465 **(3)** (h) *Interstate emergency assistance.* ~~The amounts in the schedule to provide assistance under s. 323.80.~~ All moneys received under s. 323.80 (9) as reimbursement from other states and territories for any losses, damages, or expenses incurred when the division of emergency management provides assistance under s. 323.80 ~~shall be credited to this appropriation account~~, to provide assistance under s. 323.80.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1238/P3
MPG:kjf&cdc

DOA:.....Quinn, BB0176 – WEDC GPR Appropriation Modification

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. WEDC appropriation adjustments

This bill adjusts the calculation used to determine the amount of WEDC's general purpose revenue appropriation. The bill does not raise the cap on that appropriation, which is $16,512,500 per fiscal year.

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

SECTION 1. 20.192 (1) (a) of the statutes is amended to read:

20.192 **(1)** (a) *Operations and programs.* A sum sufficient in each fiscal year ~~2017–18~~ equal to the amount obtained by subtracting from ~~$35,250,700~~ $41,550,700 an amount equal to the sum of the amounts expended in that fiscal year from the appropriations under pars. (r) and (s)~~; and in fiscal year 2018–19 equal to the amount~~

~~obtained by subtracting from $41,550,700 the sum of the amounts expended in that fiscal year from the appropriations under pars. (r) and (s);~~, for the operations of the Wisconsin Economic Development Corporation and for funding economic development programs developed and implemented under s. 238.03. No more than $16,512,500 may be expended from this appropriation in any fiscal year, and ~~no~~ moneys may be expended from this appropriation ~~unless the balance of~~ only if there are no unencumbered moneys available in the appropriation account under par. (r) ~~is $0~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1288/P2
EHS:amn&cdc

DOA:.....Rice, BB0179 – Drug screening and testing for eligibility for certain training, work experience, and W-2 programs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Drug screening and testing requirements

This bill eliminates provisions under current law that, with certain exceptions, controlled substance abuse screening and, in some cases, testing and treatment are required of all of the following: 1) individuals who apply to participate in certain work experience programs administered by DCF and DWD; 2) noncustodial parents who apply for Wisconsin Works (W-2), administered by DCF; and 3) with respect to the W-2 program, every adult member of an individual's W-2 group whose income or assets are included in determining the individual's eligibility for a W-2 program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.437 (2) (em) of the statutes is repealed.

SECTION 2. 49.159 (1) (a) (intro.) of the statutes is amended to read:

49.159 **(1)** (a) (intro.) An individual who would be eligible under s. 49.145 except that the individual is the noncustodial parent of a dependent child is eligible for services and benefits under par. (b) if the individual is subject to a child support order~~, the individual satisfies all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162 that apply to the individual,~~ and any of the following applies to the custodial parent of the dependent child:

SECTION 3. 49.162 of the statutes is repealed.

SECTION 4. 49.163 (2) (am) 7. of the statutes is repealed.

SECTION 5. 49.36 (3) (a) of the statutes is amended to read:

49.36 **(3)** (a) Except as provided in par. (f) ~~and subject to sub. (3m)~~, a person ordered to register under s. 767.55 (2) (am) shall participate in a work experience program if services are available.

SECTION 6. 49.36 (3m) of the statutes is repealed.

SECTION 7. 106.38 (4) (a) 5. of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1293/P3
FFK:cdc&wlj

DOA:.....Kretschmann, BB0182 - Personal electronic computing devices repeal

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Personal electronic computing devices grant program

The bill eliminates the personal electronic computing devices grant program after the 2019-20 school year. Under the personal electronic devices grant program, DPI awards grants to public, private, and tribal schools to purchase personal electronic computing devices, software for personal electronic computing devices, and curricula that is accessible on personal electronic computing devices. The grants may also be used to train professional staff on the effective use of personal electronic devices in an educational setting. For a grant awarded to a school district in the 2019-20 school year, the bill specifies that the grant amount is based on the number of pupils enrolled in the school district in the current school year. Under current law, a grant to a school district is calculated based on the school district's membership in the previous school year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (aw) of the statutes is repealed.

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

SECTION 2. 115.438 of the statutes, as affected by 2019 Wisconsin Act .... (this act), is repealed.

SECTION 3. 115.438 (1) (intro.) and (b) (intro.) of the statutes are consolidated, renumbered 115.438 (1) (intro.) and amended to read:

115.438 **(1)** (intro.) In this section~~: (b) "Personal~~, "personal electronic computing device" means an electronic computing device that satisfies all of the following criteria:

SECTION 4. 115.438 (1) (a) of the statutes is repealed.

SECTION 5. 115.438 (1) (b) 1. to 3. of the statutes are renumbered 115.438 (1) (a) to (c).

SECTION 6. 115.438 (4) (a) 1. of the statutes is amended to read:

115.438 **(4)** (a) 1. For a school district, the number of 9th grade pupils ~~included in the school district's membership~~ enrolled, as defined in s. 121.004 (7), in the ~~previous~~ current school year.

SECTION 9434. Effective dates; Public Instruction.

(1) PERSONAL ELECTRONIC COMPUTING DEVICES; GRANT PROGRAM. The repeal of ss. 20.255 (2) (aw) and 115.438 take effect on July 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1294/P3
KRP:amn&cdc

DOA:.....Kretschmann, BB0183 – School performance improvement grant program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. School performance improvement grants

This bill eliminates school performance improvement grants effective July 1, 2020. Under current law, beginning in the 2018–19 school year, DPI must award a school performance improvement grant to an eligible school located in a first class city school district (currently only Milwaukee Public Schools) or in a school district that was in the lowest category on the school and school district accountability report (report card) if the eligible school develops a written school improvement plan to improve pupil performance and receives a higher score on the report card than it did in the previous school year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (dg) of the statutes is repealed.

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

SECTION 2. 115.387 of the statutes, as affected by 2019 Wisconsin Act .... (this act), is repealed.

SECTION 3. 115.387 (1) (d) 1. of the statutes is amended to read:

115.387 **(1)** (d) 1. For purposes of a public school that is under the control of a school board, "number of pupils enrolled" has the meaning given for "pupils enrolled" in s. ~~115.437 (1)~~ 121.004 (7).

SECTION 9434. Effective dates; Public Instruction.

(1) SCHOOL PERFORMANCE IMPROVEMENT GRANTS. The treatment of s. 20.255 (2) (dg) and the repeal of s. 115.387 take effect on July 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1301/P3
KRP:cdc&wlj

DOA:.....Hynek, BB0191 – Transfer career and technical education incentive grants to DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Career and technical education incentive grants and completion awards

This bill transfers from DWD to DPI the authority and obligation to award career and technical education (CTE) incentive grants and completion awards. Under current law, DWD approves industry-recognized certification programs designed to 1) mitigate workforce shortages; and 2) prepare individuals for occupations as fire fighters, emergency medical responders, and emergency medical services practitioners (public safety occupations). Currently, DWD must award CTE incentive grants to school districts that have programs approved by DWD and the amount of each grant depends on the number of pupils who complete the school district's programs. DWD also must award CTE completion awards to pupils for each DWD-approved program the pupil completes that is related to public safety occupations. The bill also transfers program approval authority from DWD to DPI.

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

SECTION 1. 20.445 (1) (bz) of the statutes is renumbered 20.255 (2) (ck) and amended to read:

20.255 **(2)** (ck) *Career and technical education incentive grants.* The amounts in the schedule for the career and technical education incentive grants under s. ~~106.273~~ 115.457 (3).

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

SECTION 2. 20.445 (1) (c) of the statutes is renumbered 20.255 (3) (ck) and amended to read:

20.255 **(3)** (ck) *Career and technical education completion awards.* A sum sufficient for the career and technical education completion awards under s. ~~106.273~~ 115.457 (4).

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

SECTION 3. 106.273 (title) of the statutes is renumbered 115.457 (title).

SECTION 4. 106.273 (1) of the statutes is renumbered 115.457 (1) and amended to read:

115.457 **(1)** IDENTIFICATION OF WORKFORCE SHORTAGES. The ~~department~~ state superintendent shall annually confer with the department of ~~public instruction~~ workforce development and the Wisconsin technical college system to identify industries and occupations within this state that face workforce shortages or shortages of adequately trained, entry–level workers. The state superintendent ~~of public instruction~~ shall annually notify school districts of the identified industries and occupations and make this information available on the Internet site of the department of public instruction.

SECTION 5. 106.273 (2) of the statutes is renumbered 115.457 (2), and 115.457 (2) (intro.), as renumbered, is amended to read:

115.457 **(2)** APPROVAL OF PROGRAMS. (intro.) The ~~department~~ state superintendent shall approve industry–recognized certification programs designed to do any of the following:

SECTION 6. 106.273 (3) (title) of the statutes is renumbered 115.457 (3) (title).

SECTION 7. 106.273 (3) (a) of the statutes is renumbered 115.457 (3) (a) and amended to read:

115.457 **(3)** (a) From the appropriation under s. ~~20.445 (1) (bz)~~ 20.255 (2) (ck), the ~~department~~ state superintendent shall annually award all of the following incentive grants to school districts:

1m. An incentive grant to a school district that has an industry–recognized certification program approved by the ~~department~~ state superintendent under sub. (2) (a). Subject to ~~pars. (am) and~~ par. (b), the amount of the incentive grant under this subdivision is equal to $1,000 for each ~~student~~ pupil in the school district to whom all of the following apply:

****NOTE: This is reconciled s. 115.457 (3) (a) 1m., as renumbered from s. 106.273 (3) (a) 1m. This section has been affected by drafts with the following LRB numbers: LRB–1301/P2 and LRB–2009/P1.

a. In the prior school year, the ~~student~~ pupil obtained a high school diploma or a technical education high school diploma from a school in the school district.

b. The ~~student~~ pupil successfully completed the program in a school year in which the program was approved by the ~~department~~ state superintendent under sub. (2) (a).

2m. An incentive grant to a school district that has an industry–recognized certification program approved by the ~~department~~ state superintendent under sub.

(2) (b). Subject to par. (b), for each such program the school district has, the amount of the incentive grant under this subdivision is equal to $1,000 for each ~~student~~ pupil in the school district who successfully completed the program in a school year in which the program was approved by the ~~department~~ state superintendent under sub. (2) (b).

SECTION 8. 106.273 (3) (b) of the statutes is renumbered 115.457 (3) (b) and amended to read:

115.457 **(3)** (b) If the amount available in the appropriation under s. ~~20.445 (1) (bz)~~ 20.255 (2) (ck) in any fiscal year is insufficient to pay the full amount per ~~student~~ pupil under par. (a) 1m. and 2m., the ~~department~~ state superintendent may prorate the amount of the ~~department's~~ payments among school districts eligible for incentive grants under this subsection.

SECTION 9. 106.273 (4) of the statutes is renumbered 115.457 (4) and amended to read:

115.457 **(4)** COMPLETION AWARDS FOR ~~STUDENTS~~ PUPILS. From the appropriation under s. ~~20.445 (1) (c)~~ 20.255 (3) (ck), the ~~department~~ state superintendent shall annually award a completion award to a ~~student~~ pupil in the amount of $500 for each industry–recognized certification program approved by the ~~department~~ state superintendent under sub. (2) (b) that the ~~student~~ pupil successfully completed in a school year in which the program was approved by the ~~department~~ state superintendent under sub. (2) (b).

SECTION 10. 106.273 (5) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1302/P1
MIM:cdc

DOA:.....Hynek, BB0192 – Eliminate Wisconsin Career Creator Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Wisconsin Career Creator

The bill eliminates the worker training and employment program known as the Wisconsin Career Creator Program. Under current law, DWD is required provide $20,000,000 in the 2019–21 fiscal biennium to facilitate worker training and employment in the state. Under the program, DWD must consult with WEDC and the Technical College System Board regarding the implementation of the program, and must submit a plan for implementing the program to the Joint Committee on Finance before expending any funds.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.445 (1) (bg) of the statutes is repealed.

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

1 **SECTION 2.** 106.271 of the statutes is repealed.

2 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1304/P5
KRP:amn/kjf/cjs

DOA:.....Kretschmann, BB0187 - Limiting enrollment in choice programs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Parental choice program caps; counting four-year-old kindergarten pupils

This bill caps the total number of pupils who may participate in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program (parental choice program) at the number of pupils who attended a private school under the parental choice program in the 2019-20 school year. Under the bill, beginning in the 2020-21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, DPI must determine which applications to accept on a random basis.

The bill also changes how a pupil enrolled in a four-year-old kindergarten is counted by a school district for purposes of state aid and revenue limits. Under current law, a pupil enrolled in a four-year-old kindergarten program is counted as 0.5 pupil unless the program provides at least 87.5 additional hours of outreach activities, in which case the pupil is counted as 0.6 pupil. Under the bill, if the four-year-old kindergarten program requires full-day attendance by pupils for five days a week, a pupil enrolled in the program is counted as one pupil.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 118.60 (2) (a) (intro.) of the statutes is amended to read:

118.60 **(2)** (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (bh), any pupil in grades kindergarten to 12 who resides within an eligible school district may attend any private school under this section and, subject to pars. (ag), (ar), (be), (bh), (bm), and (bs), any pupil in grades kindergarten to 12 who resides in a school district, other than an eligible school district or a 1st class city school district, may attend any private school under this section if all of the following apply:

SECTION 2. 118.60 (2) (a) 2. g. of the statutes is amended to read:

118.60 **(2)** (a) 2. g. If the pupil resides in a school district, other than ~~an eligible school district or~~ a 1st class city school district, the pupil was on a waiting list under sub. (3) (am) 4. or (ar) 4. in any previous school year.

SECTION 3. 118.60 (2) (be) 3. of the statutes is amended to read:

118.60 **(2)** (be) 3. Beginning with the 2026–27 school year, ~~there is no limit on the number of pupils who may attend private schools~~ the limits under this ~~section~~ paragraph do not apply.

SECTION 4. 118.60 (2) (bh) of the statutes is created to read:

118.60 **(2)** (bh) 1. In this paragraph, "program cap" means any of the following:

a. For an eligible school district, the total number of pupils residing in the eligible school district who attended a private school under this section in the 2019–20 school year.

b. For all school districts, other than an eligible school district or a 1st class city school district, the total number of pupils residing in those school districts who attended a private school under this section in the 2019-20 school year.

2. a. Beginning with the 2020-21 school year, the total number of pupils residing in an eligible school district who may attend a private school under this section during a school year may not exceed the program cap under subd. 1. a.

b. Beginning with the 2020-21 school year, the total number of pupils residing in school districts, other than an eligible school district or a 1st class city school district, who may attend a private school under this section during a school year may not exceed the program cap under subd. 1. b.

SECTION 5. 118.60 (3) (a) (intro.) of the statutes is amended to read:

118.60 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. No later than 60 days after the end of the application period during which an application is received and subject to ~~par.~~ pars. (am) and (ar), the private school shall notify each applicant, in writing, whether his or her application has been accepted. If the private school rejects an application, the notice shall include the reason. Subject to ~~par.~~ pars. (am) and (ar), a private school may reject an applicant only if ~~it~~ the private school has reached its maximum general capacity or seating capacity. Except as provided in ~~par.~~ pars. (am) and (ar), the state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference to the following in accepting applications, in the order of preference listed:

SECTION 6. 118.60 (3) (am) of the statutes is created to read:

118.60 **(3)** (am) All of the following apply to applications to attend a private school under this section submitted by pupils who reside in an eligible school district:

1. A private school that has submitted a notice of intent to participate under sub. (2) (a) 3. a. may accept applications for a school year during application periods determined by the department from pupils who reside in an eligible school district. For each school year, the department shall establish one or more application periods under this subdivision, the first of which begins no earlier than February 1 of the school year before the applicable school year, and the last of which ends no later than September 14 of the applicable school year.

2. Each private school that received applications under subd. 1. shall report to the department the number of pupils who applied under subd. 1. to attend the private school under this section and the names of those applicants who have siblings who also applied under subd. 1. to attend the private school under this section. The private school shall submit the report no later than 10 days after each application period described under subd. 1. during which the private school received applications.

3. After the end of each application period described under subd. 1., upon receipt of the information under subd. 2., the department shall determine the sum of all applicants for pupils residing in an eligible school district. In determining the sum, the department shall count a pupil who has applied to attend more than one private school under the program only once. If, after the end of an application period described under subd. 1., the sum of all applicants for pupils residing in an eligible school district exceeds the program cap under sub. (2) (bh) 2. a., the department shall determine which applications submitted during the application period to accept on

a random basis, except that the department shall give preference to the applications of pupils described in par. (a) 1m. to 5., in the order of preference listed in that paragraph.

4. If the sum under subd. 3. exceeds the program cap under sub. (2) (bh) 2. a., the department shall establish a waiting list in accordance with the preferences required under subd. 3.

5. A private school that has accepted a pupil who resides in an eligible school district under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below the program cap under sub. (2) (bh) 2. a., the department shall fill any available slot with a pupil selected from the waiting list established under subd. 4., if such a waiting list exists.

SECTION 7. 118.60 (3) (ar) (intro.) of the statutes is amended to read:

118.60 **(3)** (ar) (intro.) All of the following apply to applications to attend a private school under this section ~~only if the limitation under sub. (2) (be) applies to the school year for which the application is made~~ <u>submitted by pupils who reside in a school district, other than an eligible school district or a 1st class city school district</u>:

SECTION 8. 118.60 (3) (ar) 3. of the statutes is renumbered 118.60 (3) (ar) 3. (intro.) and amended to read:

118.60 **(3)** (ar) 3. (intro.) ~~Annually~~ <u>After the end of the application period described under subd. 1.</u>, upon receipt of the information under subd. 2., the department shall, for each school district, determine the sum of all applicants for pupils residing in that school district ~~under this paragraph~~ <u>and the sum of all</u>

applicants for pupils residing in all school districts, other than an eligible school district or a 1st class city school district. In determining ~~the sum~~ those sums, the department shall count a pupil who has applied to attend more than one private school under the program only once. After determining ~~the sum of all applicants for pupils residing in a school district,~~ those sums, if any of the following applies, the department shall determine which applications to accept on a random basis, except that the department shall give preference to the applications of pupils described in ~~s. 118.60 (3)~~ par. (a) 1m. to 5., in the order of preference listed in that paragraph~~.~~:

SECTION 9. 118.60 (3) (ar) 3. a. and b. of the statutes are created to read:

118.60 **(3)** (ar) 3. a. The sum of all applicants for pupils residing in a school district, other than an eligible school district or a 1st class city school district, exceeds the school district's pupil participation limit under sub. (2) (be).

b. The sum of all applicants for pupils residing in all school districts, other than an eligible school district or a 1st class city school district, exceeds the program cap under sub. (2) (bh) 2. b.

SECTION 10. 118.60 (3) (ar) 4. of the statutes is renumbered 118.60 (3) (ar) 4. (intro.) and amended to read:

118.60 **(3)** (ar) 4. (intro.) ~~For each school district in which private schools received applications under subd. 1. that exceeded the school district's pupil participation limit under sub. (2) (be), the~~ The department shall establish a waiting list in accordance with the preferences required under subd. 3. for each of the following:

SECTION 11. 118.60 (3) (ar) 4. a. and b. of the statutes are created to read:

118.60 **(3)** (ar) 4. a. A school district, other than an eligible school district or a 1st class city school district, for which the sum described under subd. 3. a. exceeds the school district's pupil participation limit under sub. (2) (be).

b. All school districts, other than an eligible school district or a 1st class city school district, if the sum described under subd. 3. b. exceeds the program cap under sub. (2) (bh) 2. b.

SECTION 12. 118.60 (3) (ar) 5. of the statutes is amended to read:

118.60 **(3)** (ar) 5. A private school that has accepted a pupil who resides in a school district, other than an eligible school district or a 1st class city school district, under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below a school district's pupil participation limit under sub. (2) (be), <u>or below the program cap under sub. (2) (bh) 2. b.,</u> the department shall fill any available slot in that school district <u>or program</u> with a pupil selected from the ~~school district's~~ <u>applicable</u> waiting list established under subd. 4., if such a waiting list exists.

SECTION 13. 118.60 (3) (b) of the statutes is amended to read:

118.60 **(3)** (b) If a participating private school rejects an applicant who resides within an eligible school district because the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant rejected under this paragraph <u>or an applicant who is on the waiting list under par. (am) 4.</u> may<u>, subject to sub. (2) (bh) 2. a.,</u> be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside within

an eligible school district. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 14. 118.60 (3) (c) of the statutes is amended to read:

118.60 **(3)** (c) If a participating private school rejects an applicant who resides in a school district, other than an eligible school district or a 1st class city school district, because the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant who is rejected under this paragraph or an applicant who is on ~~the~~ a waiting list under ~~sub. (3)~~ par. (ar) 4. a. or b. may, subject to sub. (2) (be) and (bh) 2. b., be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside in a school district, other than an eligible school district or a 1st class city school district. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 15. 118.60 (4v) (b) of the statutes is amended to read:

118.60 **(4v)** (b) If the department considers a pupil as a resident of an eligible school district under par. (a) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a school district has exceeded its pupil participation limit under sub. (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

SECTION 16. 118.60 (4v) (c) and (d) of the statutes are created to read:

118.60 **(4v)** (c) The department may consider a pupil enrolled in a private school participating in the program under this section who satisfies all of the following as a resident of a school district, other than an eligible school district or a 1st class city school district, who is enrolled in the private school under this section:

1. The pupil was a resident of an eligible school district when the pupil applied to participate in the program under this section.

2. The pupil accepted a space at a private school participating in the program under this section as a resident of an eligible school district.

3. The pupil resides in a school district, other than an eligible school district or a 1st class city school district, on the 3rd Friday in September.

4. The private school the pupil is attending under this section accepts applications under this section from pupils who reside in school districts, other than an eligible school district or a 1st class city school district.

(d) If the department considers a pupil as a resident of a school district, other than an eligible school district or a 1st class city school district, under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether the school district has exceeded its pupil participation limit under sub. (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

SECTION 17. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 **(2)** (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), <u>and (b),</u> any pupil in grades kindergarten to 12 who resides within the city may attend any private school if all of the following apply:

SECTION 18. 119.23 (2) (b) of the statutes is created to read:

119.23 **(2)** (b) 1. In this paragraph, "program cap" means the total number of pupils residing in the city who attended a private school under this section in the 2019–20 school year.

2. Beginning with the 2020–21 school year, the total number of pupils residing in the city who may attend a private school under this section during a school year may not exceed the program cap.

SECTION 19. 119.23 (3) (a) (intro.) of the statutes is amended to read:

119.23 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. No later than 60 days after the end of the application period during which an application is received <u>and subject to par. (ar)</u>, the private school shall notify each applicant, in writing, whether his or her application has been accepted. If the private school rejects an application, the notice shall include the reason. ~~A~~ <u>Subject to par. (ar), a</u> private school may reject an applicant only if ~~it~~ <u>the private school</u> has reached its maximum general capacity or seating capacity. ~~The~~ <u>Except as provided in par. (ar), the</u> state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference to the following in accepting applications, in order of preference listed:

SECTION 20. 119.23 (3) (ar) of the statutes is created to read:

119.23 **(3)** (ar) All of the following apply to applications to attend a private school under this section submitted by pupils who reside in the city:

1. A private school that has submitted a notice of intent to participate under sub. (2) (a) 3. may accept applications for a school year during application periods determined by the department from pupils who reside in the city. For each school year, the department shall establish one or more application periods under this subdivision, the first of which begins no later than February 1 of the school year before the applicable school year, and the last of which ends no later than September 14 of the applicable school year.

2. Each private school that received applications under subd. 1. shall report to the department the number of pupils who applied under subd. 1. to attend the private school under this section and the names of those applicants who have siblings who also applied under subd. 1. to attend the private school under this section. The private school shall submit the report no later than 10 days after each application period described under subd. 1. during which the private school received applications.

3. After the end of each application period described under subd. 1, upon receipt of the information under subd. 2., the department shall determine the sum of all applicants for pupils residing in the city. In determining the sum, the department shall count a pupil who has applied to attend more than one private school under the program only once. If, after the end of an application period described under subd. 1., the sum of all applicants for pupils residing in the city exceeds the program cap under sub. (2) (b), the department shall determine which applications submitted during the application period to accept on a random basis, except that the department shall give preference to the applications of pupils described in par. (a) 1. to 5., in the order of preference listed in that paragraph.

4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the department shall establish a waiting list in accordance with the preferences required under subd. 3.

5. A private school that has accepted a pupil who resides in the city under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below the program cap under sub. (2) (b), the department shall fill any available slot with a pupil selected from the waiting list established under subd. 4., if such a waiting list exists.

SECTION 21. 119.23 (3) (b) of the statutes is amended to read:

119.23 **(3)** (b) If the private school rejects an applicant because ~~it~~ the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant rejected under this paragraph or an applicant who is on the waiting list under par. (ar) 4. may, subject to sub. (2) (b), be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside within the city. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 22. 119.23 (4v) (b) of the statutes is amended to read:

119.23 **(4v)** (b) If the department considers a pupil as a resident of the city under par. (a) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a school district has

exceeded its pupil participation limit under s. 118.60 (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded.

SECTION 23. 119.23 (4v) (c), (d) and (e) of the statutes are created to read:

119.23 **(4v)** (c) The department may consider a pupil enrolled in a private school participating in the program under this section who satisfies all of the following as a resident of a school district, other than a 1st class city school district, who is enrolled in the private school under this section:

1. The pupil was a resident of the city when the pupil applied to participate in the program under this section.

2. The pupil accepted a space at a private school participating in the program under this section as a resident of the city.

3. The pupil resides in a school district, other than a 1st class city school district, on the 3rd Friday in September.

4. The private school at which the pupil accepted a space under this section is participating in the program under s. 118.60.

(d) If the department considers a pupil as a resident of an eligible school district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. has been exceeded.

(e) If the department considers a pupil as a resident of a school district, other than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city school district, under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether the

school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

SECTION 9334. Initial applicability; Public Instruction.

(1) PARENTAL CHOICE PROGRAMS; PROGRAM CAPS. The treatment of ss. 118.60 (3) (am) and (ar) (intro.) and 5. and 119.23 (3) (ar), the renumbering and amendment of s. 118.60 (3) (ar) 3. and 4., and the creation of s. 118.60 (3) (ar) 3. a. and b. and 4. a. and b. first apply to an application to attend in a private school under s. 118.60 or 119.23 in the 2020–21 school year.

(2) PARENTAL CHOICE PROGRAMS; TRANSFERRING APPLICANTS BETWEEN PROGRAMS. The treatment of ss. 118.60 (4v) (b), (c), and (d) and 119.23 (4v) (b), (c), (d), and (e) first applies to counting pupils for the pupil participation limits under s. 118.60 (2) (be) and the program caps under ss. 118.60 (2) (bh) 2. a. and b. and 119.23 (2) (b) for the 2020–21 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1305/P4
KRP:cjs&kjf

DOA:.....Kretschmann, BB0188 – Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Authorization of new independent charter schools

This bill provides that, beginning on the effective date of the bill and ending on July 1, 2023, an authorizer of an independent charter school generally may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

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

SECTION 1. 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

118.40 **(2r)** (b) 1. (intro.) ~~All~~ Except as provided under par. (i), all of the following entities may contract with a person to operate a charter school:

SECTION 2. 118.40 (2r) (bm) of the statutes is amended to read:

118.40 **(2r)** (bm) ~~The~~ Except as provided under par. (i), the county executive of Waukesha County may contract for the establishment of a charter school located only in Waukesha County.

SECTION 3. 118.40 (2r) (i) of the statutes is created to read:

118.40 **(2r)** (i) 1. Except as provided in subds. 2. and 3., beginning on the effective date of this subdivision .... [LRB inserts date], and ending on July 1, 2023, an entity under par. (b) 1. may not enter into a contract with a person to operate a charter school that was not operating on the effective date of this subdivision .... [LRB inserts date].

2. An entity under par. (b) 1. may contract with a person to operate a charter school that begins operating after the effective date of this subdivision .... [LRB inserts date], if the person opens the charter school under a contract provision described under par. (b) 2. c.

3. An entity under par. (b) 1. may contract with a person to operate a charter school that begins operating after the effective date of this subdivision .... [LRB inserts date], if the entity notified the state superintendent under sub. (1) by February 1, 2019, of the entity's intention to establish the charter school.

SECTION 4. 118.40 (2x) (b) 1. of the statutes is amended to read:

118.40 **(2x)** (b) 1. ~~The~~ Except as provided under par. (g), the director may contract with a person to operate a charter school.

SECTION 5. 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

118.40 **(2x)** (cm) (intro.) Notwithstanding par. (b) 1., the director may, except as provided under par. (g), enter into a contract to establish, as a pilot project, one recovery charter school, to be located in this state and that operates only high school grades, if the term of the contract is limited to 4 consecutive school years and the contract requires the charter school operator to do all of the following:

SECTION 6. 118.40 (2x) (g) of the statutes is created to read:

118.40 **(2x)** (g) 1. Except as provided in subd. 2., beginning on the effective date of this subdivision .... [LRB inserts date], and ending on July 1, 2023, the director may not enter into a contract with a person to operate a charter school that was not operating on the effective date of this subdivision .... [LRB inserts date].

2. The director may contract with a person to operate a charter school that begins operating after the effective date of this subdivision .... [LRB inserts date], if the director notified the state superintendent under sub. (1) by February 1, 2019, of the director's intention to establish the charter school.

SECTION 7. 118.40 (3) (h) of the statutes is amended to read:

118.40 **(3)** (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school board, an entity under sub. (2r), or the director under sub. (2x) may contract for the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board, entity under sub. (2r), or the director under sub. (2x) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1311/P1
EAW:cjs

DOA:.....Rice, BB0177 – W-2 lifetime limit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. W-2 lifetime maximum

The Wisconsin Works (W-2) program under current law, which DCF administers, provides work experience and benefits for low-income custodial parents who are at least 18 years old. This bill increases the lifetime maximum for W-2 participation of an individual or any adult member of the individual's W-2 group from 48 months to 60 months. Under current law, a W-2 group includes any nonmarital coparent or any spouse of an individual who resides in the same household as the individual.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.145 (2) (n) 1. (intro.) of the statutes is amended to read:

49.145 **(2)** (n) 1. (intro.) Except as provided in subd. 4., beginning on the date on which the individual has attained the age of 18, the total number of months in which the individual or any adult member of the individual's Wisconsin Works group has participated in, or has received benefits under, any of the following or any combination of the following does not exceed ~~48~~ 60 months, whether or not consecutive:

SECTION 2. 49.145 (2) (n) 1. a. of the statutes is amended to read:

49.145 **(2)** (n) 1. a. The job opportunities and basic skills program under s. 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job opportunities and basic skills program counts toward the ~~48~~ 60–month limit.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1320/P1
CMH:kjf

DOA:.....Hynek, BB0194 – Repeal right to work

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

1. Eliminating the right-to-work law

EMPLOYMENT

This bill eliminates the state right-to-work law. The current state right-to-work law prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization.

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

SECTION 1. 111.01 of the statutes is created to read:

111.01 Declaration of policy. The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this subchapter is enacted, is declared to be as follows:

(1) It recognizes that there are 3 major interests involved, namely: the public, the employee, and the employer. These 3 interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers, farmer cooperatives, and unincorporated farmer cooperative associations, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production that require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

(3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if the employee desires, to associate with others in organizing and bargaining collectively through representatives of the employee's own choosing, without intimidation or coercion from any source.

(4) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair

conduct in employment relations and to provide a convenient, expeditious, and impartial tribunal by which these interests may have their respective rights and obligations adjudicated. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

SECTION 2. 111.04 (1) and (2) of the statutes are consolidated, renumbered 111.04 and amended to read:

111.04 Rights of Employees. Employees shall have the right of self–organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. ~~**(2)**~~ Employees shall also have the right to refrain from ~~self–organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection~~ such activities.

SECTION 3. 111.04 (3) of the statutes is repealed.

SECTION 4. 111.06 (1) (c) of the statutes is amended to read:

111.06 **(1)** (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment except in a collective bargaining unit where an all–union, fair–share, or maintenance of membership agreement is in effect. An employer may enter into an all–union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of the all–union agreement

in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into an all–union agreement. An authorization of an all–union agreement continues, subject to the right of either party to the all–union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of the petition, if the commission determines there is reasonable ground to believe that the employees concerned have changed their attitude toward the all–union agreement, the commission shall conduct a referendum. If the continuance of the all–union agreement is supported on a referendum by a vote at least equal to that provided in this paragraph for its initial authorization, it may continue, subject to the right to petition for a further vote by the procedure under this paragraph. If the continuance of the all–union agreement is not supported on a referendum, it terminates at the expiration of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all–union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer. An interested person may, as provided in s. 111.07, request the commission to perform this duty.

SECTION 5. 111.06 (1) (e) of the statutes is amended to read:

111.06 **(1)** (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all–union agreement except in the manner provided in par. (c).

SECTION 6. 111.06 (1) (i) of the statutes is amended to read:

111.06 **(1)** (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable by the employee giving to the employer at least 30 days' written notice of the termination~~. This paragraph applies to the extent permitted under federal law~~ unless there is an all–union, fair–share, or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of a notice of termination.

SECTION 7. 111.06 (1) (m) of the statutes is created to read:

111.06 **(1)** (m) To fail to give the notice of intention to engage in a lockout provided in s. 111.115 (3).

SECTION 8. 947.20 of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1323/P2
MED:cdc

DOA:.....Bork, BB0196 – Transfer of Worker's Compensation Functions from DHA to DWD

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Worker's compensation; authority to conduct hearings

Under current law, DWD performs various administrative and adjudicatory functions relating to worker's compensation, except that the adjudicatory functions of DWD relating to disputed worker's compensation claims are performed the Division of Hearings and Appeals in DOA (DHA). This bill transfers the adjudicatory functions of DHA relating to disputed worker's compensation claims to DWD.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 40.65 (2) (a) of the statutes is amended to read:

3 40.65 **(2)** (a) This paragraph applies to participants who first apply for benefits

4 before May 3, 1988. Any person desiring a benefit under this section must apply to

the department of workforce development, which department shall determine whether the applicant is eligible to receive the benefit and the participant's monthly salary. Appeals from the eligibility decision shall follow the procedures under ss. 102.16 to 102.26. If it is determined that an applicant is eligible, the department of workforce development shall notify the department of employee trust funds and shall certify the applicant's monthly salary. If at the time of application for benefits an applicant is still employed in any capacity by the employer in whose employ the disabling injury occurred or disease was contracted, that continued employment shall not affect that applicant's right to have his or her eligibility to receive those benefits determined in proceedings before the ~~division of hearings and appeals in the department of administration~~ department of workforce development or the labor and industry review commission or in proceedings in the courts. The department of workforce development may promulgate rules needed to administer this paragraph.

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

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

SECTION 3. 40.65 (2) (b) 4. of the statutes is amended to read:

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

SECTION 4. 102.01 (2) (ad) of the statutes is repealed.

SECTION 5. 102.01 (2) (ar) of the statutes is repealed.

SECTION 6. 102.01 (2) (dm) of the statutes is amended to read:

102.01 **(2)** (dm) "Order" means any decision, rule, regulation, direction, requirement, or standard of the department ~~or the division~~, or any other determination arrived at or decision made by the department ~~or the division~~.

SECTION 7. 102.04 (2r) (b) of the statutes is amended to read:

102.04 **(2r)** (b) The franchisor has been found by the department ~~or the division~~ to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 8. 102.07 (8) (c) of the statutes is amended to read:

102.07 **(8)** (c) The ~~division~~ <u>department</u> may not admit in evidence any state or federal law, regulation, or document granting operating authority~~,~~ or <u>a</u> license when determining whether an independent contractor meets the conditions specified in par. (b) 1. or 3.

SECTION 9. 102.11 (1) (am) 1. of the statutes is amended to read:

102.11 **(1)** (am) 1. The employee is a member of a class of employees that does the same type of work at the same location and, in the case of an employee in the service of the state, is employed in the same office, department, independent agency, authority, institution, association, society, or other body in state government or, if the department ~~or the division~~ determines appropriate, in the same subunit of an office, department, independent agency, authority, institution, association, society, or other body in state government.

SECTION 10. 102.12 of the statutes is amended to read:

102.12 Notice of injury, exception, laches. No claim for compensation may be maintained unless, within 30 days after the occurrence of the injury or within 30

days after the employee knew or ought to have known the nature of his or her disability and its relation to the employment, actual notice was received by the employer or by an officer, manager or designated representative of an employer. If no representative has been designated by posters placed in one or more conspicuous places where notices to employees are customarily posted, then notice received by any superior is sufficient. Absence of notice does not bar recovery if it is found that the employer was not misled by that absence. Regardless of whether notice was received, if no payment of compensation, other than medical treatment or burial expense, is made, and if no application is filed with the department within 2 years after the date of the injury or death or the date the employee or his or her dependent knew or ought to have known the nature of the disability and its relation to the employment, the right to compensation for the injury or death is barred, except that the right to compensation is not barred if the employer knew or should have known, within the 2–year period, that the employee had sustained the injury on which the claim is based. Issuance of notice of a hearing on the motion of the department ~~or the division~~ has the same effect for the purposes of this section as the filing of an application. This section does not affect any claim barred under s. 102.17 (4).

SECTION 11. 102.13 (1) (c) of the statutes is amended to read:

102.13 **(1)** (c) So long as the employee, after a written request of the employer or insurer that complies with par. (b), refuses to submit to or in any way obstructs the examination, the employee's right to begin or maintain any proceeding for the collection of compensation is suspended, except as provided in sub. (4). If the employee refuses to submit to the examination after direction by the department~~, the division,~~ or an examiner, or in any way obstructs the examination, the employee's

right to the weekly indemnity that accrues and becomes payable during the period of that refusal or obstruction, is barred, except as provided in sub. (4).

SECTION 12. 102.13 (1) (d) 2. of the statutes is amended to read:

102.13 **(1)** (d) 2. Any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice nurse prescriber, or podiatrist who attended a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may be required to testify before the ~~division~~ department when the ~~division~~ department so directs.

SECTION 13. 102.13 (1) (d) 3. of the statutes is amended to read:

102.13 **(1)** (d) 3. Notwithstanding any statutory provisions except par. (e), any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice nurse prescriber, or podiatrist attending a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may furnish to the employee, employer, worker's compensation insurer, or department~~, or division~~ information and reports relative to a compensation claim.

SECTION 14. 102.13 (1) (f) of the statutes is amended to read:

102.13 **(1)** (f) If an employee claims compensation under s. 102.81 (1), the department ~~or the division~~ may require the employee to submit to physical or vocational examinations under this subsection.

SECTION 15. 102.13 (2) (a) of the statutes is amended to read:

102.13 **(2)** (a) An employee who reports an injury alleged to be work–related or files an application for hearing waives any physician–patient, psychologist–patient, or chiropractor–patient privilege with respect to any condition or complaint reasonably related to the condition for which the employee claims

compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice nurse prescriber, hospital, or health care provider shall, within a reasonable time after written request by the employee, employer, worker's compensation insurer, <u>or</u> department, ~~or division,~~ or its representative, provide that person with any information or written material reasonably related to any injury for which the employee claims compensation.

SECTION 16. 102.13 (3) of the statutes is amended to read:

102.13 **(3)** If 2 or more physicians, chiropractors, psychologists, dentists, or podiatrists disagree as to the extent of an injured employee's temporary disability, the end of an employee's healing period, an employee's ability to return to work at suitable available employment or the necessity for further treatment or for a particular type of treatment, the department ~~or the division~~ may appoint another physician, chiropractor, psychologist, dentist, or podiatrist to examine the employee and render an opinion as soon as possible. The department ~~or the division~~ shall promptly notify the parties of this appointment. If the employee has not returned to work, payment for temporary disability shall continue until the department ~~or the division~~ receives the opinion. The employer or its insurance carrier, or both, shall pay for the examination and opinion. The employer or insurance carrier, or both, shall receive appropriate credit for any overpayment to the employee determined by the department ~~or the division~~ after receipt of the opinion.

SECTION 17. 102.13 (4) of the statutes is amended to read:

102.13 **(4)** The right of an employee to begin or maintain proceedings for the collection of compensation and to receive weekly indemnities that accrue and become payable shall not be suspended or barred under sub. (1) when an employee refuses

to submit to a physical examination, upon the request of the employer or worker's compensation insurer or at the direction of the department~~, the division,~~ or an examiner, that would require the employee to travel a distance of 100 miles or more from his or her place of residence, unless the employee has claimed compensation for treatment from a practitioner whose office is located 100 miles or more from the employee's place of residence or the department~~, division,~~ or examiner determines that any other circumstances warrant the examination. If the employee has claimed compensation for treatment from a practitioner whose office is located 100 miles or more from the employee's place of residence, the employer or insurer may request, or the department~~, the division,~~ or an examiner may direct, the employee to submit to a physical examination in the area where the employee's treatment practitioner is located.

SECTION 18. 102.13 (5) of the statutes is amended to read:

102.13 **(5)** The department ~~or the division~~ may refuse to receive testimony as to conditions determined from an autopsy if it appears that the party offering the testimony had procured the autopsy and had failed to make reasonable effort to notify at least one party in adverse interest or the department ~~or the division~~ at least 12 hours before the autopsy of the time and place at which the autopsy would be performed, or that the autopsy was performed by or at the direction of the coroner or medical examiner or at the direction of the district attorney for purposes not authorized under ch. 979. The department ~~or the division~~ may withhold findings until an autopsy is held in accordance with its directions.

SECTION 19. 102.14 (title) of the statutes is amended to read:

102.14 (title) **Jurisdiction of department ~~and division~~; advisory ~~committee~~ <u>council</u>.**

SECTION 20. 102.14 (1) of the statutes is amended to read:

102.14 **(1)** Except as otherwise provided, this chapter shall be administered by the department ~~and the division~~.

SECTION 21. 102.14 (2) of the statutes is amended to read:

102.14 **(2)** The council on worker's compensation shall advise the department ~~and the division~~ in carrying out the purposes of this chapter, shall submit its recommendations with respect to amendments to this chapter to each regular session of the legislature, and shall report its views upon any pending bill relating to this chapter to the proper legislative committee. At the request of the chairpersons of the senate and assembly committees on labor, the department shall schedule a meeting of the council with the members of the senate and assembly committees on labor to review and discuss matters of legislative concern arising under this chapter.

SECTION 22. 102.15 (1) of the statutes is amended to read:

102.15 **(1)** Subject to this chapter, the ~~division~~ department may ~~adopt its own~~ promulgate rules of procedure ~~and may change the same from time to time~~.

SECTION 23. 102.15 (2) of the statutes is amended to read:

102.15 **(2)** The ~~division~~ department may provide by rule the conditions under which transcripts of testimony and proceedings shall be furnished.

SECTION 24. 102.16 (1) of the statutes is repealed and recreated to read:

102.16 **(1)** Any controversy concerning compensation or a violation of sub. (3), including a controversy in which the state may be a party, shall be submitted to the department in the manner and with the effect provided in this chapter. Every compromise of any claim for compensation may be reviewed and set aside, modified, or confirmed by the department within one year after the date on which the compromise is filed with the department, the date on which an award has been

entered based on the compromise, or the date on which an application for the department to take any of those actions is filed with the department. Unless the word "compromise" appears in a stipulation of settlement, the settlement shall not be considered a compromise, and further claim is not barred except as provided in s. 102.17 (4) regardless of whether an award is made. The employer, insurer or dependent under s. 102.51 (5) shall have equal rights with the employee to have a compromise or any other stipulation of settlement reviewed under this subsection. Upon petition filed with the department under this subsection, the department may set aside the award or otherwise determine the rights of the parties.

SECTION 25. 102.16 (1m) (a) of the statutes is amended to read:

102.16 **(1m)** (a) If an insurer or self–insured employer concedes by compromise under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self–insured employer is liable under this chapter for any health services provided to an injured employee by a health service provider, but disputes the reasonableness of the fee charged by the health service provider, the department ~~or the division~~ may include in its order confirming the compromise or stipulation a determination made by the department under sub. (2) as to the reasonableness of the fee or, if such a determination has not yet been made, the department ~~or the division~~ may notify, or direct the insurer or self–insured employer to notify, the health service provider under sub. (2) (b) that the reasonableness of the fee is in dispute. The department ~~or the division~~ shall deny payment of a health service fee that the department determines under sub. (2) to be unreasonable. A health service provider and an insurer or self–insured employer that are parties to a fee dispute under this paragraph are bound by the department's determination under sub. (2) on the reasonableness of the disputed fee, unless that determination is set aside, reversed,

or modified by the department under sub. (2) (f) or is set aside on judicial review as provided in sub. (2) (f).

SECTION 26. 102.16 (1m) (b) of the statutes is amended to read:

102.16 **(1m)** (b) If an insurer or self–insured employer concedes by compromise under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self–insured employer is liable under this chapter for any treatment provided to an injured employee by a health service provider, but disputes the necessity of the treatment, the department ~~or the division~~ may include in its order confirming the compromise or stipulation a determination made by the department under sub. (2m) as to the necessity of the treatment or, if such a determination has not yet been made, the department ~~or the division~~ may notify, or direct the insurer or self–insured employer to notify, the health service provider under sub. (2m) (b) that the necessity of the treatment is in dispute. Before determining under sub. (2m) the necessity of treatment provided to an injured employee, the department may, but is not required to, obtain the opinion of an expert selected by the department who is qualified as provided in sub. (2m) (c). The standards promulgated under sub. (2m) (g) shall be applied by an expert and by the department in rendering an opinion as to, and in determining, necessity of treatment under this paragraph. In cases in which no standards promulgated under sub. (2m) (g) apply, the department shall find the facts regarding necessity of treatment. The department ~~or the division~~ shall deny payment for any treatment that the department determines under sub. (2m) to be unnecessary. A health service provider and an insurer or self–insured employer that are parties to a dispute under this paragraph over the necessity of treatment are bound by the department's determination under sub. (2m) on the necessity of the disputed treatment, unless that determination is set aside, reversed, or modified by

the department under sub. (2m) (e) or is set aside on judicial review as provided in sub. (2m) (e).

SECTION 27. 102.16 (1m) (c) of the statutes is amended to read:

102.16 **(1m)** (c) If an insurer or self–insured employer concedes by compromise under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self–insured employer is liable under this chapter for the cost of a prescription drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but disputes the reasonableness of the amount charged for the prescription drug, the department ~~or the division~~ may include in its order confirming the compromise or stipulation a determination made by the department under s. 102.425 (4m) as to the reasonableness of the prescription drug charge or, if such a determination has not yet been made, the department ~~or the division~~ may notify, or direct the insurer or self–insured employer to notify, the pharmacist or practitioner dispensing the prescription drug under s. 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in dispute. The department ~~or the division~~ shall deny payment of a prescription drug charge that the department determines under s. 102.425 (4m) to be unreasonable. A pharmacist or practitioner and an insurer or self–insured employer that are parties to a dispute under this paragraph over the reasonableness of a prescription drug charge are bound by the department's determination under s. 102.425 (4m) on the reasonableness of the disputed prescription drug charge, unless that determination is set aside, reversed, or modified by the department under s. 102.425 (4m) (e) or is set aside on judicial review as provided in s. 102.425 (4m) (e).

SECTION 28. 102.16 (2) (a) of the statutes is amended to read:

102.16 **(2)** (a) Except as provided in this paragraph, the department has jurisdiction under this subsection, ~~the department and the division have jurisdiction under~~ sub. (1m) (a), and ~~the division has jurisdiction under~~ s. 102.17 to resolve a dispute between a health service provider and an insurer or self–insured employer over the reasonableness of a fee charged by the health service provider for health services provided to an injured employee who claims benefits under this chapter. A health service provider may not submit a fee dispute to the department under this subsection before all treatment by the health service provider of the employee's injury has ended if the amount in controversy, whether based on a single charge or a combination of charges for one or more days of service, is less than $25. After all treatment by a health service provider of an employee's injury has ended, the health service provider may submit any fee dispute to the department, regardless of the amount in controversy. The department shall deny payment of a health service fee that the department determines under this subsection to be unreasonable.

SECTION 29. 102.16 (2) (b) of the statutes is amended to read:

102.16 **(2)** (b) An insurer or self–insured employer that disputes the reasonableness of a fee charged by a health service provider or the department ~~or the division~~ under sub. (1m) (a) or s. 102.18 (1) (bg) 1. shall provide reasonable written notice to the health service provider that the fee is being disputed. After receiving reasonable written notice under this paragraph or under sub. (1m) (a) or s. 102.18 (1) (bg) 1. that a health service fee is being disputed, a health service provider may not collect the disputed fee from, or bring an action for collection of the disputed fee against, the employee who received the services for which the fee was charged.

SECTION 30. 102.16 (2m) (a) of the statutes is amended to read:

102.16 **(2m)** (a) Except as provided in this paragraph, the department has jurisdiction under this subsection, ~~the department and the division have jurisdiction under~~ sub. (1m) (b), and ~~the division has jurisdiction under~~ s. 102.17 to resolve a dispute between a health service provider and an insurer or self–insured employer over the necessity of treatment provided for an injured employee who claims benefits under this chapter. A health service provider may not submit a dispute over necessity of treatment to the department under this subsection before all treatment by the health service provider of the employee's injury has ended if the amount in controversy, whether based on a single charge or a combination of charges for one or more days of service, is less than $25. After all treatment by a health service provider of an employee's injury has ended, the health service provider may submit any dispute over necessity of treatment to the department, regardless of the amount in controversy. The department shall deny payment for any treatment that the department determines under this subsection to be unnecessary.

SECTION 31. 102.16 (2m) (b) of the statutes is amended to read:

102.16 **(2m)** (b) An insurer or self–insured employer that disputes the necessity of treatment provided by a health service provider or the department ~~or the division~~ under sub. (1m) (b) or s. 102.18 (1) (bg) 2. shall provide reasonable written notice to the health service provider that the necessity of that treatment is being disputed. After receiving reasonable written notice under this paragraph or under sub. (1m) (b) or s. 102.18 (1) (bg) 2. that the necessity of treatment is being disputed, a health service provider may not collect a fee for that disputed treatment from, or bring an action for collection of the fee for that disputed treatment against, the employee who received the treatment.

SECTION 32. 102.16 (4) of the statutes is amended to read:

102.16 **(4)** The department ~~and the division have~~ has jurisdiction to pass on any question arising out of sub. (3) and to order the employer to reimburse an employee or other person for any sum deducted from wages or paid by him or her in violation of that subsection. In addition to the penalty provided in s. 102.85 (1), any employer violating sub. (3) shall be liable to an injured employee for the reasonable value of the necessary services rendered to that employee under any arrangement made in violation of sub. (3) without regard to that employee's actual disbursements for those services.

SECTION 33. 102.17 (1) (a) 1. of the statutes is amended to read:

102.17 **(1)** (a) 1. Upon the filing with the department by any party in interest of any application in writing stating the general nature of any claim as to which any dispute or controversy may have arisen, the department shall mail a copy of the application to all other parties in interest, and the insurance carrier shall be considered a party in interest. The department ~~or the division~~ may bring in additional parties by service of a copy of the application.

SECTION 34. 102.17 (1) (a) 2. of the statutes is amended to read:

102.17 **(1)** (a) 2. Subject to subd. 3., the ~~division~~ department shall cause notice of hearing on the application to be given to each interested party by service of that notice on the interested party personally or by mailing a copy of that notice to the interested party's last–known address at least 10 days before the hearing. If a party in interest is located without this state, and has no post–office address within this state, the copy of the application and copies of all notices shall be filed with the department of financial institutions and shall also be sent by registered or certified mail to the last–known post–office address of the party. Such filing and mailing shall

constitute sufficient service, with the same effect as if served upon a party located within this state.

SECTION 35. 102.17 (1) (a) 3. of the statutes is amended to read:

102.17 **(1)** (a) 3. If a party in interest claims that the employer or insurer has acted with malice or bad faith as described in s. 102.18 (1) (b) 3. or (bp), that party shall provide written notice stating with reasonable specificity the basis for the claim to the employer, the insurer, and the department, ~~and the division~~ before the ~~division~~ department schedules a hearing on the claim of malice or bad faith.

SECTION 36. 102.17 (1) (a) 4. of the statutes is amended to read:

102.17 **(1)** (a) 4. The hearing may be adjourned in the discretion of the ~~division~~ department, and hearings may be held at such places as the ~~division~~ department designates, within or without the state. The ~~division~~ department may also arrange to have hearings held by the commission, officer, or tribunal having authority to hear cases arising under the worker's compensation law of any other state, of the District of Columbia, or of any territory of the United States, with the testimony and proceedings at any such hearing to be reported to the ~~division~~ department and to be made part of the record in the case. Any evidence so taken shall be subject to rebuttal upon final hearing before the ~~division~~ department.

SECTION 37. 102.17 (1) (b) of the statutes is amended to read:

102.17 **(1)** (b) In any dispute or controversy pending before the ~~division~~ department, the ~~division~~ department may direct the parties to appear before an examiner for a conference to consider the clarification of issues, the joining of additional parties, the necessity or desirability of amendments to the pleadings, the obtaining of admissions of fact or of documents, records, reports, and bills that may avoid unnecessary proof, and such other matters as may aid in disposition of the

dispute or controversy. After that conference the ~~division~~ department may issue an order requiring disclosure or exchange of any information or written material that the ~~division~~ department considers material to the timely and orderly disposition of the dispute or controversy. If a party fails to disclose or exchange that information within the time stated in the order, the ~~division~~ department may issue an order dismissing the claim without prejudice or excluding evidence or testimony relating to the information or written material. The ~~division~~ department shall provide each party with a copy of any order issued under this paragraph.

SECTION 38. 102.17 (1) (c) 1. of the statutes is amended to read:

102.17 **(1)** (c) 1. Any party shall have the right to be present at any hearing, in person or by attorney or any other agent, and to present such testimony as may be pertinent to the controversy before the ~~division~~ department. No person, firm, or corporation, other than an attorney at law who is licensed to practice law in the state, may appear on behalf of any party in interest before the ~~division~~ department or any member or employee of the ~~division~~ department assigned to conduct any hearing, investigation, or inquiry relative to a claim for compensation or benefits under this chapter, unless the person is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the department a license with authorization to appear in matters or proceedings before the ~~division~~ department. Except as provided under pars. (cm), (cr), and (ct), the license shall be issued by the department under rules promulgated by the department. The department shall maintain in its office a current list of persons to whom licenses have been issued.

SECTION 39. 102.17 (1) (d) 1. of the statutes is amended to read:

102.17 **(1)** (d) 1. The contents of certified medical and surgical reports by physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice nurse prescribers, and chiropractors licensed in and practicing in this state, and of certified reports by experts concerning loss of earning capacity under s. 102.44 (2) and (3), presented by a party for compensation constitute prima facie evidence as to the matter contained in those reports, subject to any rules and limitations the ~~division~~ department prescribes. Certified reports of physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice nurse prescribers, and chiropractors, wherever licensed and practicing, who have examined or treated the claimant, and of experts, if the practitioner or expert consents to being subjected to cross–examination, also constitute prima facie evidence as to the matter contained in those reports. Certified reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of the diagnosis, necessity of the treatment, and cause and extent of the disability. Certified reports by doctors of dentistry, physician assistants, and advanced practice nurse prescribers are admissible as evidence of the diagnosis and necessity of treatment but not of the cause and extent of disability. Any physician, podiatrist, surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice nurse prescriber, or expert who knowingly makes a false statement of fact or opinion in a certified report may be fined or imprisoned, or both, under s. 943.395.

SECTION 40. 102.17 (1) (d) 2. of the statutes is amended to read:

102.17 **(1)** (d) 2. The record of a hospital or sanatorium in this state that is satisfactory to the ~~division~~ department, established by certificate, affidavit, or testimony of the supervising officer of the hospital or sanatorium, any other person having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist,

physician assistant, advanced practice nurse prescriber, or chiropractor to be the record of the patient in question, and made in the regular course of examination or treatment of the patient, constitutes prima facie evidence as to the matter contained in the record, to the extent that the record is otherwise competent and relevant.

SECTION 41. 102.17 (1) (d) 3. of the statutes is amended to read:

102.17 **(1)** (d) 3. The ~~division~~ department may, by rule, establish the qualifications of and the form used for certified reports submitted by experts who provide information concerning loss of earning capacity under s. 102.44 (2) and (3). The ~~division~~ department may not admit into evidence a certified report of a practitioner or other expert or a record of a hospital or sanatorium that was not filed with the ~~division~~ department and all parties in interest at least 15 days before the date of the hearing, unless the ~~division~~ department is satisfied that there is good cause for the failure to file the report.

SECTION 42. 102.17 (1) (d) 4. of the statutes is amended to read:

102.17 **(1)** (d) 4. A report or record described in subd. 1., 2., or 3. that is admitted or received into evidence by the ~~division~~ department constitutes substantial evidence under s. 102.23 (6) as to the matter contained in the report or record.

SECTION 43. 102.17 (1) (e) of the statutes is amended to read:

102.17 **(1)** (e) The ~~division~~ department may, with or without notice to any party, cause testimony to be taken, an inspection of the premises where the injury occurred to be made, or the time books and payrolls of the employer to be examined by any examiner, and may direct any employee claiming compensation to be examined by a physician, chiropractor, psychologist, dentist, or podiatrist. The testimony so taken, and the results of any such inspection or examination, shall be reported to the ~~division~~ department for its consideration upon final hearing. All ex parte testimony

taken by the ~~division~~ department shall be reduced to writing, and any party shall have opportunity to rebut that testimony on final hearing.

SECTION 44. 102.17 (1) (f) 1. of the statutes is amended to read:

102.17 **(1)** (f) 1. Beyond reach of the subpoena of the ~~division~~ department.

SECTION 45. 102.17 (1) (g) of the statutes is amended to read:

102.17 **(1)** (g) Whenever the testimony presented at any hearing indicates a dispute or creates a doubt as to the extent or cause of disability or death, the ~~division~~ department may direct that the injured employee be examined, that an autopsy be performed, or that an opinion be obtained without examination or autopsy, by or from an impartial, competent physician, chiropractor, dentist, psychologist or podiatrist designated by the ~~division~~ department who is not under contract with or regularly employed by a compensation insurance carrier or self–insured employer. The expense of the examination, autopsy, or opinion shall be paid by the employer or, if the employee claims compensation under s. 102.81, from the uninsured employers fund. The report of the examination, autopsy, or opinion shall be transmitted in writing to the ~~division~~ department and a copy of the report shall be furnished by the ~~division~~ department to each party, who shall have an opportunity to rebut the report on further hearing.

SECTION 46. 102.17 (1) (h) of the statutes is amended to read:

102.17 **(1)** (h) The contents of certified reports of investigation made by industrial safety specialists who are employed, contracted, or otherwise secured by the department ~~or the division~~ and who are available for cross–examination, if served upon the parties 15 days prior to hearing, shall constitute prima facie evidence as to matter contained in those reports. A report described in this paragraph that is admitted or received into evidence by the ~~division~~ department

constitutes substantial evidence under s. 102.23 (6) as to the matter contained in the report.

SECTION 47. 102.17 (2) of the statutes is amended to read:

102.17 **(2)** If the ~~division~~ department has reason to believe that the payment of compensation has not been made, the ~~division~~ department may on its own motion give notice to the parties, in the manner provided for the service of an application, of a time and place when a hearing will be held for the purpose of determining the facts. The notice shall contain a statement of the matter to be considered. All provisions of this chapter governing proceedings on an application shall apply, insofar as applicable, to a proceeding under this subsection. When the ~~division~~ department schedules a hearing on its own motion, the ~~division~~ department does not become a party in interest and is not required to appear at the hearing.

SECTION 48. 102.17 (2m) of the statutes is amended to read:

102.17 **(2m)** ~~The division or any~~ Any party, including the department, may require any person to produce books, papers, and records at the hearing by personal service of a subpoena upon the person along with a tender of witness fees as provided in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena shall be on a form provided by the ~~division~~ department and shall give the name and address of the party requesting the subpoena.

SECTION 49. 102.17 (2s) of the statutes is amended to read:

102.17 **(2s)** A party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of

issuance, send a copy of the subpoena to the hearing examiner or other representative of the ~~division~~ department responsible for conducting the proceeding.

SECTION 50. 102.17 (7) (b) of the statutes is amended to read:

102.17 **(7)** (b) Except as provided in par. (c), the ~~division~~ department shall exclude from evidence testimony or certified reports from expert witnesses under par. (a) offered by the party that raises the issue of loss of earning capacity if that party failed to notify the ~~division~~ department and the other parties of interest, at least 60 days before the date of the hearing, of the party's intent to provide the testimony or reports and of the names of the expert witnesses involved. Except as provided in par. (c), the ~~division~~ department shall exclude from evidence testimony or certified reports from expert witnesses under par. (a) offered by a party of interest in response to the party that raises the issue of loss of earning capacity if the responding party failed to notify the ~~division~~ department and the other parties of interest, at least 45 days before the date of the hearing, of the party's intent to provide the testimony or reports and of the names of the expert witnesses involved.

SECTION 51. 102.17 (7) (c) of the statutes is amended to read:

102.17 **(7)** (c) Notwithstanding the notice deadlines provided in par. (b), the ~~division~~ department may receive in evidence testimony or certified reports from expert witnesses under par. (a) when the applicable notice deadline under par. (b) is not met if good cause is shown for the delay in providing the notice required under par. (b) and if no party is prejudiced by the delay.

SECTION 52. 102.17 (8) of the statutes is amended to read:

102.17 **(8)** Unless otherwise agreed to by all parties, an injured employee shall file with the ~~division~~ department and serve on all parties at least 15 days before the date of the hearing an itemized statement of all medical expenses and incidental

compensation under s. 102.42 claimed by the injured employee. The itemized statement shall include, if applicable, information relating to any travel expenses incurred by the injured employee in obtaining treatment including the injured employee's destination, number of trips, round trip mileage, and meal and lodging expenses. The ~~division~~ department may not admit into evidence any information relating to medical expenses and incidental compensation under s. 102.42 claimed by an injured employee if the injured employee failed to file with the ~~division~~ department and serve on all parties at least 15 days before the date of the hearing an itemized statement of the medical expenses and incidental compensation under s. 102.42 claimed by the injured employee, unless the ~~division~~ department is satisfied that there is good cause for the failure to file and serve the itemized statement.

SECTION 53. 102.175 (2) of the statutes is amended to read:

102.175 **(2)** If after a hearing or a prehearing conference the ~~division~~ department determines that an injured employee is entitled to compensation but that there remains in dispute only the issue of which of 2 or more parties is liable for that compensation, the ~~division~~ department may order one or more parties to pay compensation in an amount, time, and manner as determined by the ~~division~~ department. If the ~~division~~ department later determines that another party is liable for compensation, the ~~division~~ department shall order that other party to reimburse any party that was ordered to pay compensation under this subsection.

SECTION 54. 102.175 (3) (c) of the statutes is amended to read:

102.175 **(3)** (c) Upon request of the department, ~~the division,~~ the employer, or the employer's worker's compensation insurer, an injured employee who claims compensation for an injury causing permanent disability shall disclose all previous

findings of permanent disability or other impairments that are relevant to that injury.

SECTION 55. 102.18 (1) (b) 1. of the statutes is amended to read:

102.18 **(1)** (b) 1. Within 90 days after the final hearing and close of the record, the ~~division~~ department shall make and file its findings upon the ultimate facts involved in the controversy, and its order, which shall state the ~~division's~~ department's determination as to the rights of the parties. Pending the final determination of any controversy before it, the ~~division~~ department, after any hearing, may, in its discretion, make interlocutory findings, orders, and awards, which may be enforced in the same manner as final awards.

SECTION 56. 102.18 (1) (b) 2. of the statutes is amended to read:

102.18 **(1)** (b) 2. The ~~division~~ department may include in any interlocutory or final award or order an order directing the employer or insurer to pay for any future treatment that may be necessary to cure and relieve the employee from the effects of the injury or to pay for a future course of instruction or other rehabilitation training services provided under a rehabilitation training program developed under s. 102.61 (1) or (1m).

SECTION 57. 102.18 (1) (b) 3. of the statutes is amended to read:

102.18 **(1)** (b) 3. If the ~~division~~ department finds that the employer or insurer has not paid any amount that the employer or insurer was directed to pay in any interlocutory order or award and that the nonpayment was not in good faith, the ~~division~~ department may include in its final award a penalty not exceeding 25 percent of each amount that was not paid as directed.

SECTION 58. 102.18 (1) (bg) 1. of the statutes is amended to read:

102.18 **(1)** (bg) 1. If the ~~division~~ department finds under par. (b) that an insurer or self–insured employer is liable under this chapter for any health services provided to an injured employee by a health service provider, but that the reasonableness of the fee charged by the health service provider is in dispute, the ~~division~~ department may include in its order under par. (b) a determination made by the department under s. 102.16 (2) as to the reasonableness of the fee or, if such a determination has not yet been made, the ~~division~~ department may notify, or direct the insurer or self–insured employer to notify, the health service provider under s. 102.16 (2) (b) that the reasonableness of the fee is in dispute.

SECTION 59. 102.18 (1) (bg) 2. of the statutes is amended to read:

102.18 **(1)** (bg) 2. If the ~~division~~ department finds under par. (b) that an employer or insurance carrier is liable under this chapter for any treatment provided to an injured employee by a health service provider, but that the necessity of the treatment is in dispute, the ~~division~~ department may include in its order under par. (b) a determination made by the department under s. 102.16 (2m) as to the necessity of the treatment or, if such a determination has not yet been made, the ~~division~~ department may notify, or direct the employer or insurance carrier to notify, the health service provider under s. 102.16 (2m) (b) that the necessity of the treatment is in dispute.

SECTION 60. 102.18 (1) (bg) 3. of the statutes is amended to read:

102.18 **(1)** (bg) 3. If the ~~division~~ department finds under par. (b) that an insurer or self–insured employer is liable under this chapter for the cost of a prescription drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but that the reasonableness of the amount charged for that prescription drug is in dispute, the ~~division~~ department may include in its order under par. (b) a

determination made by the department under s. 102.425 (4m) as to the reasonableness of the prescription drug charge or, if such a determination has not yet been made, the ~~division~~ department may notify, or direct the insurer or self–insured employer to notify, the pharmacist or practitioner dispensing the prescription drug under s. 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in dispute.

SECTION 61. 102.18 (1) (bp) of the statutes is amended to read:

102.18 **(1)** (bp) If the ~~division~~ department determines that the employer or insurance carrier suspended, terminated, or failed to make payments or failed to report an injury as a result of malice or bad faith, the ~~division~~ department may include a penalty in an award to an employee for each event or occurrence of malice or bad faith. That penalty is the exclusive remedy against an employer or insurance carrier for malice or bad faith. If the penalty is imposed for an event or occurrence of malice or bad faith that causes a payment that is due an injured employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46 (1), the ~~division~~ department may not also order an increased payment under s. 102.22 (1) or the payment of interest under s. 628.46 (1). The ~~division~~ department may award an amount that the ~~division~~ department considers just, not to exceed the lesser of 200 percent of total compensation due or $30,000 for each event or occurrence of malice or bad faith. The ~~division~~ department may assess the penalty against the employer, the insurance carrier, or both. Neither the employer nor the insurance carrier is liable to reimburse the other for the penalty amount. The ~~division~~ department may, by rule, define actions that demonstrate malice or bad faith.

SECTION 62. 102.18 (1) (bw) of the statutes is amended to read:

102.18 **(1)** (bw) If an insurer, a self-insured employer, or, if applicable, the uninsured employers fund pays compensation to an employee in excess of its liability and another insurer or self-insured employer is liable for all or part of the excess payment, the department ~~or the division~~ may order the insurer or self-insured employer that is liable for that excess payment to reimburse the insurer or self-insured employer that made the excess payment or, if applicable, the uninsured employers fund.

SECTION 63. 102.18 (1) (c) of the statutes is amended to read:

102.18 **(1)** (c) If 2 or more examiners have conducted a formal hearing on a claim and are unable to agree on the order or award to be issued, the decision shall be the decision of the majority. If the examiners are equally divided on the decision, the ~~division~~ department may appoint an additional examiner who shall review the record and consult with the other examiners concerning their impressions of the credibility of the evidence. Findings of fact and an order or award may then be issued by a majority of the examiners.

SECTION 64. 102.18 (1) (e) of the statutes is amended to read:

102.18 **(1)** (e) Except as provided in s. 102.21, if the department ~~or the division~~ orders a party to pay an award of compensation, the party shall pay the award no later than 21 days after the date on which the order is mailed to the last-known address of the party, unless the party files a petition for review under sub. (3). This paragraph applies to all awards of compensation ordered by the department ~~or the division~~, whether the award results from a hearing, the default of a party, or a compromise or stipulation confirmed by the department ~~or the division~~.

SECTION 65. 102.18 (2) of the statutes is repealed and recreated to read:

102.18 **(2)** The department shall have and maintain on its staff such examiners as are necessary to hear and decide claims and to assist in the effective administration of this chapter. Those examiners shall be attorneys and may be designated as administrative law judges. Those examiners may make findings and orders and may approve, review, set aside, modify, or confirm stipulations of settlement or compromises of claims for compensation.

SECTION 66. 102.18 (3) of the statutes is amended to read:

102.18 **(3)** A party in interest may petition the commission for review of an examiner's decision awarding or denying compensation if the department, ~~the division,~~ or the commission receives the petition within 21 days after the department ~~or the division~~ mailed a copy of the examiner's findings and order to the last-known addresses of the parties in interest. The commission shall dismiss a petition that is not filed within those 21 days unless the petitioner shows that the petition was filed late for a reason that was beyond the petitioner's control. If no petition is filed within those 21 days, the findings or order shall be considered final unless set aside, reversed, or modified by the examiner within that time. If the findings or order are set aside by the examiner, the status shall be the same as prior to ~~the setting aside of~~ the findings or order <u>that were set aside</u>. If the findings or order are reversed or modified by the examiner, the time for filing a petition commences on the date on which notice of the reversal or modification is mailed to the last-known addresses of the parties in interest. The commission shall either affirm, reverse, set aside, or modify the findings or order, in whole or in part, or direct the taking of additional evidence. The commission's action shall be based on a review of the evidence submitted.

SECTION 67. 102.18 (4) (c) 3. of the statutes is amended to read:

102.18 **(4)** (c) 3. Remand the case to the department ~~or the division~~ for further proceedings.

SECTION 68. 102.18 (4) (d) of the statutes is amended to read:

102.18 **(4)** (d) While a petition for review by the commission is pending or after entry of an order or award by the commission but before commencement of an action for judicial review or expiration of the period in which to commence an action for judicial review, the commission shall remand any compromise presented to it to the department ~~or the division~~ for consideration and approval or rejection under s. 102.16 (1). Presentation of a compromise does not affect the period in which to commence an action for judicial review.

SECTION 69. 102.18 (5) of the statutes is amended to read:

102.18 **(5)** If it appears to the ~~division~~ department that a mistake may have been made as to cause of injury in the findings, order, or award upon an alleged injury based on accident, when in fact the employee was suffering from an occupational disease, within 3 years after the date of the findings, order, or award the ~~division~~ department may, upon its own motion, with or without hearing, set aside the findings, order or award, or the ~~division~~ department may take that action upon application made within those 3 years. After an opportunity for hearing, the ~~division~~ department may, if in fact the employee is suffering from disease arising out of the employment, make new findings, and a new order or award, or the ~~division~~ department may reinstate the previous findings, order, or award.

SECTION 70. 102.18 (6) of the statutes is amended to read:

102.18 **(6)** In case of disease arising out of employment, the ~~division~~ department may from time to time review its findings, order, or award, and make new findings, or a new order or award, based on the facts regarding disability or

otherwise as those facts may appear at the time of the review. This subsection shall not affect the application of the limitation in s. 102.17 (4).

SECTION 71. 102.195 of the statutes is amended to read:

102.195 Employees confined in institutions; payment of benefits. In case an employee is adjudged mentally ill or incompetent or convicted of a felony, and is confined in a public institution and has wholly dependent upon the employee for support a person whose dependency is determined as if the employee were deceased, compensation payable during the period of the employee's confinement may be paid to the employee and the employee's dependents in such manner, for such time, and in such amount as the department ~~or division~~ by order provides.

SECTION 72. 102.22 (1) of the statutes is amended to read:

102.22 **(1)** If the employer or his or her insurer inexcusably delays in making the first payment that is due an injured employee for more than 30 days after the date on which the employee leaves work as a result of an injury and if the amount due is $500 or more, the payments as to which the delay is found shall be increased by 10 percent. If the employer or his or her insurer inexcusably delays in making the first payment that is due an injured employee for more than 14 days after the date on which the employee leaves work as a result of an injury, the payments as to which the delay is found may be increased by 10 percent. If the employer or his or her insurer inexcusably delays for any length of time in making any other payment that is due an injured employee, the payments as to which the delay is found may be increased by 10 percent. If the delay is chargeable to the employer and not to the insurer, s. 102.62 applies and the relative liability of the parties shall be fixed and discharged as provided in that section. The department ~~or the division~~ may also order the employer or insurance carrier to reimburse the employee for any finance

charges, collection charges, or interest that the employee paid as a result of the inexcusable delay by the employer or insurance carrier.

SECTION 73. 102.22 (2) of the statutes is amended to read:

102.22 **(2)** If any sum that the department ~~or the division~~ orders to be paid is not paid when due, that sum shall bear interest at the rate of 10 percent per year. The state is liable for interest on awards issued against it under this chapter. The department ~~or the division~~ has jurisdiction to issue an award for payment of interest under this subsection at any time within one year after the date of its order or, if the order is appealed, within one year after final court determination. Interest awarded under this subsection becomes due from the date the examiner's order becomes final or from the date of a decision by the commission, whichever is later.

SECTION 74. 102.23 (2) of the statutes is amended to read:

102.23 **(2)** Upon the trial of an action for review of an order or award, the court shall disregard any irregularity or error of the commission~~,~~ or the the department, ~~or the division~~ unless it is made to affirmatively appear that the plaintiff was damaged by that irregularity or error.

SECTION 75. 102.23 (3) of the statutes is amended to read:

102.23 **(3)** The record in any case shall be transmitted to the department ~~or the division~~ within 5 days after expiration of the time for appeal from the order or judgment of the court, unless an appeal is taken from that order or judgment.

SECTION 76. 102.23 (5) of the statutes is amended to read:

102.23 **(5)** When an action for review involves only the question of liability as between the employer and one or more insurance companies or as between several insurance companies, a party that has been ordered by the department, ~~the division,~~

the commission, or a court to pay compensation is not relieved from paying compensation as ordered.

SECTION 77. 102.24 (2) of the statutes is amended to read:

102.24 **(2)** After the commencement of an action to review any order or award of the commission, the parties may have the record remanded by the court for such time and under such condition as the parties may provide, for the purpose of having the department ~~or the division~~ act upon the question of approving or disapproving any settlement or compromise that the parties may desire to have so approved. If approved, the action shall be at an end and judgment may be entered upon the approval as upon an award. If not approved, the department ~~or the division~~ shall immediately return the record to the circuit court and the action shall proceed as if no remand had been made.

SECTION 78. 102.25 (1) of the statutes is amended to read:

102.25 **(1)** Any party aggrieved by a judgment entered upon the review of any order or award may appeal the judgment within the period specified in s. 808.04 (1). A trial court may not require the commission or any party to the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or secure approval of, a transcript of the notes of the stenographic reporter or the tape of the recording machine. The state is a party aggrieved under this subsection if a judgment is entered upon the review confirming any order or award against the state. At any time before the case is set down for hearing in the court of appeals or the supreme court, the parties may have the record remanded by the court to the department ~~or the division~~ in the same manner and for the same purposes as provided for remanding from the circuit court to the department ~~or the division~~ under s. 102.24 (2).

SECTION 79. 102.26 (2) of the statutes is amended to read:

102.26 **(2)** Unless previously authorized by the department ~~or the division~~, no fee may be charged or received for the enforcement or collection of any claim for compensation nor may any contract for that enforcement or collection be enforceable when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that enforcement or collection, exceeds 20 percent of the amount at which the claim is compromised or of the amount awarded, adjudged, or collected, except that in cases of admitted liability in which there is no dispute as to the amount of compensation due and in which no hearing or appeal is necessary, the fee charged may not exceed 10 percent, but not to exceed $250, of the amount at which the claim is compromised or of the amount awarded, adjudged, or collected. The limitation as to fees shall apply to the combined charges of attorneys, solicitors, representatives, and adjusters who knowingly combine their efforts toward the enforcement or collection of any compensation claim.

SECTION 80. 102.26 (3) (b) 1. of the statutes is amended to read:

102.26 **(3)** (b) 1. Subject to sub. (2), upon application of any interested party, the department ~~or the division~~ may fix the fee of the claimant's attorney or representative and provide in the award for that fee to be paid directly to the attorney or representative.

SECTION 81. 102.26 (3) (b) 3. of the statutes is amended to read:

102.26 **(3)** (b) 3. The claimant may request the insurer or self–insured employer to pay any compensation that is due the claimant by depositing the payment directly into an account maintained by the claimant at a financial institution. If the insurer or self–insured employer agrees to the request, the insurer or self–insured employer may deposit the payment by direct deposit, electronic funds transfer, or any other

money transfer technique approved by the department ~~or the division~~. The claimant may revoke a request under this subdivision at any time by providing appropriate written notice to the insurer or self-insured employer.

SECTION 82. 102.26 (4) of the statutes is amended to read:

102.26 **(4)** Any attorney or other person who charges or receives any fee in violation of this section may be required to forfeit double the amount retained by the attorney or other person, which forfeiture shall be collected by the state in an action in debt upon complaint of the department ~~or the division~~. Out of the sum recovered the court shall direct payment to the injured party of the amount of the overcharge.

SECTION 83. 102.27 (2) (b) of the statutes is amended to read:

102.27 **(2)** (b) If a governmental unit provides public assistance under ch. 49 to pay medical costs or living expenses related to a claim under this chapter and if the governmental unit has given the parties to the claim written notice stating that the governmental unit provided the assistance and the cost of that assistance, the department ~~or the division~~ shall order the employer or insurance carrier owing compensation to reimburse that governmental unit for the amount of assistance the governmental unit provided or two-thirds of the amount of the award or payment remaining after deduction of attorney fees and any other fees or costs chargeable under ch. 102, whichever is less. The department shall comply with this paragraph when making payments under s. 102.81.

SECTION 84. 102.28 (3) (c) of the statutes is amended to read:

102.28 **(3)** (c) An employee who has signed a waiver under par. (a) 1. and an affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the employer would be liable for under s. 102.03, who at the time of the injury was a member of a religious sect whose authorized representative has filed an affidavit

under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury becomes dependent on the religious sect for financial and medical assistance, or the employee's dependent, may request a hearing under s. 102.17 (1) to determine if the religious sect has provided the employee and his or her dependents with a standard of living and medical treatment that are reasonable when compared to the general standard of living and medical treatment for members of the religious sect. If, after hearing, the ~~division~~ department determines that the religious sect has not provided that standard of living or medical treatment, or both, the ~~division~~ department may order the religious sect to provide alternative benefits to that employee or his or her dependent, or both, in an amount that is reasonable under the circumstances, but not in excess of the benefits that the employee or dependent could have received under this chapter but for the waiver under par. (a) 1.

SECTION 85. 102.28 (4) (c) of the statutes is amended to read:

102.28 **(4)** (c) After a hearing under par. (b), or without a hearing if one is not requested, the ~~division~~ department may issue an order to an employer to cease operations on a finding that the employer is an uninsured employer. ~~If no hearing is requested, the department may issue such an order.~~

SECTION 86. 102.29 (1) (b) (intro.) of the statutes is amended to read:

102.29 **(1)** (b) (intro.) If a party entitled to notice cannot be found, the department shall become the agent of that party for the giving of a notice as required in par. (a) and the notice, when given to the department, shall include an affidavit setting forth the facts, including the steps taken to locate that party. Each party shall have an equal voice in the prosecution of the claim, and any disputes arising shall be passed upon by the court before whom the case is pending, and if no action is pending, then by a court of record or by the department ~~or the division~~. If notice is

given as provided in par. (a), the liability of the tort-feasor shall be determined as to all parties having a right to make claim and, irrespective of whether or not all parties join in prosecuting the claim, the proceeds of the claim shall be divided as follows:

SECTION 87. 102.29 (1) (c) of the statutes is amended to read:

102.29 **(1)** (c) If both the employee or the employee's personal representative or other person entitled to bring action, and the employer, compensation insurer, or department, join in the pressing of said claim and are represented by counsel, the attorney fees allowed as a part of the costs of collection shall be, unless otherwise agreed upon, divided between the attorneys for those parties as directed by the court or by the department ~~or the division~~.

SECTION 88. 102.29 (1) (d) of the statutes is amended to read:

102.29 **(1)** (d) A settlement of a 3rd-party claim shall be void unless the settlement and the distribution of the proceeds of the settlement are approved by the court before whom the action is pending or, if no action is pending, then by a court of record or by the department ~~or the division~~.

SECTION 89. 102.30 (7) (a) of the statutes is amended to read:

102.30 **(7)** (a) The department ~~or the division~~ may order direct reimbursement out of the proceeds payable under this chapter for payments made under a nonindustrial insurance policy covering the same disability and expenses compensable under s. 102.42 when the claimant consents or when it is established that the payments under the nonindustrial insurance policy were improper. No attorney fee is due with respect to that reimbursement.

SECTION 90. 102.32 (1m) (intro.) of the statutes is amended to read:

102.32 **(1m)** (intro.) In any case in which compensation payments for an injury have extended or will extend over 6 months or more after the date of the injury or in any case in which death benefits are payable, any party in interest may, in the discretion of the department ~~or the division~~, be discharged from, or compelled to guarantee, future compensation payments by doing any of the following:

SECTION 91. 102.32 (1m) (a) of the statutes is amended to read:

102.32 **(1m)** (a) Depositing the present value of the total unpaid compensation upon a 5 percent interest discount basis with a credit union, savings bank, savings and loan association, bank, or trust company designated by the department ~~or the division~~.

SECTION 92. 102.32 (1m) (c) of the statutes is amended to read:

102.32 **(1m)** (c) Making payment in gross upon a 5 percent interest discount basis to be approved by the department ~~or the division~~.

SECTION 93. 102.32 (1m) (d) of the statutes is amended to read:

102.32 **(1m)** (d) In cases in which the time for making payments or the amounts of payments cannot be definitely determined, furnishing a bond, or other security, satisfactory to the department ~~or the division~~ for the payment of compensation as may be due or become due. The acceptance of the bond, or other security, and the form and sufficiency of the bond or other security, shall be subject to the approval of the department ~~or the division~~. If the employer or insurer is unable or fails to immediately procure the bond, the employer or insurer, in lieu of procuring the bond, shall deposit with a credit union, savings bank, savings and loan association, bank, or trust company designated by the department ~~or the division~~ the maximum amount that may reasonably become payable in those cases, to be determined by the department ~~or the division~~ at amounts consistent with the extent of the injuries and

the law. The bonds and deposits may be reduced only to satisfy claims and may be withdrawn only after the claims which they are to guarantee are fully satisfied or liquidated under par. (a), (b), or (c).

SECTION 94. 102.32 (5) of the statutes is amended to read:

102.32 **(5)** Any insured employer may, in the discretion of the department ~~or the division~~, compel the insurer to discharge, or to guarantee payment of, the employer's liabilities in any case described in sub. (1m) and by that discharge or guarantee release the employer from liability for compensation in that case, except that if for any reason a bond furnished or deposit made under sub. (1m) (d) does not fully protect the beneficiary of the bond or deposit, the compensation insurer or insured employer, as the case may be, shall still be liable to that beneficiary.

SECTION 95. 102.32 (6m) of the statutes is amended to read:

102.32 **(6m)** The department ~~or the division~~ may direct an advance on a payment of unaccrued compensation for permanent disability or death benefits if the department ~~or the division~~ determines that the advance payment is in the best interest of the injured employee or the employee's dependents. In directing the advance, the department ~~or the division~~ shall give the employer or the employer's insurer an interest credit against its liability. The credit shall be computed at 5 percent. An injured employee or dependent may receive no more than 3 advance payments per calendar year.

SECTION 96. 102.32 (7) of the statutes is amended to read:

102.32 **(7)** No lump sum settlement shall be allowed in any case of permanent total disability upon an estimated life expectancy, except upon consent of all parties, after hearing and finding by the ~~division~~ <u>department</u> that the interests of the injured employee will be conserved by the lump sum settlement.

SECTION 97. 102.33 (1) of the statutes is amended to read:

102.33 **(1)** The department ~~and the division~~ shall print and furnish free to any employer or employee any blank forms that are necessary to facilitate efficient administration of this chapter. The department ~~and the division~~ shall keep any record books or records that are necessary for the proper and efficient administration of this chapter.

SECTION 98. 102.33 (2) (a) of the statutes is amended to read:

102.33 **(2)** (a) Except as provided in pars. (b) and (c), the records of the department~~, the division,~~ and the commission~~,~~ related to the administration of this chapter are subject to inspection and copying under s. 19.35 (1).

SECTION 99. 102.33 (2) (b) (intro.) of the statutes is amended to read:

102.33 **(2)** (b) (intro.) Except as provided in this paragraph and par. (d), a record maintained by the department~~, the division,~~ or the commission that reveals the identity of an employee who claims worker's compensation benefits, the nature of the employee's claimed injury, the employee's past or present medical condition, the extent of the employee's disability, or the amount, type, or duration of benefits paid to the employee and a record maintained by the department that reveals any financial information provided to the department by a self–insured employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and not open to public inspection or copying under s. 19.35 (1). The department~~, the division,~~ or the commission may deny a request made under s. 19.35 (1) or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney of record in a civil or criminal action or special proceeding to inspect and copy a record that is confidential under this paragraph, unless one of the following applies:

SECTION 100. 102.33 (2) (b) 1. of the statutes is amended to read:

102.33 **(2)** (b) 1. The requester is the employee who is the subject of the record or an attorney or authorized agent of that employee. An attorney or authorized agent of an employee who is the subject of a record shall provide a written authorization for inspection and copying from the employee if requested by the department~~, the division,~~ or the commission.

SECTION 101. 102.33 (2) (b) 2. of the statutes is amended to read:

102.33 **(2)** (b) 2. The record that is requested contains confidential information concerning a worker's compensation claim and the requester is an insurance carrier or employer that is a party to any worker's compensation claim involving the same employee or an attorney or authorized agent of that insurance carrier or employer, except that the department~~, the division,~~ or the commission is not required to do a random search of its records and may require the requester to provide the approximate date of the injury and any other relevant information that would assist the department~~, the division,~~ or the commission in finding the record requested. An attorney or authorized agent of an insurance carrier or employer that is a party to an employee's worker's compensation claim shall provide a written authorization for inspection and copying from the insurance carrier or employer if requested by the department~~, the division,~~ or the commission.

SECTION 102. 102.33 (2) (b) 4. of the statutes is amended to read:

102.33 **(2)** (b) 4. A court of competent jurisdiction in this state orders the department~~, the division,~~ or the commission to release the record.

SECTION 103. 102.33 (2) (c) of the statutes is amended to read:

102.33 **(2)** (c) A record maintained by the department~~, the division,~~ or the commission that contains employer or insurer information obtained from the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is

confidential and not open to public inspection or copying under s. 19.35 (1) unless the Wisconsin compensation rating bureau authorizes public inspection or copying of that information.

SECTION 104. 102.33 (2) (d) 2. of the statutes is amended to read:

102.33 **(2)** (d) 2. The department~~, the division,~~ or the commission may release information that is confidential under par. (b) to a government unit, an institution of higher education, or a nonprofit research organization for purposes of research and may release information that is confidential under par. (c) to those persons for that purpose if the Wisconsin compensation rating bureau authorizes that release. A government unit, institution of higher education, or nonprofit research organization may not permit inspection or disclosure of any information released to it under this subdivision that is confidential under par. (b) unless the department~~, the division,~~ or the commission authorizes that inspection or disclosure and may not permit inspection or disclosure of any information released to it under this subdivision that is confidential under par. (c) unless the department~~, the division,~~ or the commission, and the Wisconsin compensation rating bureau, authorize the inspection or disclosure. A government unit, institution of higher education, or nonprofit research organization that obtains any confidential information under this subdivision for purposes of research shall provide the results of that research free of charge to the person that released or authorized the release of that information.

SECTION 105. 102.35 (3) of the statutes is amended to read:

102.35 **(3)** Any employer who without reasonable cause refuses to rehire an employee who is injured in the course of employment, when suitable employment is available within the employee's physical and mental limitations, upon order of the department ~~or the division~~, has exclusive liability to pay to the employee, in addition

to other benefits, the wages lost during the period of such refusal, not exceeding one year's wages. In determining the availability of suitable employment the continuance in business of the employer shall be considered and any written rules promulgated by the employer with respect to seniority or the provisions of any collective bargaining agreement with respect to seniority shall govern.

SECTION 106. 102.42 (1m) of the statutes is amended to read:

102.42 **(1m)** LIABILITY FOR UNNECESSARY TREATMENT. If an employee who has sustained a compensable injury undertakes in good faith invasive treatment that is generally medically acceptable, but that is unnecessary, the employer shall pay disability indemnity for all disability incurred as a result of that treatment. An employer is not liable for disability indemnity for any disability incurred as a result of any unnecessary treatment undertaken in good faith that is noninvasive or not medically acceptable. This subsection applies to all findings that an employee has sustained a compensable injury, whether the finding results from a hearing, the default of a party, or a compromise or stipulation confirmed by the department ~~or the division~~.

SECTION 107. 102.42 (6) of the statutes is amended to read:

102.42 **(6)** TREATMENT REJECTED BY EMPLOYEE. Unless the employee has elected Christian Science treatment in lieu of medical, surgical, dental, or hospital treatment, no compensation shall be payable for the death or disability of an employee, if the death is caused, or insofar as the disability may be aggravated, caused, or continued by an unreasonable refusal or neglect to submit to or follow any competent and reasonable medical, surgical, or dental treatment or, in the case of tuberculosis, by refusal or neglect to submit to or follow hospital or medical treatment when found by the department ~~or the division~~ to be necessary. The right

to compensation accruing during a period of refusal or neglect to submit to or follow hospital or medical treatment when found by the department ~~or the division~~ to be necessary in the case of tuberculosis shall be barred, irrespective of whether disability was aggravated, caused, or continued by that refusal or neglect.

SECTION 108. 102.42 (8) of the statutes is amended to read:

102.42 **(8)** AWARD TO STATE EMPLOYEE. Whenever the department ~~or the division~~ makes an award on behalf of a state employee, the department ~~or the division~~ shall file duplicate copies of the award with the subunit of the department of administration responsible for risk management. Upon receipt of the copies of the award, the department of administration shall promptly issue a voucher in payment of the award from the proper appropriation under s. 20.865 (1) (fm), (kr) or (ur), and shall transmit one copy of the voucher and the award to the officer, department, or agency by whom the affected employee is employed.

SECTION 109. 102.425 (4m) (a) of the statutes is amended to read:

102.425 **(4m)** (a) The department has jurisdiction under this subsection~~, the department and the division have jurisdiction under s.~~ <u>and ss.</u> 102.16 (1m) (c)~~,~~ and ~~the division has jurisdiction under s.~~ 102.17 to resolve a dispute between a pharmacist or practitioner and an employer or insurer over the reasonableness of the amount charged for a prescription drug dispensed under sub. (2) for outpatient use by an injured employee who claims benefits under this chapter.

SECTION 110. 102.425 (4m) (b) of the statutes is amended to read:

102.425 **(4m)** (b) An employer or insurer that disputes the reasonableness of the amount charged for a prescription drug dispensed under sub. (2) for outpatient use by an injured employee or the department ~~or division~~ under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a

completed bill for the prescription drug, reasonable written notice to the pharmacist or practitioner that the charge is being disputed. After receiving reasonable written notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1) (bg) 3. that a prescription drug charge is being disputed, a pharmacist or practitioner may not collect the disputed charge from, or bring an action for collection of the disputed charge against, the employee who received the prescription drug.

SECTION 111. 102.43 (5) (b) of the statutes is amended to read:

102.43 **(5)** (b) Except as provided in s. 102.61 (1g), temporary disability shall also include such period as the employee may be receiving instruction under s. 102.61 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80 weeks. That 80-week limitation does not apply to temporary disability benefits under this section, the cost of tuition, fees, books, travel, or maintenance under s. 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training under s. 102.61 (1m) if the department ~~or the division~~ determines that additional training is warranted. The necessity for additional training as authorized by the department ~~or the division~~ for any employee shall be subject to periodic review and reevaluation.

SECTION 112. 102.44 (2) of the statutes is amended to read:

102.44 **(2)** In case of permanent total disability, aggregate indemnity shall be weekly indemnity for the period that the employee may live. Total impairment for industrial use of both eyes, the loss of both arms at or near the shoulder, the loss of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at the hip constitutes permanent total disability. This enumeration is not exclusive, but in other cases the ~~division~~ <u>department</u> shall find the facts.

SECTION 113. 102.44 (6) (b) of the statutes is amended to read:

102.44 **(6)** (b) If during the period set forth in s. 102.17 (4) the employment relationship is terminated by the employer at the time of the injury or by the employee because his or her physical or mental limitations prevent his or her continuing in such employment, or if during that period a wage loss of 15 percent or more occurs, the ~~division~~ department may reopen any award and make a redetermination taking into account loss of earning capacity.

SECTION 114. 102.475 (6) of the statutes is amended to read:

102.475 **(6)** PROOF. In administering this section the department ~~or the division~~ may require reasonable proof of birth, marriage, domestic partnership under ch. 770, relationship, or dependency.

SECTION 115. 102.48 (1) of the statutes is amended to read:

102.48 **(1)** An unestranged surviving parent or parents to whose support the deceased has contributed less than $500 in the 52 weeks next preceding the injury causing death shall receive a death benefit of $6,500. If the parents are not living together, the department ~~or the division~~ shall divide this sum in such proportion as the department ~~or division~~ considers to be just, considering their ages and other facts bearing on dependency.

SECTION 116. 102.48 (2) of the statutes is amended to read:

102.48 **(2)** In all other cases the death benefit shall be such sum as the department ~~or the division~~ determines to represent fairly and justly the aid to support which the dependent might reasonably have anticipated from the deceased employee but for the injury. To establish anticipation of support and dependency, it shall not be essential that the deceased employee made any contribution to support. The aggregate benefits in that case shall not exceed twice the average annual

earnings of the deceased or 4 times the contributions of the deceased to the support of his or her dependents during the year immediately preceding the deceased employee's death, whichever amount is the greater. In no event shall the aggregate benefits in that case exceed the amount that would accrue to a person who is solely and wholly dependent. When there is more than one partial dependent the weekly benefit shall be apportioned according to their relative dependency. The term "support" as used in ss. 102.42 to 102.63 shall include contributions to the capital fund of the dependents for their necessary comfort.

SECTION 117. 102.48 (3) of the statutes is amended to read:

102.48 **(3)** Except as otherwise provided, a death benefit, other than burial expenses, shall be paid in weekly installments corresponding in amount to two–thirds of the weekly earnings of the employee, until otherwise ordered by the department ~~or the division~~.

SECTION 118. 102.49 (3) of the statutes is amended to read:

102.49 **(3)** If the employee leaves a spouse or domestic partner under ch. 770 wholly dependent and also a child by a former marriage, domestic partnership under ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same in amount as if the child were the child of the surviving spouse or partner, and the entire benefit shall be apportioned to the dependents in the amounts that the department ~~or the division~~ determines to be just, considering the ages of the dependents and other factors bearing on dependency. The benefit awarded to the surviving spouse or partner shall not exceed 4 times the average annual earnings of the deceased employee.

SECTION 119. 102.49 (6) of the statutes is amended to read:

102.49 **(6)** The department ~~or the division~~ may award the additional benefits payable under this section to the surviving parent of the child, to the child's guardian, or to such other person, bank, or trust company for the child's use as may be found best calculated to conserve the interests of the child. If the child dies while benefits are still payable, there shall be paid the reasonable expense for burial, not exceeding $1,500.

SECTION 120. 102.51 (3) of the statutes is amended to read:

102.51 **(3)** DIVISION AMONG DEPENDENTS. If there is more than one person wholly or partially dependent on a deceased employee, the death benefit shall be divided between those dependents in such proportion as the department ~~or the division~~ determines to be just, considering their ages and other facts bearing on their dependency.

SECTION 121. 102.51 (4) of the statutes is amended to read:

102.51 **(4)** DEPENDENCY AS OF THE DATE OF DEATH. Questions as to who is a dependent and the extent of his or her dependency shall be determined as of the date of the death of the employee, and the dependent's right to any death benefit becomes fixed at that time, regardless of any subsequent change in conditions. The death benefit shall be directly recoverable by and payable to the dependents entitled to the death benefit or their legal guardians or trustees. In case of the death of a dependent whose right to a death benefit has become fixed, so much of the benefit as is unpaid is payable to the dependent's personal representatives in gross, unless the department ~~or the division~~ determines that the unpaid benefit shall be reassigned under sub. (6) and paid to any other dependent who is physically or mentally incapacitated or a minor. For purposes of this subsection, a child of the employee who

is born after the death of the employee is considered to be a dependent as of the date of death.

SECTION 122. 102.51 (6) of the statutes is amended to read:

102.51 **(6)** DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent child may be awarded to either parent in the discretion of the department ~~or the division~~. Notwithstanding sub. (1), the department ~~or the division~~ may reassign the death benefit as between a surviving spouse or a domestic partner under ch. 770 and any children specified in sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

SECTION 123. 102.55 (3) of the statutes is amended to read:

102.55 **(3)** For all other injuries to the members of the body or its faculties that are specified in the schedule under s. 102.52 resulting in permanent disability, though the member is not actually severed or the faculty is not totally lost, compensation shall bear such relation to the compensation named in the schedule as the disability bears to the disability named in the schedule. Indemnity in those cases shall be determined by allowing weekly indemnity during the healing period resulting from the injury and the percentage of permanent disability resulting after the healing period as found by the department ~~or the division~~.

SECTION 124. 102.555 (12) (a) of the statutes is amended to read:

102.555 **(12)** (a) An employer~~,~~ or the department~~, or the division~~ is not liable for the expense of any examination or test for hearing loss, any evaluation of such an exam or test, any medical treatment for improving or restoring hearing, or any hearing aid to relieve the effect of hearing loss unless it is determined that compensation for occupational deafness is payable under sub. (3), (4), or (11).

SECTION 125. 102.56 (1) of the statutes is amended to read:

102.56 **(1)** Subject to sub. (2), if an employee is so permanently disfigured as to occasion potential wage loss due to the disfigurement, the department ~~or the division~~ may allow such sum as the department ~~or the division~~ considers just as compensation for the disfigurement, not exceeding the employee's average annual earnings. In determining the potential for wage loss due to the disfigurement and the sum awarded, the department ~~or the division~~ shall take into account the age, education, training, and previous experience and earnings of the employee, the employee's present occupation and earnings, and likelihood of future suitable occupational change. Consideration for disfigurement allowance is confined to those areas of the body that are exposed in the normal course of employment. The department ~~or the division~~ shall also take into account the appearance of the disfigurement, its location, and the likelihood of its exposure in occupations for which the employee is suited.

SECTION 126. 102.56 (2) of the statutes is amended to read:

102.56 **(2)** If an employee who claims compensation under sub. (1) returns to work for the employer who employed the employee at the time of the injury, or is offered employment with that employer, at the same or a higher wage, the department ~~or the division~~ may not allow that compensation unless the employee suffers an actual wage loss due to the disfigurement.

SECTION 127. 102.565 (1) of the statutes is amended to read:

102.565 **(1)** When, as a result of exposure in the course of employment over a period of time to toxic or hazardous substances or conditions, an employee performing work that is subject to this chapter develops any clinically observable abnormality or condition that, on competent medical opinion, predisposes or renders the employee in any manner differentially susceptible to disability to such an extent

that it is inadvisable for the employee to continue employment involving that exposure, is discharged from or ceases to continue the employment, and suffers wage loss by reason of that discharge from, or cessation of, employment, the department ~~or the division~~ may allow such sum as the department ~~or the division~~ considers just as compensation for that wage loss, not exceeding $13,000. If a nondisabling condition may also be caused by toxic or hazardous exposure not related to employment and if the employee has a history of that exposure, compensation as provided under this section or any other remedy for loss of earning capacity shall not be allowed. If the employee is discharged from employment prior to a finding by the department ~~or the division~~ that it is inadvisable for the employee to continue in that employment and if it is reasonably probable that continued exposure would result in disability, the liability of the employer who discharges the employee is primary, and the liability of the employer's insurer is secondary, under the same procedure and to the same effect as provided by s. 102.62.

SECTION 128. 102.565 (2) of the statutes is amended to read:

102.565 **(2)** Upon application of any employer or employee, the department ~~or the division~~ may direct any employee of the employer or an employee who, in the course of his or her employment, has been exposed to toxic or hazardous substances or conditions to submit to examination by one or more physicians appointed by the department ~~or the division~~ to determine whether the employee has developed any abnormality or condition under sub. (1), and the degree of that abnormality or condition. The cost of the medical examination shall be borne by the person making application. The physician conducting the examination shall submit the results of the examination to the department ~~or the division~~, which shall submit copies of the reports to the employer and employee, who shall have an opportunity to rebut the

reports if a request to submit a rebuttal is made to the department ~~or the division~~ within 10 days after the department ~~or the division~~ mails the report to the parties. The department ~~or the division~~ shall make its findings as to whether it is inadvisable for the employee to continue in his or her employment.

SECTION 129. 102.565 (3) of the statutes is amended to read:

102.565 **(3)** If, after direction by the commission, ~~or~~ any member of the commission, the department, ~~the division,~~ or an examiner, an employee refuses to submit to an examination or in any way obstructs the examination, the employee's right to compensation under this section shall be barred.

SECTION 130. 102.61 (1g) (c) of the statutes is amended to read:

102.61 **(1g)** (c) On receiving notice that he or she is eligible to receive vocational rehabilitation services under 29 USC 701 to 797a, an employee shall provide the employer with a written report from a physician, chiropractor, psychologist, or podiatrist stating the employee's permanent work restrictions. Within 60 days after receiving that report, the employer shall provide to the employee in writing an offer of suitable employment, a statement that the employer has no suitable employment for the employee, or a report from a physician, chiropractor, psychologist, or podiatrist showing that the permanent work restrictions provided by the employee's practitioner are in dispute and documentation showing that the difference in work restrictions would materially affect either the employer's ability to provide suitable employment or a vocational rehabilitation counselor's ability to recommend a rehabilitative training program. If the employer and employee cannot resolve the dispute within 30 days after the employee receives the employer's report and documentation, the employer or employee may request a hearing before the ~~division~~ department to determine the employee's work restrictions. Within 30 days after the

~~division~~ department determines the employee's work restrictions, the employer shall provide to the employee in writing an offer of suitable employment or a statement that the employer has no suitable employment for the employee.

SECTION 131. 102.61 (1m) (c) of the statutes is amended to read:

102.61 **(1m)** (c) The employer or insurance carrier shall pay the reasonable cost of any services provided for an employee by a private rehabilitation counselor under par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c) and by rule, if the private rehabilitation counselor determines that rehabilitative training is necessary, the reasonable cost of the rehabilitative training program recommended by that counselor, including the cost of tuition, fees, books, maintenance, and travel at the same rate as is provided for state officers and employees under s. 20.916 (8). Notwithstanding that the department ~~or the division~~ may authorize under s. 102.43 (5) (b) a rehabilitative training program that lasts longer than 80 weeks, a rehabilitative training program that lasts 80 weeks or less is presumed to be reasonable.

SECTION 132. 102.61 (2) of the statutes is amended to read:

102.61 **(2)** The ~~division~~ department, the commission, and the courts shall determine the rights and liabilities of the parties under this section in like manner and with like effect as the ~~division~~ department, the commission, and the courts determine other issues under this chapter. A determination under this subsection may include a determination based on the evidence regarding the cost or scope of the services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

SECTION 133. 102.62 of the statutes is amended to read:

102.62 Primary and secondary liability; unchangeable. In case of liability under s. 102.57 or 102.60, the liability of the employer shall be primary and the liability of the insurance carrier shall be secondary. If proceedings are had before the ~~division~~ department for the recovery of that liability, the ~~division~~ department shall set forth in its award the amount and order of liability as provided in this section. Execution shall not be issued against the insurance carrier to satisfy any judgment covering that liability until execution has first been issued against the employer and has been returned unsatisfied as to any part of that liability. Any provision in any insurance policy undertaking to guarantee primary liability or to avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the employer has been adjudged bankrupt or has made an assignment for the benefit of creditors, if the employer, other than an individual, has gone out of business or has been dissolved, or if the employer is a corporation and its charter has been forfeited or revoked, the insurer shall be liable for the payment of that liability without judgment or execution against the employer, but without altering the primary liability of the employer.

SECTION 134. 102.64 (1) of the statutes is amended to read:

102.64 **(1)** Upon request of the department of administration, a representative of the department of justice shall represent the state in cases involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The department of justice, after giving notice to the department of administration, may compromise the amount of those payments but such compromises shall be subject to review by the department ~~or the division~~. If the spouse or domestic partner under ch. 770 of the deceased employee compromises his or her claim for a primary death benefit, the claim of the children of the employee under s. 102.49 shall be

compromised on the same proportional basis, subject to approval by the department ~~or the division~~. If the persons entitled to compensation on the basis of total dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be compromised on the same proportional basis.

SECTION 135. 102.64 (2) of the statutes is amended to read:

102.64 **(2)** Upon request of the department of administration, the attorney general shall appear on behalf of the state in proceedings upon claims for compensation against the state. Except as provided in s. 102.65 (3), the department of justice shall represent the interests of the state in proceedings under s. 102.44 (1), 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims in those proceedings, but the compromises are subject to review by the department ~~or the division~~. Costs incurred by the department of justice in prosecuting or defending any claim for payment into or out of the work injury supplemental benefit fund under s. 102.65, including expert witness and witness fees but not including attorney fees or attorney travel expenses for services performed under this subsection, shall be paid from the work injury supplemental benefit fund.

SECTION 136. 102.65 (3) of the statutes is amended to read:

102.65 **(3)** The department of workforce development may retain the department of administration to process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and 102.66. If retained by the department of workforce development, the department of administration may compromise a claim processed by that department, but a compromise made by that department is subject to review by the department of workforce development ~~or the division~~. The department of workforce development shall pay for the services retained under this subsection from the appropriation account under s. 20.445 (1) (t).

SECTION 137. 102.66 (1) of the statutes is amended to read:

102.66 **(1)** Subject to any certificate filed under s. 102.65 (4), if there is an otherwise meritorious claim for occupational disease, or for a traumatic injury described in s. 102.17 (4) in which the date of injury or death or last payment of compensation, other than for treatment or burial expenses, is before April 1, 2006, and if the claim is barred solely by the statute of limitations under s. 102.17 (4), the department ~~or the division~~ may, in lieu of worker's compensation benefits, direct payment from the work injury supplemental benefit fund under s. 102.65 of such compensation and such medical expenses as would otherwise be due, based on the date of injury, to or on behalf of the injured employee. The benefits shall be supplemental, to the extent of compensation liability, to any disability or medical benefits payable from any group insurance policy whose premium is paid in whole or in part by any employer, or under any federal insurance or benefit program providing disability or medical benefits. Death benefits payable under any such group policy do not limit the benefits payable under this section.

SECTION 138. 102.75 (1) of the statutes is amended to read:

102.75 **(1)** The department shall assess upon and collect from each licensed worker's compensation insurance carrier and from each employer exempted under s. 102.28 (2) (b) or (bm) from the duty to carry insurance under s. 102.28 (2) (a) the proportion of total costs and expenses incurred by the council on worker's compensation for travel and research and by the department~~, the division,~~ and the commission in the administration of this chapter for the current fiscal year, plus any deficiencies in collections and anticipated costs from the previous fiscal year, that the total indemnity paid or payable under this chapter by each such carrier and exempt employer in worker's compensation cases initially closed during the preceding

calendar year, other than for increased, double, or treble compensation, bore to the total indemnity paid in cases closed the previous calendar year under this chapter by all carriers and exempt employers, other than for increased, double, or treble compensation. The council on worker's compensation~~, the division,~~ and the commission shall annually certify any costs and expenses for worker's compensation activities to the department at such time as the secretary requires.

SECTION 139. 227.43 (1) (bm) of the statutes is repealed.

SECTION 140. 227.43 (2) (am) of the statutes is repealed.

SECTION 141. 227.43 (3) (bm) of the statutes is repealed.

SECTION 142. 227.43 (4) (bm) of the statutes is repealed.

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) TRANSFER OF WORKER'S COMPENSATION ADJUDICATORY FUNCTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the division of hearings and appeals in the department of administration that are primarily related to worker's compensation matters, as determined by the secretary of administration, shall become the assets and liabilities of the department of workforce development.

(b) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees holding those positions in the division of hearings and appeals in the department of administration performing duties that are primarily related to worker's compensation matters, as determined by the secretary of administration, are transferred to the department of workforce development.

(c) *Employee status.* Employees transferred under par. (b) have all the rights and the same status under ch. 230 in the department of workforce development that

they enjoyed in the division of hearings and appeals in the department of administration immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the the division of hearings and appeals in the department of administration that is primarily related to worker's compensation matters, as determined by the secretary of administration, is transferred to the department of workforce development.

(e) *Pending matters.* Any worker's compensation matter pending with the division of hearings and appeals in the department of administration on the effective date of this paragraph, as determined by the secretary of administration, is transferred to the department of workforce development. All materials submitted to or actions taken by the division of hearings and appeals in the department of administration with respect to the pending matter are considered as having been submitted to or taken by the department of workforce development.

(f) *Contracts.* All contracts entered into by the division of hearings and appeals in the department of administration in effect on the effective date of this paragraph that are primarily related to worker's compensation matters, as determined by the secretary of administration, remain in effect and are transferred to the department of workforce development. The department of workforce development shall carry out any obligations under those contracts unless modified or rescinded by the department of workforce development to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the division of hearings and appeals in the department of administration in effect on the effective date of this

paragraph that are primarily related to worker's compensation matters, as determined by the secretary of administration, remain in effect until their specified expiration dates or until amended or repealed by the department of workforce development. All orders issued by the division of hearings and appeals in the department of administration in effect on the effective date of this paragraph that are primarily related to worker's compensation matters, as determined by the secretary of administration, remain in effect until their specified expiration dates or until modified or rescinded by the department of workforce development.

SECTION 9450. Effective dates; Workforce Development.

(1) TRANSFER OF WORKER'S COMPENSATION FUNCTIONS. The treatment of ss. 40.65 (2) (a) and (b) 3. and 4., 102.01 (2) (ad), (ar), and (dm), 102.04 (2r) (b), 102.07 (8) (c), 102.11 (1) (am) 1., 102.12, 102.13 (1) (c), (d) 2., and 3., and (f), (2) (a), (3), (4), and (5), 102.14 (title), (1), and (2), 102.15 (1) and (2), 102.16 (1), (1m) (a), (b), and (c), (2) (a) and (b), (2m) (a) and (b), and (4), 102.17 (1) (a) 1., 2., 3., and 4., (b), (c) 1., (d) 1., 2., 3., and 4., (e), (f) 1., (g), and (h), (2), (2m), (2s), (7) (b) and (c), and (8), 102.175 (2) and (3) (c), 102.18 (1) (b) 1., 2., and 3., (bg) 1., 2., and 3., (bp), (bw), (c), and (e), (2), (3), (4) (c) 3. and (d), (5), and (6), 102.195, 102.22 (1) and (2), 102.23 (2), (3), and (5), 102.24 (2), 102.25 (1), 102.26 (2), (3) (b) 1. and 3., and (4), 102.27 (2) (b), 102.28 (3) (c) and (4) (c), 102.29 (1) (b) (intro.), (c), and (d), 102.30 (7) (a), 102.32 (1m) (intro.), (a), and (c), and (d), (5), (6m), and (7), 102.33 (1) and (2) (a), (b) (intro.), 1., 2., and 4., (c), and (d) 2., 102.35 (3), 102.42 (1m), (6), and (8), 102.425 (4m) (a) and (b), 102.43 (5) (b), 102.44 (2) and (6) (b), 102.475 (6), 102.48 (1), (2), and (3), 102.49 (3) and (6), 102.51 (3), (4), and (6), 102.55 (3), 102.555 (12) (a), 102.56 (1) and (2), 102.565 (1), (2), and (3), 102.61 (1g) (c), (1m) (c), and (2), 102.62, 102.64 (1) and (2), 102.65 (3), 102.66 (1),

1 102.75 (1), and 227.43 (1) (bm), (2) (am), (3) (bm), and (4) (bm) and SECTION 9150 (1)
2 of this act take effect on January 1, 2020.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1355/P3
MPG:kjf

DOA:.....Quinn, BB0197 – Appointment and Supervision of Economic Development Liaison

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Economic development liaison project position

Under current law, WEDC has the authority to appoint and supervise an economic development liaison project position in DOA. DOA had that authority when the position was first created. This bill returns that authority to DOA.

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

2 **SECTION 1.** 238.04 (15) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1356/P1
MPG:cdc

DOA:.....Quinn, BB0199 – WEDC Credit Repayment to DOA

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Repayment of tax credits

Under this bill, no later than seven days after WEDC receives a repayment of tax credits, WEDC must remit the full amount of the payment to the secretary of administration for deposit in the general fund.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 238.117 of the statutes is created to read:

238.117 Repayment of tax credits. No later than 7 days after the corporation receives a repayment of tax credits under this chapter, the corporation

shall remit the full amount of that payment to the secretary of administration for deposit in the general fund.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1359/P1
FFK:kjf

DOA:.....Kretschmann, BB0203 - School breakfast, schools that cease operation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill expands who is eligible for reimbursement under the school breakfast program to include operators of independent charter schools, the director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the director of the Wisconsin Center for the Blind and Visually Impaired, and operators of residential care centers for children and youth. This bill also prohibits DPI from making reimbursements under the school breakfast program for breakfasts served in the prior school year if the school ceased operations during the prior school year. This prohibition does not apply to reimbursements to a school district.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 115.341 of the statutes is amended to read:

115.341 School breakfast program. (1) From the appropriation under s. 20.255 (2) (cm), the state superintendent shall reimburse each school board, each operator of a charter school under s. 118.40 (2r) or (2x), each operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, and the director of the center under s. 115.525 15 cents for each breakfast served at a school, as defined in 7 CFR 220.2, that meets the requirements of 7 CFR 220.8 ~~or 220.8a, whichever is applicable,~~ and shall reimburse each governing body of a private school or tribal school 15 cents for each breakfast served at the private school or tribal school that meets the requirements of 7 CFR 220.8 ~~or 220.8a, whichever is applicable~~.

(2) If the appropriation under s. 20.255 (2) (cm) in any fiscal year is insufficient to pay the full amount of aid under this section, the state superintendent shall prorate state aid payments among the school boards, operators, directors, and governing bodies ~~of private schools and tribal schools~~ entitled to the aid under sub. (1).

SECTION 2. 115.341 (3) of the statutes is created to read:

115.341 **(3)** Notwithstanding sub. (1), the state superintendent may not reimburse the operator of a charter school under s. 118.40 (2r) or (2x), the operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, the director of the center under s. 115.525, or the governing body of a private or tribal school for any breakfasts served at a school, as defined in 7 CFR 220.2, during the prior school year if the school ceased operations during that prior school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1361/P1
EKL:amn

DOA:.....Quinn, BB0198 – Restore and Increase Enterprise Zone Cap

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Cap on enterprise zones

This bill provides that WEDC may designate up to 35 enterprise zones under the enterprise zone tax credit program. The bill also repeals the requirement that WEDC receive approval from the Joint Committee on Finance prior to designating an enterprise zone. Under current law, WEDC may designate an unlimited number of enterprise zones, with each designation subject to approval by the Joint Committee on Finance under passive review.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 238.399 (3) (a) of the statutes is amended to read:

238.399 **(3)** (a) The corporation may designate ~~any number of enterprise zones in this state~~ <u>not more than 35 enterprise zones</u>.

SECTION 2. 238.399 (3) (am) of the statutes is repealed.

SECTION 3. 238.399 (3) (e) of the statutes is created to read:

238.399 **(3)** (e) If the corporation revokes all certifications for tax benefits within a designated enterprise zone, the corporation may cancel the designation of that enterprise zone. After canceling the designation of an enterprise zone, the corporation may designate a new enterprise zone subject to the limits of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1363/P1
EKL:amn

DOA:.....Quinn, BB0202 – WEDC Job Reporting

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. WEDC reporting on job creation and retention

This bill requires that WEDC, when reporting on jobs created or retained in the state as a result of an economic development program, include only those jobs that meet the criteria for receiving a grant, loan award, or tax credit under the program.

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

SECTION 1. 238.07 (2) (ag) of the statutes is amended to read:

238.07 **(2)** (ag) An accounting of the location, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program <u>if the job meets the criteria for receiving a grant, loan award, or tax credit under the program</u>.

1 **SECTION 2.** 238.07 (2) (ar) of the statutes is amended to read:

2 238.07 **(2)** (ar) An accounting of the industry classification, by municipality, of
3 each job created or retained in the state as a result of the program <u>if the job meets</u>
4 <u>the criteria for receiving a grant, loan award, or tax credit under the program</u>.

5 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1381/P1
MDK:kjf

DOA:.....Hynek, BB0204 – WTCS revenue limits

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Under this bill, with certain exceptions, a technical college district board's revenue, defined as the sum of its tax levy for operations and the amount of aid it receives for property tax relief and tax-exempt personal property, in a school year may not exceed its revenue in the previous school year increased by 2 percent, or the district's valuation factor, whichever is greater. A district's valuation factor is the percentage change in the district's equalized value due to new construction, less improvements removed. Current law limits the increase to a district's valuation factor.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 38.16 (3) (be) of the statutes is amended to read:

3 38.16 **(3)** (be) Notwithstanding sub. (1), no district board may increase its

4 revenue in the 2014-15 school year or in any school year thereafter by a percentage

that exceeds 2 percent, or the district's valuation factor, whichever is greater, except as provided in pars. (bg) and (br).

SECTION 9342. Initial applicability; Technical College System.

(1) REVENUE LIMITS. The treatment of s. 38.16 (3) (be) first applies to revenue increases in the 2019–20 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1439/P2
KP:kjf

DOA:.....Bollhorst, BB0207 – Lead Abatement Grant

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

1. Residential lead abatement grants

Under this bill, DHS must award grants for residential lead abatement and residential lead hazard reduction and for training lead abatement workers.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 254.151 (intro.) of the statutes is amended to read:

254.151 Lead poisoning or lead exposure prevention grants. (intro.) From the appropriation account under s. 20.435 (1) (ef), the department shall ~~award~~:

(1m) Award the following grants under criteria that the department shall establish in rules promulgated under this ~~section~~ subsection:

SECTION 2. 254.151 (1) of the statutes is renumbered 254.151 (1m) (a).

SECTION 3. 254.151 (2) of the statutes is renumbered 254.151 (1m) (b).

SECTION 4. 254.151 (2m) of the statutes is created to read:

254.151 **(2m)** Award grants for residential lead hazard abatement, residential lead hazard reduction, and lead abatement worker training.

SECTION 5. 254.151 (3) of the statutes is renumbered 254.151 (1m) (c).

SECTION 6. 254.151 (4) of the statutes is renumbered 254.151 (1m) (d).

SECTION 7. 254.151 (5) of the statutes is renumbered 254.151 (1m) (e) and amended to read:

254.151 **(1m)** (e) To fund any combination of the purposes under ~~subs. (1)~~ pars. (a) to ~~(4)~~ (d).

SECTION 8. 254.151 (6) of the statutes is renumbered 254.151 (1m) (f).

SECTION 9. 254.151 (7) of the statutes is renumbered 254.151 (1m) (g).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1484/P4
MLJ:amn&cdc

DOA:.....Schmidt, BB0211 – DOJ Settlement Funds

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Settlement funds

This bill creates two appropriations in which all moneys received from settlement funds must be deposited to carry out the purposes for which the settlement was received or, if no purpose was specified in the settlement, to be used at the discretion of the attorney general. The bill also requires DOJ to submit to DOA and JCF a semiannual report on the receipt and use of settlement funds.

The bill also creates an appropriation to hold all money received by DOJ that is owed to a relator, to provide payments to relators. A relator is a type of party in a lawsuit.

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

SECTION 1. 20.455 (1) (hn) of the statutes is created to read:

20.455 **(1)** (hn) *Payments to relators.* All moneys received by the department that are owed to a relator, to provide payments owed to a relator.

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

SECTION 2. 20.455 (2) (gb) of the statutes is amended to read:

20.455 **(2)** (gb) *Gifts and grants.* ~~The amounts in the schedule to carry out the purposes for which gifts and grants are made and received.~~ All moneys received from gifts and grants, other than moneys received for and credited to another appropriation account under this subsection, ~~shall be credited to this appropriation account~~ to carry out the purposes for which gifts and grants are made and received.

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

SECTION 3. 20.455 (3) (g) of the statutes is amended to read:

20.455 **(3)** (g) *Gifts, grants and proceeds.* ~~The amounts in the schedule to carry out the purposes for which gifts and grants are made and collected.~~ All moneys received from gifts and grants and all proceeds from services, conferences, and sales of publications and promotional materials to carry out the purposes for which gifts and grants are made, received, or collected, except as provided in sub. (2) (gm) and (gp) and to transfer to s. 20.505 (1) (kg), at the discretion of the attorney general, an amount not to exceed $98,300 annually~~, shall be credited to this appropriation account~~.

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

SECTION 4. 20.455 (3) (h) of the statutes is created to read:

20.455 **(3)** (h) *Settlements with a specified purpose.* All moneys received from settlement funds that have a purpose specified by the terms of the settlement shall be credited to this appropriation account to carry out the purposes for which the settlement was received.

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

SECTION 5. 20.455 (3) (i) of the statutes is created to read:

20.455 **(3)** (i) *Settlements without a specified purpose.* All moneys received from settlement funds that do not have a purpose specified by the terms of the settlement shall be credited to this appropriation account to be used at the discretion of the attorney general.

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

****NOTE: This is reconciled s. 20.455 (3) (i). This SECTION has been affected by drafts with the following LRB numbers: 1484/P3 and 2081/P1.

SECTION 6. 165.10 of the statutes is repealed.

SECTION 7. 165.25 (10g) of the statutes is created to read:

165.25 **(10g)** REPORT ON SETTLEMENT FUNDS. Semiannually submit a report to the department of administration and the joint committee on finance regarding money received by the department of justice under a settlement agreement. To the extent permitted by the terms of each settlement agreement, the report shall specify all of the following for each reporting period:

(a) The total amount of settlement funds received.

(b) The amount of settlement funds received that have a purpose specified by the terms of the settlement.

(c) The amount of settlement funds received that do not have a purpose specified by the terms of the settlement.

(d) The cases from which settlement funds are received.

(e) The purposes for which settlement funds are used, and the amounts expended for each purpose.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1485/P2
MLJ:kjf

DOA:.....Hamer, BB0212 – Private Bar Rate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

1. Public defender private attorney rate increase

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from $40 per hour for time spent related to a case, excluding travel, to $70 per hour for time spent related to a case, excluding travel, with certain exceptions. Under the bill, the rate must be adjusted biennially by a percentage that correlates with the federal Department of Labor's consumer price index.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 977.08 (4m) (c) of the statutes is amended to read:

3 977.08 **(4m)** (c) Unless otherwise provided by a rule promulgated under s.

4 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after

July 29, 1995, <u>and before January 1, 2020,</u> private local attorneys shall be paid $40 per hour for time spent related to a case, excluding travel, and $25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 2. 977.08 (4m) (d) of the statutes is created to read:

977.08 **(4m)** (d) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after January 1, 2020, private local attorneys shall be paid $70 per hour for time spent related to a case, excluding travel, and $25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 3. 977.08 (4s) of the statutes is created to read:

977.08 **(4s)** The rates established under sub. (4m) (d) shall be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12–month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor, except that the percentage under this subsection may not be less than zero.

****NOTE: Current law limits in several places the amount that a guardian ad litem may be paid to the amount in s. 977.08 (4m) (b), which is $50 per hour for time spent in court; $40 per hour for time spent out of court, excluding travel; and $25 per hour for time spent in travel. Do you want those limits to be changed to correspond with the higher hourly rate in the newly created s. 977.08 (4m) (d)?

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1539/P8
CH/JK/SB/MP/MM:wlj&amn

DOA:.....Bollhorst, BB0218 – Medical marijuana

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Medical marijuana

Current law prohibits a person from manufacturing, distributing, or delivering tetrahydrocannabinols; possessing THC with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess THC; using drug paraphernalia; or possessing drug paraphernalia. This bill creates a medical use defense to such THC–related prosecutions and forfeiture actions for a person who is registered with DHS as having a specified debilitating medical condition or undergoing a specified debilitating treatment. The bill also prohibits the arrest or prosecution of such a person for those offenses. The defense and prohibition do not apply under certain circumstances, such as 1) if the person does not have a valid registry identification card; 2) if the amount of cannabis involved is more than 12 plants or three ounces of leaves or flowers; 3) if, while under the influence of THC, the person drives a motor vehicle or engages in other conduct that endangers another person; or 4) if the person smokes cannabis on a school bus or public transit or on school premises.

Under the bill, DHS must establish a medical cannabis registry, and a person may apply to DHS for a registry identification card. The bill specifies that the following medical conditions or treatments qualify a person for the registry: cancer,

glaucoma, AIDS or HIV, Crohn's disease, a hepatitis C virus infection, Alzheimer's disease, amytrophic lateral sclerosis, nail-patella syndrome, Ehlers-Danlos Syndrome, post-traumatic stress disorder, or the treatment of these conditions; opioid abatement or reduction or treatment for opioid addiction; a chronic or debilitating disease or medical condition or the treatment of such a disease or condition that causes cachexia, severe pain, severe nausea, seizures, or severe and persistent muscle spasms; and any other medical condition or treatment DHS designates as a debilitating medical condition or treatment. DHS must issue a qualified applicant a registry identification card unless, in the previous ten years, the applicant was serving a sentence or on probation for certain violent felony convictions. DHS must keep registry information and applications confidential except for verifying status for law enforcement purposes.

Under the bill, DATCP must license and regulate dispensaries to facilitate medical THC. The bill prohibits a dispensary from being located within 500 feet of a school, from distributing to one person more than 12 cannabis plants or three ounces of cannabis leaves or flowers, and from possessing an excessive quantity of cannabis. An applicant for a dispensary license must pay an initial application fee determined by DATCP, but a minimum of $250, and a dispensary must pay an annual fee determined by DHS, but a minimum of $5,000.

The bill requires DATCP to determine policies that allow entities to grow cannabis and distribute it to dispensaries. The bill also requires DATCP to register entities as THC-testing laboratories.

Finally, the bill imposes a surcharge on the sale of cannabis and tetrahydrocannabinols by a dispensary. The surcharge is equal to 10 percent of the sales price.

OTHER HEALTH AND HUMAN SERVICES

2. Restriction by employer on use of medical marijuana

This bill allows an employer to refuse to accommodate the use, consumption, possession, transfer, display, transportation, sale, or cultivation of medical marijuana at a place of employment by an employee. The bill expressly allows an employer to have a policy regarding marijuana use by its employees.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.115 (7) (ge) of the statutes is created to read:

20.115 **(7)** (ge) *Licensing and support services for dispensaries.* All moneys received under s. 94.57 (5) to license and regulate dispensaries, and to register laboratories, under s. 94.57.

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

SECTION 2. 20.435 (6) (gd) of the statutes is created to read:

20.435 **(6)** (gd) *Medical cannabis registry.* All moneys received as fees under s. 146.44 (2) (a) 4. and (ac) 3. and (4m), for the purposes of the Medical Cannabis Registry Program under s. 146.44.

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

SECTION 3. 59.54 (25) (a) (intro.) of the statutes is amended to read:

59.54 **(25)** (a) (intro.) The board may enact and enforce an ordinance to prohibit the possession of more than 25 grams of marijuana, as defined in s. 961.01 (14), subject to par. (c) and the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance~~; except that if~~. Any ordinance enacted under this paragraph shall provide a person who is prosecuted under it with the defenses that the person has under s. 961.436 to prosecutions under s. 961.41 (1) (h), (1m) (h), or (3g) (e). If a complaint is issued ~~regarding an allegation of~~ alleging possession of more than 25 grams ~~of marijuana, or possession of any amount~~ of marijuana following a conviction in this state for possession of more than 25 grams of marijuana, the subject of the complaint may not be prosecuted under this subsection for the same action that is the subject of the complaint unless all of the following occur:

****NOTE: This is reconciled s. 59.54 (25) (a) (intro.). This section has been affected by drafts with the following LRB numbers: –1996/p2 and –1539/p6.

SECTION 4. 59.54 (25) (c) of the statutes is created to read:

59.54 **(25)** (c) A person may not be prosecuted under an ordinance enacted under par. (a) if, under s. 968.072 (2) or (4) (b), the person would not be subject to prosecution under s. 961.41 (3g) (e).

SECTION 5. 59.54 (25m) of the statutes is amended to read:

59.54 **(25m)** DRUG PARAPHERNALIA. The board may enact an ordinance to prohibit conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide a forfeiture for violation of the ordinance. Any ordinance enacted under this subsection shall provide a person prosecuted under it with the defenses that the person has under s. 961.5755 to prosecutions under s. 961.573 (1), 961.574 (1), or 961.575 (1). A person may not be prosecuted under an ordinance enacted under this subsection if, under s. 968.072 (3) or (4) (b), the person would not be subject to prosecution under s. 961.573 (1), 961.574 (1), or 961.575 (1). The board may enforce an ordinance enacted under this subsection in any municipality within the county.

SECTION 6. 66.0107 (1) (bm) of the statutes is amended to read:

66.0107 **(1)** (bm) Enact and enforce an ordinance to prohibit the possession of more than 25 grams of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance~~; except that if~~. Any ordinance enacted under this paragraph shall provide a person who is prosecuted under it with the defenses that the person has under s. 961.436 to prosecutions under s. 961.41 (1) (h), (1m) (h), or (3g) (e). If a complaint is issued ~~regarding an allegation of~~ alleging possession of more than 25 grams ~~of marijuana, or possession of any amount~~ of marijuana following a conviction in this state for possession of more than 25 grams of marijuana, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject

of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.

****NOTE: This is reconciled s. 66.0107 (1) (bm). This section has been affected by drafts with the following LRB numbers: –1996/p2 and –1539/p6.

SECTION 7. 66.0107 (1) (bp) of the statutes is amended to read:

66.0107 **(1)** (bp) Enact and enforce an ordinance to prohibit conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide a forfeiture for violation of the ordinance. <u>Any ordinance enacted under this paragraph shall provide a person prosecuted under it with the defenses that the person has under s. 961.5755 to prosecutions under s. 961.573 (1), 961.574 (1), or 961.575 (1). A person may not be prosecuted under an ordinance enacted under this paragraph if, under s. 968.072 (3) or (4) (b), the person would not be subject to prosecution under s. 961.573 (1), 961.574 (1), or 961.575 (1).</u>

SECTION 8. 66.0414 of the statutes is created to read:

66.0414 Cultivation of tetrahydrocannabinols. No village, town, city, or county may enact or enforce an ordinance or a resolution that prohibits cultivating tetrahydrocannabinols or cannabis if the cultivation is by one of the following:

(1) A dispensary, as defined in s. 94.57 (1) (a).

(2) A person who is cultivating tetrahydrocannabinols for medication with tetrahydrocannabinols, as defined in s. 146.44 (1) (c), if the amount of cannabis does not exceed the maximum authorized amount, as defined in s. 961.01 (14c).

(3) An entity that is cultivating cannabis for distribution as permitted under policies determined under s. 94.57 (2) and rules promulgated under s. 94.57 (9).

SECTION 9. 66.1201 (2m) of the statutes is amended to read:

66.1201 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, or sexual orientation~~,~~; status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or national origin.

SECTION 10. 66.1213 (3) of the statutes is amended to read:

66.1213 **(3)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, or sexual orientation~~,~~; status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or national origin.

SECTION 11. 66.1301 (2m) of the statutes is amended to read:

66.1301 **(2m)** DISCRIMINATION. Persons entitled to any right, benefit, facility, or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, or sexual orientation~~,~~; status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~; whether the person

holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or national origin.

SECTION 12. 66.1331 (2m) of the statutes is amended to read:

66.1331 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, or sexual orientation~~,~~; status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or national origin.

SECTION 13. 66.1333 (3) (e) 2. of the statutes is amended to read:

66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, or sexual orientation~~,~~; status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or national origin.

SECTION 14. 77.54 (14) (intro.) of the statutes is amended to read:

77.54 **(14)** (intro.) The sales price from the sales of and the storage, use, or other consumption in this state of drugs that are any of the following, not including cannabis and tetrahydrocannabinols procured from dispensary, as defined in s. 94.57 (1) (a):

SECTION 15. 94.57 of the statutes is created to read:

94.57 Medical cannabis. (1) DEFINITIONS. In this section:

(a) "Dispensary" means an entity licensed under this section that cultivates, acquires, manufactures, possesses, delivers, transfers, transports, sells, or dispenses cannabis, tetrahydrocannabinols, paraphernalia, or related supplies and educational materials to treatment teams and other dispensaries.

(b) "Maximum authorized amount" has the meaning given in s. 961.01 (14c).

(c) "Medication with tetrahydrocannabinols" has the meaning given in s. 146.44 (1) (c).

(d) "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

(e) "Registry identification card" has the meaning given in s. 146.44 (1) (g).

(f) "Treatment team" has the meaning given in s. 961.01 (20t).

(g) "Usable cannabis" has the meaning given in s. 961.01 (21f).

(h) "Written certification" has the meaning given in s. 146.44 (1) (h).

(2) DEPARTMENTAL POWERS AND DUTIES. (a) The department shall provide licensing, regulation, record keeping, and security for dispensaries.

(b) The department shall determine policies allowing entities to grow cannabis and distribute cannabis and tetrahydrocannabinols to dispensaries, shall develop security guidelines for the entities, and shall regulate such entities.

(3) LICENSING. The department shall issue licenses to operate as a dispensary and shall decide which and how many applicants receive a license on the basis of all of the following:

(a) Convenience to treatment teams and the preferences of treatment teams.

(b) The ability of an applicant to provide to treatment teams a sufficient amount of tetrahydrocannabinols.

(c) The experience the applicant has running a nonprofit organization or a business.

(d) The preferences of the governing bodies with jurisdiction over the area in which the applicants are located.

(e) The ability of the applicant to keep records confidential and maintain a safe and secure facility.

(f) The ability of the applicant to abide by the prohibitions under sub. (4).

(4) PROHIBITIONS. The department may issue a license under this section to an applicant only if the applicant has been a resident of this state for at least the 2 years immediately preceding the application. The department may not issue a license to, and must revoke a license of, any entity to which any of the following applies:

(a) The entity is located within 500 feet of a public or private elementary or secondary school, including a charter school.

(b) The dispensary distributes to a treatment team a number of cannabis plants or an amount of usable cannabis that, in the period of distribution, results in the treatment team possessing more than the maximum authorized amount.

(c) The dispensary possesses a number of cannabis plants or an amount of usable cannabis that exceeds the combined maximum authorized amount for all of

the treatment teams that use the dispensary by a number or an amount determined by the department by rule to be unacceptable.

(5) LICENSING PROCEDURE; FEES; LICENSE TERM. (a) An application for a license under this section shall be in writing on a form provided by the department and include the licensing application fee under par. (b) 1.

(b) 1. A licensing application fee shall be an amount determined by the department but not less than $250.

2. The annual fee for a dispensary shall be an amount determined by the department but not less than $5,000.

(c) A dispensary license is valid unless revoked. Each license shall be issued only for the applicant named in the application and may not be transferred or assigned.

(d) The department shall approve or deny an application for a dispensary license within 60 days after receiving it.

(6) DISTRIBUTION OF MEDICAL TETRAHYDROCANNABINOLS. (a) A dispensary may deliver or distribute tetrahydrocannabinols and drug paraphernalia to a member of a treatment team only if done in a face–to–face transaction, if the dispensary receives a copy of the qualifying patient's written certification or registry identification card, and if the tetrahydrocannabinols are contained in or derived from cannabis grown in this state under par. (f).

(b) A dispensary may possess or manufacture tetrahydrocannabinols and drug paraphernalia with the intent to deliver or distribute under par. (a).

(c) An entity operating under policies determined under sub. (2) and rules promulgated under sub. (9) may possess tetrahydrocannabinols, possess or

manufacture tetrahydrocannabinols with the intent to deliver or distribute to a dispensary, or deliver or distribute tetrahydrocannabinols to a dispensary.

(d) A dispensary may have 2 locations, one for cultivation or production and one for distribution.

(e) A dispensary shall have all tetrahydrocannabinols and cannabis tested for mold, fungus, pesticides, and other contaminants and may not distribute tetrahydrocannabinols or cannabis that test positive for mold, fungus, pesticides, or other contaminants if the contaminants, or level of contaminants, are identified by the testing laboratories under sub. (7) to be potentially unsafe to a qualifying patient's health.

(f) A dispensary or an entity operating under policies determined under sub. (2) and rules promulgated under sub. (9) may cultivate cannabis, including cultivating cannabis outdoors.

(7) TESTING LABORATORIES. The department shall register entities as tetrahydrocannabinols–testing laboratories. The laboratories may possess or manufacture tetrahydrocannabinols and drug paraphernalia and shall perform the following services:

(a) Test cannabis and tetrahydrocannabinols produced for dispensaries for potency and for mold, fungus, pesticides, and other contaminants.

(b) Research findings related to medication with tetrahydrocannabinols, including findings that identify potentially unsafe levels of contaminants.

(c) Provide training to persons who hold registry identification cards, treatment teams, persons employed by dispensaries, and entities that grow cannabis and distribute to dispensaries cannabis and tetrahydrocannabinols, as provided by

policies determined under sub. (2) and rules promulgated under sub. (9), on the following:

1. The safe and efficient cultivation, harvesting, packaging, labeling, and distribution of cannabis and tetrahydrocannabinols.

2. Security and inventory accountability procedures.

3. The most recent research on medication with tetrahydrocannabinols.

(8) CONFIDENTIALITY. The department may disclose to a law enforcement agency only information necessary to verify that a dispensary has a license issued under this section, an entity is complying with policies determined under sub. (2) and rules promulgated under sub. (9), or an entity is registered under sub. (7).

(9) RULES. The department may promulgate rules to administer and enforce this section. The department may use the procedure under s. 227.24 to promulgate rules under this section. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until January 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 16. 103.145 of the statutes is created to read:

103.145 Employer drug policies; medical use of tetrahydrocannabinols. (1) In this section:

(a) "Medication with tetrahydrocannabinols" has the meaning given in s. 961.01 (14g).

(b) "Usable cannabis" has the meaning given in s. 961.01 (21f).

(2) No employer is required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or cultivation of medication with tetrahydrocannabinols or usable cannabis in the workplace, and any employer may have a policy restricting the use of marijuana by its employees.

SECTION 17. 106.50 (1m) (h) of the statutes is amended to read:

106.50 **(1m)** (h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, <u>or</u> family status~~,~~<u>;</u> status as a victim of domestic abuse, sexual assault, or stalking~~,~~<u>; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t);</u> lawful source of income~~,~~<u>;</u> age~~,~~<u>;</u> or ancestry.

SECTION 18. Subchapter IV of chapter 139 [precedes 139.97] of the statutes is created to read:

CHAPTER 139

SUBCHAPTER IV

DISPENSARY SURCHARGE

139.97 Definitions. In this subchapter:

(1) "Department" means the department of revenue.

(2) "Dispensary" has the meaning given in s. 94.57 (1) (a).

139.971 Imposition. (1) A surcharge is imposed on a dispensary at the rate of 10 percent of the total price of cannabis and tetrahydrocannabinols sold or otherwise dispensed to an unrelated person, including any charge by the dispensary that is necessary to complete the sale. For purposes of this subsection, the total price

of cannabis and tetrahydrocannabinols shall not be reduced by costs or expenses incurred by the dispensary, such as fees, delivery, freight, transportation, packaging, handling, marketing, taxes, and import fees or duties, regardless of whether such costs or expenses are separately stated on the invoice. The total price also shall not be reduced by the value or cost of discounts or free promotional or sample products. For purposes of this subsection, a dispensary is considered related to another person if the 2 entities have significant common purposes and substantial common membership or, directly or indirectly, substantial common direction or control.

(2) A dispensary shall not separately state the surcharge on an invoice or other similar document given to the purchaser or recipient of the cannabis and tetrahydrocannabinols.

(3) No dispensary may sell or otherwise dispense cannabis and tetrahydrocannabinols without first obtaining a business tax registration certificate as prescribed under s. 73.03 (50).

139.972 Records, returns. (1) Every dispensary shall keep accurate and complete records, in the manner prescribed by the department, of all transactions involving the sale or disposition of cannabis and tetrahydrocannabinols. A dispensary shall preserve the records on the premises described in its business tax registration certificate in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the department.

(2) Every dispensary shall render a true and correct invoice of every sale and disposition of cannabis and tetrahydrocannabinols and shall on or before the 15th day of each calendar month file electronically a verified report of all such sales and dispositions during the preceding calendar month.

(3) The department shall prescribe reasonable and uniform methods of keeping records and making reports and shall prescribe and furnish the necessary report forms.

(4) If the department finds that the records of any dispensary are not kept in the prescribed form or are in such condition that an unusual amount of time is required to determine from them the amount of surcharge due, the department shall give notice of such fact to that dispensary and require that the records be revised and kept in the prescribed form. If the dispensary fails to comply within 30 days, the dispensary shall pay the expenses reasonably attributable to a proper examination and surcharge determination at the rate of $30 per day for each auditor. The department shall send a bill for expenses, and the dispensary shall pay the amount of the bill within 10 days.

(5) If any dispensary fails to file a report when due, the dispensary shall be required to pay a late filing fee of $50.

(6) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating to confidentiality of income and franchise tax returns, apply to any information obtained from any person on a dispensary surcharge return, report, schedule, exhibit, or other document or from an audit report pertaining to the return, report, schedule, exhibit, or document, except that the department shall publish on its Internet site, at least quarterly, a current list of business tax registration certificates issued to dispensaries under s. 73.03 (50) and include on the list the name and address of the certificate holder and the date on which the department issued the certificate.

(7) The department may inspect the business records of any dispensary doing business on a reservation or on an Indian tribe's trust land.

(8) Each dispensary shall collect and remit the surcharge imposed under this subchapter with the reports required to be filed under this section.

139.973 Administration and enforcement. (1) Sections 139.355, 139.365, 139.39, and 139.40, as they apply to the tax under subch. II, apply to the administration and enforcement of this subchapter.

(2) If a dispensary fails to pay the surcharge under this subchapter, authorized personnel of the department, with the assistance of any law enforcement officer within his or her jurisdiction, may search the premises of the dispensary to seize any personal property or cash for payment of the unpaid surcharge.

139.974 Police powers. The duly authorized employees of the department have all necessary police powers to prevent violations of this subchapter.

139.975 Timely filing. The provisions on timely filing under s. 71.80 (18) apply to the surcharge under this subchapter.

139.976 Bonds. Section 78.11, as it applies to suppliers of motor vehicle fuel, applies to persons liable for the surcharge under this subchapter.

139.977 Interest and penalties. (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12) apply to this subchapter. In addition, a person who violates s. 139.972 (8) may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

(2) If a person fails to file any return or report required under s. 139.972 by the due date, unless the person shows that that failure was due to reasonable cause and not due to neglect, the department shall add to the amount of surcharge required to be shown on that return 5 percent of the amount of the surcharge if the failure is for not more than one month, and an additional 5 percent of the surcharge for each additional month or fraction of a month during which the failure continues, but not

more than 25 percent of the surcharge. For purposes of this subsection, the amount of the surcharge required to be shown on the return shall be reduced by the amount of surcharge that is paid on or before the due date and by the amount of any credit against the surcharge that may be claimed on the return.

139.978 Personal liability. Any officer, employee, fiduciary, or agent who is responsible for paying the surcharge, interest, penalties, or other charges under this subchapter incurred by another person, as defined in s. 77.51 (10), is personally liable for the surcharge, interest, penalties, or other charges. Sections 71.88 (1) (a) and (2) (a), 71.89, and 71.90, as they apply to appeals of income or franchise tax assessments, apply to appeals of assessments under this subchapter.

139.9785 Prosecutions by attorney general. Upon request by the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this subchapter.

139.979 Rule-making authority. (1) The department shall promulgate any rules necessary for the administration of this subchapter.

(2) Using the procedure under s. 227.24, the department may promulgate the rules required under sub. (1). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until January 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 19. 146.44 of the statutes is created to read:

1 **146.44 Medical Cannabis Registry Program. (1)** DEFINITIONS. In this
2 section:
3 (a) "Applicant" means a person who is applying for a registry identification card
4 under sub. (2) (a) or (ac).
5 (ag) "Bona fide practitioner–patient relationship" means a relationship
6 between the practitioner and the patient that includes all of the following:
7 1. An assessment of the patient's medical history and current medical condition
8 by the practitioner, including an in–person physical examination if appropriate.
9 2. A consultation between the practitioner and the patient with respect to the
10 patient's debilitating medical condition or treatment.
11 3. Availability by the practitioner to provide follow–up care and treatment to
12 the patient, including patient examinations.
13 (b) "Debilitating medical condition or treatment" means any of the following:
14 1. Cancer, glaucoma, acquired immunodeficiency syndrome, a positive test for
15 the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV,
16 Crohn's disease, a hepatitis C virus infection, Alzheimer's disease, amytrophic
17 lateral sclerosis, nail–patella syndrome, Ehlers–Danlos Syndrome, post–traumatic
18 stress disorder, or the treatment of these conditions.
19 2. Opioid abatement or reduction or treatment for opioid addiction.
20 3. A chronic or debilitating disease or medical condition or the treatment of
21 such a disease or condition that causes cachexia, severe pain, severe nausea,
22 seizures, including those characteristic of epilepsy, or severe and persistent muscle
23 spasms, including those characteristic of multiple sclerosis.

4. Any other medical condition or any other treatment for a medical condition designated as a debilitating medical condition or treatment as determined by the department.

(c) "Medication with tetrahydrocannabinols" means any of the following:

1. The use of tetrahydrocannabinols in any form by a qualifying patient to alleviate the symptoms or effects of the qualifying patient's debilitating medical condition or treatment.

2. The acquisition, possession, cultivation, or transportation of tetrahydrocannabinols in any form by a qualifying patient if done to facilitate his or her use of the tetrahydrocannabinols under subd. 1.

3. The acquisition, possession, cultivation, or transportation of tetrahydrocannabinols in any form by a primary caregiver of a qualifying patient, the transfer of tetrahydrocannabinols in any form between a qualifying patient and his or her primary caregivers, or the transfer of tetrahydrocannabinols in any form between persons who are primary caregivers for the same qualifying patient if all of the following apply:

a. The acquisition, possession, cultivation, transportation, or transfer of the tetrahydrocannabinols is done to facilitate the qualifying patient's use of tetrahydrocannabinols under subd. 1. or 2.

b. It is not practicable for the qualifying patient to acquire, possess, cultivate, or transport the tetrahydrocannabinols independently, or the qualifying patient is under 18 years of age.

(cm) "Out–of–state registry identification card" means a document that is valid as provided under sub. (7) (f).

(cr) "Practitioner" means a physician, advanced practice nurse, a physician assistant, or other person licensed, registered, certified, or otherwise permitted to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

(d) "Primary caregiver" means a person who has agreed to help a qualifying patient in his or her medication with tetrahydrocannabinols and who has a registry identification card.

(e) "Qualifying patient" means a person who has been diagnosed in the course of a bona fide practitioner–patient relationship as having or undergoing a debilitating medical condition or treatment but does not include a person under the age of 18 years unless all of the following apply:

1. The person's practitioner has explained the potential risks and benefits of medication with tetrahydrocannabinols to the person and to a parent, guardian, or person having legal custody of the person.

2. The parent, guardian, or person having legal custody provides the practitioner a written statement consenting to do all of the following:

a. Allow medication with tetrahydrocannabinols for the person.

b. Serve as a primary caregiver for the person.

c. Manage the person's medication with tetrahydrocannabinols.

(f) "Registrant" means a person to whom a registry identification card is issued.

(g) "Registry identification card" means a document issued by the department under sub. (4) that identifies a person as a qualifying patient or primary caregiver.

(h) "Written certification" means a statement written by a person's practitioner if all of the following apply:

1. The statement indicates that, in the practitioner's professional opinion, the person has or is undergoing a debilitating medical condition or treatment and the potential benefits of medication with tetrahydrocannabinols would likely outweigh the health risks for the person.

2. The statement indicates that the opinion described in subd. 1. was made in the course of a bona fide practitioner–patient relationship.

3. The statement is signed by the practitioner or is contained in the person's medical records.

(2) APPLICATION. (a) An adult who is claiming to be a qualifying patient may apply for a registry identification card by submitting to the department all of the following:

1. A signed application form that contains the applicant's name, address, and date of birth.

2. A written certification.

3. The name, address, and telephone number of the applicant's current practitioner, as listed in the written certification.

4. A registration fee shall be an amount determined by the department but not less than $100.

5. Any information that the department determines is necessary for a background check under par. (am).

(ac) A person who is at least 21 years of age may apply for a registry identification card as a primary caregiver by submitting to the department all of the following:

1. A signed application form that contains the applicant's name, address, and date of birth.

2. A copy of a written certification or copy of a registration identification card for each qualifying patient for whom the applicant will be the primary caregiver.

3. A registration fee shall be an amount determined by the department, but not less than $100.

4. Any information that the department determines is necessary for a background check under par. (am).

(am) 1. In this paragraph:

a. "Background check" means a search of department of justice records to determine whether an applicant for a registry identification card has been convicted of a disqualifying offense.

b. "Disqualifying offense" means a violent crime under s. 165.84 (7) (ab) or a substantially similar violation of federal law that is a felony.

2. The department shall convey the information provided by an applicant under par. (a) or (ac) to the department of justice, and the department of justice shall perform a background check on the applicant.

3. If the department of justice determines that the applicant has been convicted of a disqualifying offense, the department of health services shall deny the application unless at least 10 years has passed since the completion of any sentence imposed for any disqualifying offense, including any period of incarceration, parole, and extended supervision, and any period of probation imposed for a disqualifying offense.

(b) The department shall promulgate rules specifying how a parent, guardian, or person having legal custody of a child may apply for a registry identification card for the child and the circumstances under which the department may approve or deny the application.

(3) PROCESSING THE APPLICATION. The department shall verify the information the applicant submitted under sub. (2) (a) or (ac) and shall approve or deny the application within 30 days after receiving it. The department may deny an application submitted under sub. (2) (a) or (ac) only if one of the following applies:

(a) The applicant did not provide the required information or provided false information.

(b) The department is required to deny the application under sub. (2) (am) 3.

(c) The department is required to deny the application under the rules promulgated under sub. (2) (b).

(4) ISSUING A REGISTRY IDENTIFICATION CARD. The department shall issue an applicant a registry identification card within 5 days after approving the application under sub. (3). Unless voided under sub. (5) (b) or (c), a registry identification card expires 2 years from the date of issuance. A registry identification card shall contain all of the following:

(a) The name, address, and date of birth of all of the following:

1. The registrant.

2. Each primary caregiver, if the registrant is a qualifying patient.

3. Each qualifying patient, if the registrant is a primary caregiver.

(b) The date of issuance and expiration date of the registry identification card.

(c) A photograph of the registrant.

(d) Other information the department may require by rule.

(4m) ANNUAL FEE. Primary caregivers shall pay an annual fee determined by the department but not less than $250.

(5) ADDITIONAL INFORMATION TO BE PROVIDED BY REGISTRANT. (a) 1. An adult registrant shall notify the department of any change in the registrant's name and

address. An adult registrant who is a qualifying patient shall notify the department of any change in his or her practitioner, of any significant improvement in his or her health as it relates to his or her debilitating medical condition or treatment, and if a primary caregiver stops helping the registrant in the registrant's medication with tetrahydrocannabinols. A registrant who is a primary caregiver shall notify the department if the registrant becomes a primary caregiver for an additional qualifying patient and shall include with the notice a copy of a written certification or copy of a registration identification card for each additional qualifying patient.

2. If a qualifying patient is a child, a primary caregiver for the child shall provide the department with any information that the child, if he or she were an adult qualifying patient, would have to provide under subd. 1. within 10 days after the date of the change to which the information relates.

(b) If a registrant fails to notify the department within 10 days after any change for which notification is required under par. (a) 1., his or her registry identification card is void. If a registrant fails to comply with par. (a) 2., the registry identification card for the qualifying patient to whom the information under par. (a) 2. relates is void.

(c) If a qualifying patient's registry identification card becomes void under par. (b), the registry identification card for each of the qualifying patient's primary caregivers with regard to that qualifying patient is void. The department shall send written notice of this fact to each such primary caregiver.

(6) RECORDS. (a) The department shall maintain a list of all registrants.

(b) Notwithstanding s. 19.35 and except as provided in par. (c) and sub. (2) (am), the department may not disclose information from an application submitted or a registry identification card issued under this section.

(c) The department may disclose to a law enforcement agency, upon the request of the law enforcement agency, only information necessary to verify that a person possesses a valid registry identification card.

(7) RULES. The department may promulgate rules to implement the Medical Cannabis Registry Program.

(8) EMERGENCY RULES. Using the procedure under s. 227.24, the department may promulgate rules under this section. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until January 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 20. 227.01 (13) (zo) of the statutes is created to read:

227.01 **(13)** (zo) Determines policies relating to medical cannabis under s. 94.57 (2).

SECTION 21. 234.29 of the statutes is amended to read:

234.29 Equality of occupancy and employment. The authority shall require that occupancy of housing projects assisted under this chapter be open to all regardless of sex, race, religion, <u>or</u> sexual orientation~~,~~<u>;</u> status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u)~~,~~<u>; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t);</u> or creed,

and that contractors and subcontractors engaged in the construction of economic development or housing projects, shall provide an equal opportunity for employment, without discrimination as to sex, race, religion, sexual orientation, or creed.

SECTION 22. 289.33 (3) (d) of the statutes is amended to read:

289.33 **(3)** (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) <u>(a),</u> and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8), and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch. 91.

SECTION 23. 349.02 (2) (b) 4. of the statutes is amended to read:

349.02 **(2)** (b) 4. Local ordinances enacted under s. 59.54 (25) (a) or (25m) or 66.0107 (1) (bm).

SECTION 24. 767.41 (5) (am) (intro.) of the statutes is amended to read:

767.41 **(5)** (am) (intro.) Subject to pars. (bm) ~~and~~, (c), and (d), in determining legal custody and periods of physical placement, the court shall consider all facts relevant to the best interest of the child. The court may not prefer one parent or potential custodian over the other on the basis of the sex or race of the parent or potential custodian. Subject to pars. (bm) ~~and~~, (c), and (d), the court shall consider the following factors in making its determination:

SECTION 25. 767.41 (5) (d) of the statutes is created to read:

767.41 **(5)** (d) The court may not consider as a factor in determining the legal custody of a child whether a parent or potential custodian holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), is or has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a qualifying patient, as defined in s. 146.44 (1) (e), or a primary caregiver, as defined in s. 146.44 (1) (d), unless the parent or potential custodian's behavior creates an unreasonable danger to the child that can be clearly articulated and substantiated.

SECTION 26. 767.451 (5m) (a) of the statutes is amended to read:

767.451 **(5m)** (a) Subject to pars. (b) ~~and~~, (c), and (d), in all actions to modify legal custody or physical placement orders, the court shall consider the factors under s. 767.41 (5) (am), subject to s. 767.41 (5) (bm), and shall make its determination in a manner consistent with s. 767.41.

SECTION 27. 767.451 (5m) (d) of the statutes is created to read:

767.451 **(5m)** (d) In an action to modify a legal custody order, the court may not consider as a factor in making a determination whether a parent or potential

custodian holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), is or has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a qualifying patient, as defined in s. 146.44 (1) (e), or a primary caregiver, as defined in s. 146.44 (1) (d), unless the parent or potential custodian's behavior creates an unreasonable danger to the child that can be clearly articulated and substantiated.

SECTION 28. 961.01 (5m) of the statutes is created to read:

961.01 **(5m)** "Debilitating medical condition or treatment" has the meaning given in s. 146.44 (1) (b).

SECTION 29. 961.01 (12v) of the statutes is created to read:

961.01 **(12v)** "Lockable, enclosed facility" means an enclosed indoor or outdoor area that is lockable, or requires a security device, to permit access only by a member of a qualifying patient's treatment team.

SECTION 30. 961.01 (14c) of the statutes is created to read:

961.01 **(14c)** "Maximum authorized amount" means 12 live cannabis plants or 3 ounces of usable cannabis.

SECTION 31. 961.01 (14g) of the statutes is created to read:

961.01 **(14g)** "Medication with tetrahydrocannabinols" has the meaning given in s. 146.44 (1) (c).

SECTION 32. 961.01 (17k) of the statutes is created to read:

961.01 **(17k)** "Out–of–state registry identification card" has the meaning given in s. 146.44 (1) (cm).

SECTION 33. 961.01 (19m) of the statutes is created to read:

961.01 **(19m)** "Primary caregiver" has the meaning given in s. 146.44 (1) (d).

SECTION 34. 961.01 (20hm) of the statutes is created to read:

961.01 **(20hm)** "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

SECTION 35. 961.01 (20ht) of the statutes is created to read:

961.01 **(20ht)** "Registry identification card" has the meaning given in s. 146.44 (1) (g).

SECTION 36. 961.01 (20t) of the statutes is created to read:

961.01 **(20t)** "Treatment team" means a qualifying patient and his or her primary caregivers.

SECTION 37. 961.01 (21f) of the statutes is created to read:

961.01 **(21f)** "Usable cannabis" means cannabis leaves or flowers but does not include seeds, stalks, or roots or any ingredients combined with the leaves or flowers.

SECTION 38. 961.01 (21t) of the statutes is created to read:

961.01 **(21t)** "Written certification" has the meaning given in s. 146.44 (1) (h).

SECTION 39. 961.14 (4) (t) 1. of the statutes is amended to read:

961.14 **(4)** (t) 1. Cannabidiol in a form without a psychoactive effect ~~that is dispensed as provided in s. 961.38 (1n) (a) or that is possessed as provided in s. 961.32 (2m) (b)~~.

SECTION 40. 961.32 (2m) of the statutes is repealed.

SECTION 41. 961.38 (1n) of the statutes is repealed.

SECTION 42. 961.436 of the statutes is created to read:

961.436 Medical use defense in cases involving tetrahydrocannabinols. (1) A member of a qualifying patient's treatment team has a defense to prosecution under s. 961.41 (1) (h) or (1m) (h) for manufacturing, or possessing with intent to manufacture, tetrahydrocannabinols if all of the following apply:

(a) The manufacture or possession is by the treatment team for medication with tetrahydrocannabinols.

(b) The amount of cannabis does not exceed the maximum authorized amount.

(c) Any live cannabis plants are in a lockable, enclosed facility unless a member of a qualifying patient's treatment team is accessing the plants or has the plants in his or her possession.

(d) If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(2) A member of a qualifying patient's treatment team has a defense to prosecution under s. 961.41 (1) (h) or (1m) (h) for distributing or delivering, or possessing with intent to distribute or deliver, tetrahydrocannabinols to another member of the treatment team if all of the following apply:

(a) The distribution, delivery, or possession is by the treatment team for medication with tetrahydrocannabinols.

(b) The amount of cannabis does not exceed the maximum authorized amount.

(c) Any live cannabis plants are in a lockable, enclosed facility unless a member of a qualifying patient's treatment team is accessing the plants or has the plants in his or her possession.

(d) If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(3) (a) Except as provided in par. (b), a member of a qualifying patient's treatment team has a defense to a prosecution under s. 961.41 (3g) (e) if all of the following apply:

1. The possession or attempted possession is by the treatment team for medication with tetrahydrocannabinols.

2. The amount of cannabis does not exceed the maximum authorized amount.

3. Any live cannabis plants are in a lockable, enclosed facility unless a member of a qualifying patient's treatment team is accessing the plants or has the plants in his or her possession.

4. If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(b) A person may not assert the defense described in par. (a) if, while he or she possesses or attempts to possess tetrahydrocannabinols, any of the following applies:

1. The person drives or operates a motor vehicle while under the influence of tetrahydrocannabinols in violation of s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1).

2. While under the influence of tetrahydrocannabinols, the person operates heavy machinery or engages in any other conduct that endangers the health or well-being of another person.

3. The person smokes cannabis in, on, or at any of the following places:

a. A school bus or a public transit vehicle.

b. The person's place of employment.

c. Public or private school premises.

d. A juvenile correctional facility.

e. A jail or adult correctional facility.

f. A public park, beach, or recreation center.

g. A youth center.

(4) For the purposes of a defense raised under sub. (1), (2), or (3) (a), a valid registry identification card, a valid out-of-state registry identification card, or a written certification is presumptive evidence that the person identified on the card

as a qualifying patient or the subject of the written certification is a qualifying patient and that, if the person uses tetrahydrocannabinols, he or she does so to alleviate the symptoms or effects of a debilitating medical condition or treatment.

(5) Notwithstanding s. 227.12 (1), any person may petition the department of health services to promulgate a rule to designate a medical condition or treatment as a debilitating medical condition or treatment. The department of health services shall promulgate rules providing for public notice of and a public hearing regarding a petition, with the public hearing providing persons an opportunity to comment upon the petition. After the hearing, but no later than 180 days after the submission of the petition, the department of health services shall approve or deny the petition. The department of health service's decision to approve or deny a petition is subject to judicial review under s. 227.52.

SECTION 43. 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

961.52 **(2)** (a) 1. Places where persons authorized under s. 961.32 ~~(1m)~~ to possess controlled substances in this state are required by federal law to keep records; and

2. Places including factories, warehouses, establishments and conveyances in which persons authorized under s. 961.32 ~~(1m)~~ to possess controlled substances in this state are permitted by federal law to hold, manufacture, compound, process, sell, deliver or otherwise dispose of any controlled substance.

SECTION 44. 961.55 (8) (c), (d) and (e) of the statutes are created to read:

961.55 **(8)** (c) A valid registry identification card or a valid out–of–state registry identification card.

(d) The person's written certification, if the person is a qualifying patient.

(e) A written certification for a qualifying patient for whom the person is a primary caregiver.

SECTION 45. 961.555 (2) (am) 6. of the statutes is amended to read:

961.555 **(2)** (am) 6. The property is contraband that is subject to forfeiture under s. 961.55 ~~(6),~~ (6m)~~,~~ or, unless the defendant invokes a defense under s. 961.436 or 961.5755, under s. 961.55 (6) or (7).

SECTION 46. 961.555 (2r) of the statutes is created to read:

961.555 **(2r)** MEDICAL USE DEFENSE. (a) In an action to forfeit property seized under s. 961.55, the person who was in possession of the property when it was seized has a defense to the forfeiture of the property if any of the following applies:

1. The person was prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property but had a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

2. The person was not prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property, but, if the person had been, he or she would have had a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

(b) The owner of property seized under s. 961.55 who is raising a defense under par. (a) shall do so in the answer to the complaint that he or she serves under sub. (2) (b). If a property owner raises such a defense in his or her answer, the state must, as part of the burden of proof specified in sub. (3), prove that the facts constituting the defense do not exist.

SECTION 47. 961.56 (1) of the statutes is amended to read:

961.56 **(1)** ~~It~~ Except as provided in s. 961.555 (2r) (b) and except for any presumption arising under s. 961.436 (4) or 961.5755 (3), it is not necessary for the

state to negate any exemption or exception in this chapter in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under this chapter~~. The~~, and the burden of proof of any exemption or exception is upon the person claiming it.

SECTION 48. 961.5755 of the statutes is created to read:

961.5755 Medical tetrahydrocannabinols defense in drug paraphernalia cases. (1) (a) Except as provided in par. (b), a member of a treatment team has a defense to prosecution under s. 961.573 (1) if he or she uses, or possesses with the primary intent to use, drug paraphernalia for medication with tetrahydrocannabinols.

(b) This subsection does not apply if while the person uses, or possesses with the primary intent to use, drug paraphernalia s. 961.436 (3) (b) 1., 2., or 3. applies.

(2) A member of a treatment team has a defense to prosecution under s. 961.574 (1) or 961.575 (1) if he or she delivers, possesses with intent to deliver, or manufactures with intent to deliver to another member of his or her treatment team drug paraphernalia, knowing that it will be primarily used by the treatment team for medication with tetrahydrocannabinols.

(3) For the purposes of a defense raised under sub. (1) (a) or (2), a valid registry identification card, a valid out–of–state registry identification card, or a written certification is presumptive evidence that the person identified on the valid registry identification card or valid out–of–state registry identification card as a qualifying patient or the subject of the written certification is a qualifying patient and that, if the person uses tetrahydrocannabinols, he or she does so to alleviate the symptoms or effects of his or her debilitating medical condition or treatment.

SECTION 49. 968.072 of the statutes is created to read:

968.072 Medical cannabis; arrest and prosecution. (1) DEFINITIONS. In this section:

(a) "Lockable, enclosed facility" has the meaning given in s. 961.01 (12v).

(am) "Maximum authorized amount" has the meaning given in s. 961.01 (14c).

(b) "Medication with tetrahydrocannabinols" has the meaning given in s. 961.01 (14g).

(bm) "Out-of-state registry identification card" has the meaning given in s. 146.44 (1) (cm).

(c) "Primary caregiver" has the meaning given in s. 146.44 (1) (d).

(d) "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

(e) "Registry identification card" has the meaning given in s. 146.44 (1) (g).

(f) "Treatment team" has the meaning given in s. 961.01 (20t).

(g) "Written certification" has the meaning given in s. 146.44 (1) (h).

(2) LIMITATIONS ON ARRESTS AND PROSECUTION; MEDICAL CANNABIS. Unless s. 961.436 (3) (b) 1., 2., or 3. applies, a member of a qualifying patient's treatment team may not be arrested or prosecuted for a violation of s. 961.41 (1) (h), (1m) (h), or (3g) (e) if all of the following apply:

(a) The member manufactures, distributes, delivers, or possesses tetrahydrocannabinols for medication with tetrahydrocannabinols by the treatment team.

(b) The member possesses a valid registry identification card, a valid out-of-state registry identification card, or a copy of the qualifying patient's written certification.

(c) The quantity of cannabis does not exceed the maximum authorized amount.

(d) Any live cannabis plants are in a lockable, enclosed facility unless the member is accessing the plants or has the plants in his or her possession.

(e) If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(3) LIMITATIONS ON ARRESTS AND PROSECUTION; DRUG PARAPHERNALIA FOR MEDICAL CANNABIS. (a) Unless s. 961.436 (3) (b) 1., 2., or 3. applies, a member of a treatment team may not be arrested or prosecuted for a violation of s. 961.573 (1) if all of the following apply:

1. The member uses, or possesses with the primary intent to use, drug paraphernalia only for medication with tetrahydrocannabinols.

2. The member possesses a valid registry identification card, a valid out–of–state registry identification card, or a copy of the qualifying patient's written certification.

3. The member does not possess more than the maximum authorized amount of cannabis.

4. Any live cannabis plants are in a lockable, enclosed facility unless the member is accessing the plants or has the plants in his or her possession.

5. If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(b) Unless s. 961.436 (3) (b) 1., 2., or 3. applies, a member of a treatment team may not be arrested or prosecuted for a violation of s. 961.574 (1) or 961.575 (1) if all of the following apply:

1. The member delivers, possesses with intent to deliver, or manufactures with intent to deliver to another member of his or her treatment team drug paraphernalia,

knowing that it will be primarily used by the treatment team for medication with tetrahydrocannabinols.

2. The member possesses a valid registry identification card, a valid out-of-state registry identification card, or a copy of the qualifying patient's written certification.

3. The member does not possess more than the maximum authorized amount of cannabis.

4. Any live cannabis plants are in a lockable, enclosed facility unless the member is accessing the plants or has the plants in his or her possession.

5. If the member is a primary caregiver, he or she is not a primary caregiver to more than 10 qualifying patients.

(4) LIMITATIONS ON ARRESTS, PROSECUTION, AND OTHER SANCTIONS. (a) A practitioner may not be arrested and a practitioner, hospital, or clinic may not be subject to prosecution, denied any right or privilege, or penalized in any manner for making or providing a written certification in good faith.

(b) An employee of a dispensary licensed under s. 94.57, of an entity operating under the policies determined under s. 94.57 (2) and rules promulgated under s. 94.57 (9), or of a testing laboratory registered under s. 94.57 (7) may not be arrested and such employee may not be subject to prosecution, denied any right or privilege, or penalized in any manner for any good faith action under s. 94.57.

(5) PENALTY FOR FALSE STATEMENTS. Whoever intentionally provides false information to a law enforcement officer in an attempt to avoid arrest or prosecution under this section for a violation of s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1), 961.574 (1), or 961.575 (1) may be fined not more than $500.

SECTION 50. 968.12 (6) of the statutes is created to read:

968.12 **(6)** MEDICAL CANNABIS. A person's possession, use, or submission of or connection with an application for a registry identification card under s. 146.44 (2), the issuance of such a card under s. 146.44 (4), or a person's possession of such a card, a valid out–of–state registry identification card, as defined in s. 146.44 (1) (cm), or an original or a copy of a written certification, as defined in s. 146.44 (1) (h), may not, by itself, constitute probable cause under sub. (1) or otherwise subject any person or the property of any person to inspection by any governmental agency.

SECTION 51. 968.19 of the statutes is renumbered 968.19 (1) and amended to read:

968.19 **(1)** ~~Property~~ Except as provided in sub. (2), property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer, who may leave it in the custody of the sheriff and take a receipt therefor, so long as necessary for the purpose of being produced as evidence on any trial.

SECTION 52. 968.19 (2) of the statutes is created to read:

968.19 **(2)** A law enforcement agency that has seized a live cannabis plant is not responsible for the plant's care and maintenance.

SECTION 53. 968.20 (1g) (intro.) of the statutes is amended to read:

968.20 **(1g)** (intro.) The court shall order such notice as it deems adequate to be given the district attorney and, unless notice was provided under s. 968.26 (7), to all persons who have or may have an interest in the property. The court shall hold a hearing to hear all claims to its true ownership. Except for a hearing commenced by the court, the hearing shall occur no more than 30 days after a motion is filed except that either party may, by agreement or for good cause, move the court for one extension of no more than 10 days. Any motion may be supported by affidavits or other submissions. If the right to possession is proved to the court's satisfaction, it

shall order the property~~, other than contraband or property covered under sub. (1m) or (1r) or s. 173.21 (4) or 968.205,~~ returned if the court finds any of the following:

SECTION 54. 968.20 (1j) of the statutes is created to read:

968.20 **(1j)** (a) In this subsection:

1. "Drug paraphernalia" has the meaning given in s. 961.571 (1) (a).

2. "Tetrahydrocannabinols" means a substance included in s. 961.14 (4) (t).

(b) Except as provided in par. (c), sub. (1g) does not apply to contraband or property covered under sub. (1m) or (1r) or s. 173.12, 173.21 (4), or 968.205.

(c) Under sub. (1g), the court may return drug paraphernalia or tetrahydrocannabinols that have been seized to the person from whom they were seized if any of the following applies:

1. The person was prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property but had a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

2. The person was not prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property, but, if the person had been, he or she would have had a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1566/P2
TJD:amn&cdc

DOA:.....Ames, BB0214 – Repeal legislative authorization and oversight of requests to federal government

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

1. Eliminating legislative oversight over Medicaid waivers

2017 Wisconsin Act 370 prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, Act 370 requires DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Act 370 requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, Act 370 requires DHS to submit its final implementation plan to JCF for approval. Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to

be submitted if JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request. This bill eliminates the requirement that legislation be enacted in order for DHS to submit a request for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project. The bill also eliminates the legislative review procedure for requests for waivers, pilot programs, or demonstration projects required by Act 370.

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

1 **SECTION 1.** 20.940 of the statutes is repealed.

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

2 **SECTION 2.** 601.83 (1) (a) of the statutes is amended to read:

3 601.83 **(1)** (a) The commissioner shall administer a state–based reinsurance
4 program known as the healthcare stability plan in accordance with the specific terms
5 and conditions approved by the federal department of health and human services
6 dated July 29, 2018. Before December 31, 2023, the commissioner may not request
7 from the federal department of health and human services a modification,
8 suspension, withdrawal, or termination of the waiver under 42 USC 18052 under
9 which the healthcare stability plan under this subchapter operates unless
10 legislation has been enacted specifically directing the modification, suspension,
11 withdrawal, or termination. Before December 31, 2023, the commissioner may
12 request renewal, without substantive change, of the waiver under 42 USC 18052
13 under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~
14 unless legislation has been enacted that is contrary to such a renewal request. ~~The~~
15 ~~commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

16 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1567/P2
TJD:cdc

DOA:.....Ames, BB0215 - Repeal implementation of childless adult demonstration waiver

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

1. Repealing implementation of childless adult demonstration waiver

2017 Wisconsin Act 370 requires by statute DHS to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements relating to approved waiver implementation, Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for

DHS related to the Medical Assistance program. This bill eliminates the statutory implementation requirement for the BadgerCare Reform waiver, including the deadline and penalties, eliminates the statutory requirement for DHS to seek the waiver, and allows DHS to modify or withdraw the waiver.

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

1 **SECTION 1.** 49.45 (23) (g) of the statutes is repealed.

2 **SECTION 2.** 49.45 (23b) of the statutes is repealed.

****NOTE: This is reconciled s. 49.45 (23b). This SECTION has been affected by drafts with the following LRB numbers: –1567/P1 and –1566/P1.

3 **SECTION 3.** 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.

4 **SECTION 9119. Nonstatutory provisions; Health Services.**

5 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The department
6 of health services may submit a request to the federal department of health and
7 human services to modify or withdraw the waiver granted under s. 49.45 (23) (g),
8 2017 stats.

****NOTE: This is reconciled SECTION 9119 (1). This SECTION has been affected by drafts with the following LRB numbers: –1567/P1 and –1566/P1.

9 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1569/P2
TJD:amn&wlj

DOA:.....Ames, BB0216 – Repeal state plan amendment submission to legislature for review

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

1. Eliminating legislative oversight of Medicaid state plan amendments

2017 Wisconsin Act 370 requires DHS to submit to JCF under its passive review process any proposed Medical Assistance state plan amendment and any proposed change to a reimbursement rate for or supplemental payment to a Medical Assistance provider that has an expected fiscal effect of $7,500,000 from all revenue sources over a 12–month period. This bill eliminates this requirement to submit for JCF review Medical Assistance state plan amendments, changes to reimbursement rates, or supplemental payments.

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

2 **SECTION 1.** 49.45 (2t) of the statutes is repealed.

****NOTE: This is reconciled s. 49.45 (2t). This section has been affected by drafts with the following LRB numbers: –1569/P1, –0943/P3, –1885/P2, and –1927/P3.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1588/P1
EHS:ahe

DOA:.....Rice, BB0220 – Read to Lead program and Read to Lead Development Council

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Read to Lead program

This bill eliminates the Read to Lead Development Council, which is under DCF, and the read to lead development fund. Under current law, the council makes recommendations to the secretary of children and families and the state superintendent of public instruction regarding recipients of grants for school boards from the fund to support literacy or early childhood development programs. The secretary and the state superintendent may then make grants to school boards from the fund.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 15.207 (3) of the statutes is repealed.

1 **SECTION 2.** 20.255 (2) (q) of the statutes is repealed.

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

2 **SECTION 3.** 20.437 (1) (fm) of the statutes is repealed.

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

3 **SECTION 4.** 20.437 (1) (q) of the statutes is repealed.

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

4 **SECTION 5.** 25.17 (1) (ge) of the statutes is repealed.

5 **SECTION 6.** 25.79 of the statutes is repealed.

6 **SECTION 7.** 48.53 of the statutes is repealed.

7 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1626/P1
ARG:cdc

DOA:.....Mott, BB0221 - Wisconsin Grant Formula Mid-Year Changes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Mid-year changes to the Wisconsin grant formula

This bill allows HEAB, under certain circumstances, to modify the formula used to award Wisconsin grants without JCF approval.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident postsecondary students enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in UW System schools, technical colleges, private nonprofit colleges, and tribal colleges in this state. Each of these four types of higher education institutions must annually submit to HEAB a proposed formula for awarding Wisconsin grants to students enrolled in these institutions for the next year, and HEAB must then approve, modify, or disapprove these proposed formulas for awarding grants for the next year. If HEAB determines during the year that any formula approved during the prior year needs to be modified in order to expend the entire amount appropriated for grants to students at the applicable type of institution, HEAB must submit a modified formula to JCF and may implement the formula with JCF approval under a 14-day passive review process.

The bill eliminates the JCF submission and passive review process, allowing HEAB to implement modifications to the approved Wisconsin grant formula if HEAB

determines during the year that any formula approved during the prior year needs to be modified in order to expend the entire amount appropriated for grants to students at the applicable type of institution.

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

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

39.285 **(1)** (b) If the board determines during a fiscal year that any formula approved under par. (a) during the prior fiscal year needs to be modified during the fiscal year in order to expend the entire amount appropriated for grants to students under s. 39.30 or 39.435, except s. 39.435 (2) or (5), in that fiscal year, the board ~~shall submit~~ <u>may implement</u> the modified formula ~~to the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the modified formula within 14 working days after the date of the submittal, the modified formula may be implemented as proposed by the board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the modified formula, the modified formula may be implemented only upon approval of the committee~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1640/P2
MDK:kjf

DOA:.....Mott, BB0222 – References to handicapped individuals

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

This bill refers to impaired individuals or individuals with disabilities, instead of handicapped individuals, in statutes administered by HEAB and the TCS Board.

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

SECTION 1. 20.235 (1) (fj) of the statutes is amended to read:

20.235 **(1)** (fj) ~~*Handicapped*~~ *Impaired student grants.* Biennially, the amounts in the schedule for ~~handicapped~~ impaired student grants under s. 39.435 (5).

SECTION 2. 38.001 (3) (e) of the statutes is amended to read:

38.001 **(3)** (e) Provide education and services which address barriers created by stereotyping and discriminating and assist individuals with disabilities,

minorities, women, and the ~~handicapped or~~ disadvantaged to participate in the work force and the full range of technical college programs and activities.

SECTION 3. 38.27 (1) (a) of the statutes is amended to read:

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

SECTION 4. 38.38 of the statutes is amended to read:

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

SECTION 5. 39.36 (title) of the statutes is amended to read:

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

SECTION 6. 39.435 (5) of the statutes is amended to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1667/P1
MPG:ahe

DOA:.....Rice, BB0226 – Limit on total amount of WHEDA's tax–exempt bonds and notes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HOUSING

1. Increased bonding authorization

This bill increases from $600,000,000 to $1,000,000,000 WHEDA's bonding limit for most of its programs, including housing programs for individuals and families of low or moderate income.

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

2 **SECTION 1.** 234.18 of the statutes is amended to read:

3 **234.18 Limit on amount of outstanding bonds and notes.** The authority
4 may not issue notes and bonds that are secured by a capital reserve fund to which
5 s. 234.15 (4) applies if, upon issuance, the total aggregate outstanding principal
6 amount of notes and bonds that are secured by a capital reserve fund to which s.

234.15 (4) applies would exceed ~~$600,000,000~~ $1,000,000,000. This section does not apply to bonds and notes issued to refund outstanding notes and bonds.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1676/P1
EVM:cdc

DOA:.....Quinn, BB0229 – Levy limit adjustments for fees

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Levy limit negative adjustment for certain service revenues

Generally, under current law, local levy limits are applied to the property tax levies that are imposed by political subdivisions in December of each year. Current law prohibits a political subdivision from increasing its levy by a percentage that exceeds its "valuation factor," which is defined as the greater of either zero percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed.

Also under current law, a political subdivision must reduce its allowable levy by the estimated amount of any revenue from fees or payments in lieu of taxes if the revenue is received for providing certain "covered services" that were funded with property tax revenues in calendar year 2013. The "covered services" are certain garbage collection, fire protection, snow plowing, street sweeping, and storm water management.

This bill repeals the requirement that a political subdivision must reduce its allowable levy by the estimated amount of revenues received for providing covered services that were funded with property tax revenues in calendar year 2013.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0602 (2m) (a) of the statutes is renumbered 66.0602 (2m).

2 **SECTION 2.** 66.0602 (2m) (b) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1677/P1
MDK:cdc

DOA:.....Mott, BB0223 – Nonresident tuition exemption for undocumented individuals

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

This bill creates a nonresident tuition exemption for certain technical college and UW System students.

Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. This bill creates an additional exemption for an alien who is not a legal permanent resident of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 36.27 (2) (cr) of the statutes is created to read:

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

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

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

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

13 **SECTION 2.** 38.22 (6) (e) of the statutes is created to read:

14 38.22 **(6)** (e) Any person who is a citizen of a country other than the United
15 States if that person meets all of the following requirements:

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

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

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

SECTION 9342. Initial applicability; Technical College System.

(1) NONRESIDENT TUITION EXEMPTION. The treatment of s. 38.22 (6) (e) first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9347. Initial applicability; University of Wisconsin System.

(1) NONRESIDENT TUITION EXEMPTION. The treatment of s. 36.27 (2) (cr) first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1678/P2
MDK:amn

DOA:.....Mott, BB0225 – Outcomes-based funding suspension for biennium and supplemental pay plan

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

This bill allows the Board of Regents of the UW System and the chancellor of the UW–Madison to provide supplemental pay plans for their employees during the 2019-21 fiscal biennium. The chancellor must submit his or her plan to the Board of Regents for approval. Current law requires the Board of Regents to annually allocate $26,250,000 of its general program operations funding to UW institutions in accordance with an outcomes-based funding formula. In the 2019-21 fiscal biennium, this bill allows the Board of Regents to allocate all or a portion of that amount to fund the pay plans allowed under the bill, instead of in accordance with that formula. If the Board of Regents allocates a portion, the remainder must be allocated in accordance with the formula.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) SUPPLEMENTAL PAY PLANS.

(a) *Definition.* In this subsection, "board" means the Board of Regents of the University of Wisconsin System.

(b) *University of Wisconsin System.* During the 2019-21 fiscal biennium, the board may provide supplemental pay plans for all of its employees, other than employees assigned to the University of Wisconsin–Madison. The supplemental pay plans shall be in addition to any pay plan approved under s. 230.12 (3) (e) 1.

(c) *University of Wisconsin–Madison.* During the 2019-21 fiscal biennium, the chancellor of the University of Wisconsin–Madison may provide supplemental pay plans for all employees assigned to the University of Wisconsin–Madison. The supplemental pay plans shall be in addition to any pay plan approved under s. 230.12 (3) (e) 1. The chancellor shall submit the plans allowed under this paragraph to the board and may implement the plans only with the approval of the board.

(d) *Prohibitions.* The board may not request supplemental funding under s. 20.928 to pay the costs of the plans allowed under pars. (b) and (c), and the board, under s. 16.42, may not request any funding of increases in salary and fringe benefit costs provided in these plans.

(e) *Funding.* In each fiscal year of the 2019-21 fiscal biennium, notwithstanding s. 36.112 (4), instead of allocating $26,250,000 of the amount appropriated under s. 20.285 (1) (a) as specified in s. 36.112 (4), the board may allocate all or a portion of that amount to fund the supplemental pay plans allowed under pars. (b) and (c). If the board allocates a portion of that amount for

supplemental pay plans, the board shall allocate the remainder to distribute to institutions under the formula under s. 36.112 (3) (b).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1683/P1
MES:kjf

DOA:.....Dombrowski, BB0231 – Exempt from income taxation interest on certain WHEFA bonds

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

This bill exempts from individual income and corporate income and franchise taxation interest earned on bonds or notes issued by WHEFA, provided that the bond or notes are issued in an amount totaling $35,000,000 or less, and to the extent that the interest income is not otherwise exempt from taxation.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 71.05 (1) (c) 14. of the statutes is created to read:

3 71.05 **(1)** (c) 14. The Wisconsin Health and Educational Facilities Authority

4 under s. 231.03 (6), if the bonds or notes are issued in an amount totaling $35,000,000

or less, and to the extent that the interest income received is not otherwise exempt under this subsection.

SECTION 2. 71.26 (1m) (o) of the statutes is created to read:

71.26 **(1m)** (o) Those issued by the Wisconsin Health and Educational Facilities Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling $35,000,000 or less, and to the extent that the interest income received is not otherwise exempt under this subsection.

SECTION 3. 71.45 (1t) (n) of the statutes is created to read:

71.45 **(1t)** (n) Those issued by the Wisconsin Health and Educational Facilities Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling $35,000,000 or less, and to the extent that the interest income received is not otherwise exempt under this subsection.

SECTION 9337. Initial applicability; Revenue.

(1) WHEFA BONDS, TAX EXEMPTION. The treatment of ss. 71.05 (1) (c) 14., 71.26 (1m) (o), and 71.45 (1t) (n) first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of ss. 71.05 (1) (c) 14., 71.26 (1m) (o), and 71.45 (1t) (n) first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1684/P4
MES:cdc&wlj

DOA:.....Quinn, BB0230 – Local levy limit adjustment for shared emergency services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** to the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Local levy limit adjustment for shared emergency services and joint fire departments

Generally, under current law, local levy limits are applied to the property tax levies that are imposed by political subdivisions (municipalities and counties). A political subdivision may not increase its levy by a percentage that exceeds its "valuation factor," which is the greater of 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. Current law also contains a number of exceptions to the levy limit, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair.

The bill creates another exception to local levy limits. Under the bill, fee increases apportioned to each political subdivision operating a joint emergency dispatch center do not apply to the levy limits, but only if the fees would cause the political subdivisions to exceed the levy limits, and only if the total charges imposed by the center for the current year, compared to the previous year, are less than or equal to the rate of inflation plus 1 percent. In addition, all member political subdivisions of a center must adopt a resolution in favor of exceeding the levy limit.

Also under current law, a similar exception applies to municipalities operating a joint fire department. Currently, under this provision, the exception applies only if the total charges imposed by the joint fire department for the current year, compared to the previous year, increase by less than or equal to the rate of inflation plus 2 percent. This bill reduces the permitted yearly increase to the rate of inflation plus 1 percent.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 66.0602 (1) (ak) of the statutes is created to read:

66.0602 **(1)** (ak) "Joint emergency dispatch center" means an operation that serves as the dispatch center for 2 or more political subdivisions' law enforcement, fire, emergency medical services, or any other emergency services.

SECTION 2. 66.0602 (3) (e) 10. of the statutes is created to read:

66.0602 **(3)** (e) 10. The amount that a political subdivision levies in that year to pay for charges assessed by a joint emergency dispatch center, but only to the extent that such charges would cause the political subdivision to exceed the limit that is otherwise applicable under this section and only if all of the following apply:

a. The total charges assessed by the joint emergency dispatch center for the current year increase, relative the total charges assessed by the joint emergency dispatch center for the previous year, by a percentage that is less than or equal to the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year of the levy, plus 1 percent.

b. The governing body of each political subdivision that is served by the joint emergency dispatch center adopts a resolution in favor of exceeding the limit that is otherwise applicable under this section.

SECTION 3. 66.0602 (3) (h) 2. a. of the statutes is amended to read:

66.0602 **(3)** (h) 2. a. The total charges assessed by the joint fire department for the current year increase, relative to the total charges assessed by the joint fire department for the previous year, by a percentage that is less than or equal to the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year of the levy, plus ~~2~~ 1 percent.

SECTION 4. 79.05 (2) (c) of the statutes is amended to read:

79.05 **(2)** (c) Its municipal budget; exclusive of principal and interest on long–term debt and exclusive of revenue sharing payments under s. 66.0305, levy limit adjustments under s. 66.0602 (3) (e) 10., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111–5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long–term debt and exclusive of revenue sharing payments under s. 66.0305, levy limit adjustments under s. 66.0602 (3) (e) 10., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111–5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less

than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1685/P1
ARG:amn

DOA:.....Mott, BB0224 – ECB allowed to procure public instruction material

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

1. Instructional material related to public radio and television programs

This bill allows the Educational Communications Board to procure or publish instructional material related to state educational radio and television network programs and to impose a reasonable charge for providing this material.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.225 (1) (g) of the statutes is amended to read:

3 20.225 **(1)** (g) *Gifts, grants, contracts, leases, instructional material, and*
4 *copyrights*. Except as provided in par. (i), all moneys received from gifts, grants,
5 contracts, the lease of excess capacity, <u>the sale of instructional material under s.</u>

39.11 (16), and the use of copyrights under s. 39.115 (1), to carry out the purposes for which received.

SECTION 2. 39.11 (16) of the statutes is created to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1686/1
ARG:kjf

DOA:.....Mott, BB0227 – Lift funding cap provided to UW Stevens Point Paper Science Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Funding for the Paper Science Program at UW-Stevens Point

This bill requires the Board of Regents of the UW System to fund at least 1.0 FTE position in the Paper Science Program at UW-Stevens Point from an appropriation from the conservation fund, replacing a provision of current law allocating $78,000 annually from this appropriation for the program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.285 (1) (qm) of the statutes is amended to read:

20.285 **(1)** (qm) *Grants for forestry programs.* From the conservation fund, ~~of~~ the amounts in the schedule~~, $78,000 annually~~ for the University of

Wisconsin–Stevens Point paper science program and ~~the remaining balance for~~ grants to forest cooperatives under s. 36.56.

SECTION 2. 36.25 (57) of the statutes is created to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1696/P2
MCP:cdc

DOA:.....Potts, BB0233 – Abandoned Tanks Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

1. Abandoned tank removal program

The bill transfers, from DNR to DATCP, the abandoned tank system removal program, which currently allows DNR to hire contractors to remove abandoned underground petroleum storage tanks if the owner is unable to afford to do so.

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

SECTION 1. 20.370 (4) (dw) of the statutes is amended to read:

20.370 **(4)** (dw) *Solid waste management — environmental repair; petroleum spills; administration.* From the petroleum inspection fund, the amounts in the schedule for the administration of ~~ss.~~ s. 292.63 ~~and 292.64~~.

SECTION 2. 25.47 (4m) of the statutes is amended to read:

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

SECTION 3. Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes is amended to read:

CHAPTER 168

SUBCHAPTER II

STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND PETROLEUM STORAGE TANKS

SECTION 4. 292.64 of the statutes is renumbered 168.225, and 168.225 (2) (b), as renumbered, is amended to read:

168.225 **(2)** (b) Using the method that the department of natural resources uses to determine inability to pay under s. 292.63 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation.

SECTION 9132. Nonstatutory provisions; Natural Resources

(1) TRANSFER OF ABANDONED UNDERGROUND PETROLEUM STORAGE TANK REMOVAL PROGRAM.

(a) *Positions and employees.* On the effective date of this paragraph, 1.0 FTE position, and all incumbent employees holding that position, in the department of natural resources primarily related to the underground petroleum storage tank removal program, as determined by the secretary of administration, are transferred to the department of agriculture, trade and consumer protection.

(b) *Employee status.* Employees transferred under paragraph (a) have all the rights and the same status under ch. 230 in the department of agriculture, trade and

consumer protection that they enjoyed in the department of natural resources immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Contracts*. All contracts entered into by the department of natural resources primarily related to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect and are transferred to the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any obligations under those contracts unless modified or rescinded by that department to the extent allowed under the contract.

(d) *Tangible personal property*. On the effective date of this paragraph, all tangible personal property, including records, of the department of natural resources primarily related to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, is transferred to the department of agriculture, trade and consumer protection.

(e) *Pending matters*. Any matter pending with the department of natural resources primarily relating to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, on the effective date of this paragraph is transferred to the department of agriculture, trade and consumer protection. All materials submitted to or actions taken by the department of natural resources with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(f) *Assets and liabilities.* The assets and liabilities of the department of natural resources primarily relating to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, become the assets and liabilities of the department of agriculture, trade and consumer protection on the effective date of this paragraph.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1701/P4
EAW:cjs&ahe

DOA:.....Schmidt, BB0235 – Age of juvenile court jurisdiction

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

1. Age of juvenile court jurisdiction

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures

of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 48.02 (1d) of the statutes is amended to read:

48.02 **(1d)** "Adult" means a person who is 18 years of age or older~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age~~.

SECTION 2. 48.02 (2) of the statutes is amended to read:

48.02 **(2)** "Child," when used without further qualification, means a person who is less than 18 years of age~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age~~.

SECTION 3. Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER IX

JURISDICTION OVER ~~PERSON 17~~

~~OR OLDER~~ ADULTS

SECTION 4. 48.44 of the statutes is amended to read:

48.44 Jurisdiction over ~~persons 17 or older~~ adults. The court has jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 48.133, 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

SECTION 5. 48.45 (1) (a) of the statutes is amended to read:

48.45 **(1)** (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any ~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission~~,~~ ~~such~~ that condition of the child, the judge may make orders with respect to the conduct of ~~such~~ that person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how, and from where funds for the maintenance or care shall be paid.

SECTION 6. 48.45 (1) (am) of the statutes is amended to read:

48.45 **(1)** (am) If in the hearing of a case of an unborn child and the unborn child's expectant mother alleged to be in a condition described in s. 48.133 it appears that any ~~person 17 years of age or over~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission~~, such~~ that condition of the unborn child and expectant mother, the judge may make orders with respect to the conduct of ~~such~~ that person in his or her relationship to the unborn child and expectant mother.

SECTION 7. 48.45 (3) of the statutes is amended to read:

48.45 **(3)** If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has violated s. 948.40, the judge shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney's judgment.

This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the judge to the district attorney, as in other criminal cases.

SECTION 8. 118.163 (4) of the statutes is amended to read:

118.163 **(4)** A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.342.

SECTION 9. 125.07 (4) (d) of the statutes is amended to read:

125.07 **(4)** (d) A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

SECTION 10. 125.07 (4) (e) 1. of the statutes is amended to read:

125.07 **(4)** (e) 1. In this paragraph, "defendant" means a person found guilty of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

SECTION 11. 125.085 (3) (bt) of the statutes is amended to read:

125.085 **(3)** (bt) A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

SECTION 12. 165.83 (1) (c) 1. of the statutes is amended to read:

165.83 **(1)** (c) 1. An act that is committed by ~~a person who has attained the age of 17~~ an adult and that is a felony or a misdemeanor.

SECTION 13. 165.83 (1) (c) 2. of the statutes is amended to read:

165.83 **(1)** (c) 2. An act that is committed by a ~~person~~ minor who has attained the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or misdemeanor if committed by an adult.

SECTION 14. 301.12 (2m) of the statutes is amended to read:

301.12 **(2m)** The liability specified in sub. (2) shall not apply to ~~persons 17 and older~~ adults receiving care, maintenance, services~~,~~ and supplies provided by prisons named in s. 302.01.

SECTION 15. 301.12 (14) (a) of the statutes is amended to read:

301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17 years of age~~ minors in residential, nonmedical facilities such as group homes, foster homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost–based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd–party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident ~~reaches age 17~~ becomes an adult, unless the liable person has prevented payment by any act or omission.

SECTION 16. 302.31 (7) of the statutes is amended to read:

302.31 **(7)** The temporary placement of persons in the custody of the department, other than ~~persons under 17 years of age~~ minors, and ~~persons who have attained the age of 17 years but have not attained~~ adults under the age of 25 years who are under the supervision of the department under s. 938.355 (4) and who have been taken into custody pending revocation of community supervision or aftercare supervision under s. 938.357 (5) (e).

SECTION 17. 938.02 (1) of the statutes is amended to read:

938.02 **(1)** "Adult" means a person who is 18 years of age or older~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age~~.

SECTION 18. 938.02 (10m) of the statutes is amended to read:

938.02 **(10m)** "Juvenile," when used without further qualification, means a person who is less than 18 years of age~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age~~.

SECTION 19. 938.12 (2) of the statutes is amended to read:

938.12 **(2)** ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition alleging that a juvenile is delinquent is filed before the juvenile ~~is 17 years of age~~ becomes an adult, but the juvenile becomes ~~17 years of age~~ an adult before admitting the facts of the petition at the plea hearing or, if the juvenile denies the facts, before an adjudication, the court retains jurisdiction over the case.

SECTION 20. 938.18 (2) of the statutes is amended to read:

938.18 **(2)** PETITION. The petition for waiver of jurisdiction may be filed by the district attorney or the juvenile or may be initiated by the court and shall contain a brief statement of the facts supporting the request for waiver. The petition for waiver of jurisdiction shall be accompanied by or filed after the filing of a petition alleging delinquency and shall be filed prior to the plea hearing, except that if the juvenile denies the facts of the petition and becomes ~~17 years of age~~ an adult before an adjudication, the petition for waiver of jurisdiction may be filed at any time prior to

the adjudication. If the court initiates the petition for waiver of jurisdiction, the judge shall disqualify himself or herself from any future proceedings on the case.

SECTION 21. 938.183 (3) of the statutes is amended to read:

938.183 **(3)** PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department of corrections may place the juvenile in a state prison named in s. 302.01, except that that department may not place any person under the age of 18 years in the correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act committed before December 31, 1999, is eligible for parole under s. 304.06.

SECTION 22. 938.255 (1) (intro.) of the statutes is amended to read:

938.255 **(1)** TITLE AND CONTENTS. (intro.) A petition initiating proceedings under this chapter, other than a petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a person under the age of 18~~".~~." A petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a ~~person under the age of 17".~~ juvenile." A petition initiating proceedings under this chapter shall specify all of the following:

SECTION 23. 938.34 (8) of the statutes is amended to read:

938.34 **(8)** FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to ~~a person~~

~~under 18 years of age~~ juveniles, $100. The order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward to the department ~~which~~ that issued the license a notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period ~~which~~ that has already elapsed and the court shall immediately notify the department, which shall then, if the license is issued under ch. 29, return the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 24. 938.343 (2) of the statutes is amended to read:

938.343 **(2)** FORFEITURE. Impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or, if the violation is only applicable to ~~a person under 18 years of age~~ juveniles, $50. The order shall include a finding that the juvenile alone is financially able to pay and shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the juvenile's

operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately take possession of the suspended license if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward to the department ~~which~~ that issued the license the notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall, if the license is issued under ch. 29, return the license to the person. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 25. 938.344 (3) of the statutes is amended to read:

938.344 **(3)** PROSECUTION IN ADULT COURT. If the juvenile alleged to have committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may, at the request of the district attorney or on its own motion, dismiss the citation without prejudice and refer the matter to the district attorney for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age. This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

SECTION 26. 938.35 (1m) of the statutes is amended to read:

938.35 **(1m)** FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This

subsection does not affect proceedings in criminal court that have been transferred under s. 938.18.

SECTION 27. 938.355 (4) (b) of the statutes is amended to read:

938.355 **(4)** (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile attains 18 years of age shall apply for 5 years after the date on which the order is granted, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who ~~is 17 years of age or older when~~ becomes an adult by the time the original dispositional order terminates.

SECTION 28. 938.355 (4m) (a) of the statutes is amended to read:

938.355 **(4m)** (a) A juvenile who has been adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ <u>becoming an adult</u>, petition the court to expunge the court's record of the juvenile's adjudication. Subject to par. (b), the court may expunge the record if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order and that the juvenile will benefit from, and society will not be harmed by, the expungement.

SECTION 29. 938.39 of the statutes is amended to read:

938.39 Disposition by court bars criminal proceeding. Disposition by the court of any violation of state law within its jurisdiction under s. 938.12 bars any future criminal proceeding on the same matter in circuit court when the juvenile ~~reaches the age of 17~~ <u>becomes an adult</u>. This section does not affect criminal proceedings in circuit court that were transferred under s. 938.18.

SECTION 30. Subchapter IX (title) of chapter 938 [precedes 938.44] of the statutes is amended to read:

CHAPTER 938

SUBCHAPTER IX

JURISDICTION OVER ~~PERSONS 17~~

~~OR OLDER~~ <u>ADULTS</u>

SECTION 31. 938.44 of the statutes is amended to read:

938.44 Jurisdiction over ~~persons 17 or older~~ <u>adults</u>. The court has jurisdiction over ~~persons 17 years of age or older~~ <u>adults</u> as provided under ss. 938.355 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

SECTION 32. 938.45 (1) (a) of the statutes is amended to read:

938.45 **(1)** (a) If in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in need of protection or services under s. 938.13 it appears that any

~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission~~, such~~ that condition of the juvenile, the court may make orders with respect to the conduct of that person in his or her relationship to the juvenile, including orders relating to determining the ability of the person to provide for the maintenance or care of the juvenile and directing when, how, and from where funds for the maintenance or care shall be paid.

SECTION 33. 938.45 (3) of the statutes is amended to read:

938.45 **(3)** PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has violated s. 948.40, the court shall refer the record to the district attorney. This subsection does not prohibit prosecution of violations of s. 948.40 without the prior reference by the court to the district attorney.

SECTION 34. 938.48 (4m) (title) of the statutes is amended to read:

938.48 **(4m)** (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO BECOME ADULTS.

SECTION 35. 938.48 (4m) (a) of the statutes is amended to read:

938.48 **(4m)** (a) Is ~~at least 17 years of age~~ an adult.

SECTION 36. 938.48 (4m) (b) of the statutes is amended to read:

938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n) or 938.357 (3) or (4) when the person ~~reached 17 years of age~~ became an adult.

SECTION 37. 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act 185, section 82, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183, 938.34 (4h) or (4n), or 938.357 (3) or (4) when the person became an adult.

SECTION 38. 938.48 (14) of the statutes is amended to read:

938.48 **(14)** SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME ADULTS. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became adults, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon ~~attaining that age~~ becoming adults were under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 39. 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185, section 88, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

938.48 **(14)** SCHOOL-RELATED EXPENSES FOR JUVENILES WHO BECOME ADULTS. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they became adults, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon becoming adults were under the supervision of the department under s. 938.183, 938.34 (4h) or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 40. 938.57 (3) (title) of the statutes is amended to read:

938.57 **(3)** (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME ADULTS.

SECTION 41. 938.57 (3) (a) (intro.) of the statutes is amended to read:

938.57 **(3)** (a) (intro.) From the reimbursement received under s. 48.569 (1) (d), counties may provide funding for the maintenance of any ~~juvenile~~ person who meets all of the following qualifications:

SECTION 42. 938.57 (3) (a) 1. of the statutes is amended to read:

938.57 **(3)** (a) 1. Is ~~17 years of age or older~~ an adult.

SECTION 43. 938.57 (3) (a) 3. of the statutes is amended to read:

938.57 **(3)** (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to ~~his or her 17th birthday~~ becoming an adult.

SECTION 44. 938.57 (3) (b) of the statutes is amended to read:

938.57 **(3)** (b) The funding provided for the maintenance of a ~~juvenile~~ person under par. (a) shall be in an amount equal to that ~~to~~ which the ~~juvenile~~ person would receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

SECTION 45. 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 **(1)** (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31, 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

SECTION 46. 939.632 (1) (e) 3. of the statutes is amended to read:

939.632 **(1)** (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), ~~940.32 (2),~~ 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

SECTION 47. 946.50 (intro.) of the statutes is amended to read:

946.50 Absconding. (intro.) Any person who is adjudicated delinquent, but who intentionally fails to appear before the court assigned to exercise jurisdiction

under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who does not return to that court for a dispositional hearing before ~~attaining the age of 17 years~~ <u>becoming an adult</u> is guilty of the following:

SECTION 48. 948.01 (1) of the statutes is amended to read:

948.01 **(1)** "Child" means a person who has not attained the age of 18 years~~, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, "child" does not include a person who has attained the age of 17 years~~.

SECTION 49. 948.11 (2) (am) (intro.) of the statutes is amended to read:

948.11 **(2)** (am) (intro.) Any ~~person who has attained the age of 17 and~~ <u>adult</u> who, with knowledge of the character and content of the description or narrative account, verbally communicates, by any means, a harmful description or narrative account to a child, with or without monetary consideration, is guilty of a Class I felony if any of the following applies:

SECTION 50. 948.45 (1) of the statutes is amended to read:

948.45 **(1)** Except as provided in sub. (2), any ~~person 17 years of age or older~~ <u>adult</u> who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ <u>child</u> is guilty of a Class C misdemeanor.

SECTION 51. 948.60 (2) (d) of the statutes is amended to read:

948.60 **(2)** (d) A ~~person under 17 years of age~~ <u>child</u> who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

SECTION 52. 948.61 (4) of the statutes is amended to read:

948.61 **(4)** A ~~person under 17 years of age~~ child who has violated this section is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

SECTION 53. 961.455 (title) of the statutes is amended to read:

961.455 (title) **Using a ~~child~~ minor for illegal drug distribution or manufacturing purposes.**

SECTION 54. 961.455 (1) of the statutes is amended to read:

961.455 **(1)** Any ~~person who has attained the age of 17 years~~ adult who knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of 17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

SECTION 55. 961.455 (2) of the statutes is amended to read:

961.455 **(2)** The knowledge requirement under sub. (1) does not require proof of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under this section that the actor mistakenly believed that the person solicited, hired, directed, employed, or used under sub. (1) had attained the age of 18 years, even if the mistaken belief was reasonable.

SECTION 56. 961.46 of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

961.46 Distribution to ~~persons under age 18~~ minors. If ~~a person 17 years of age or over~~ an adult violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing or delivering a controlled substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor who is at least 3 years his or her junior, the applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not more than 5 years.

****NOTE: This is reconciled s. 961.46. This SECTION has been affected by drafts with the following LRB numbers: 1701/p2 and 1996/p2.

SECTION 57. 961.573 (2) of the statutes is amended to read:

961.573 **(2)** Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~ is subject to a disposition under s. 938.344 (2e).

SECTION 58. 961.574 (2) of the statutes is amended to read:

961.574 **(2)** Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~ is subject to a disposition under s. 938.344 (2e).

SECTION 59. 961.575 (1) of the statutes is amended to read:

961.575 **(1)** Any ~~person 17 years of age or over~~ adult who violates s. 961.574 (1) by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor who is at least 3 years younger than the violator may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

SECTION 60. 961.575 (2) of the statutes is amended to read:

961.575 **(2)** Any ~~person~~ minor who violates this section ~~who is under 17 years of age~~ is subject to a disposition under s. 938.344 (2e).

SECTION 61. 961.575 (3) of the statutes is amended to read:

961.575 **(3)** Any ~~person 17 years of age or over~~ adult who violates s. 961.574 (3) by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor is guilty of a Class G felony.

SECTION 62. 990.01 (3) of the statutes is amended to read:

990.01 **(3)** ADULT. "Adult" means a person who has attained the age of 18 years~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained the age of 17 years~~.

SECTION 63. 990.01 (20) of the statutes is amended to read:

990.01 **(20)** MINOR. "Minor" means a person who has not attained the age of 18 years~~, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "minor" does not include a person who has attained the age of 17 years~~.

SECTION 9308. Initial applicability; Corrections.

(1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44, 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b) and (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 56), 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX (title) of ch. 48, and subch. IX (title) of ch. 938 first applies to a violation of a criminal law, civil law, or municipal ordinance allegedly committed on the effective date of this subsection.

SECTION 9408. Effective dates; Corrections.

(1) AGE OF ADULT JURISDICTION.

(a) The treatment of ss. 48.02 (1d) and (2), 48.44, 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b) (by

SECTION 36) and (14) (by SECTION 38), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 56), 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX (title) of ch. 48, and subch. IX (title) of ch. 938 and SECTION 9308 (1) of this act take effect on January 1, 2021.

(b) The treatment of ss. 938.48 (4m) (b) (by SECTION 37) and (14) (by SECTION 39) takes effect on the date specified in the notice under 2017 Wisconsin Act 185, section 110 (2) (b), or on January 1, 2021, whichever is later.

****NOTE: This is reconciled SECTION 9408 (1). It reconciles the effective date of LRB numbers 1701/p3 and 2156/p2.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1704/P5
CMH:cjs&amn

DOA:.....Schmidt, BB0217 – Transfer the office of school safety from DOJ to DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Moving office of school safety to DPI

This bill moves the Office of School Safety from DOJ to DPI. The office of school safety was created in 2017 Wisconsin Act 143 to create model practices for school safety, to compile blueprints and geographic information system (GIS) maps of schools for use by law enforcement agencies, to award grants to schools for expenditures related to improving school safety, and to offer training to school staff on school safety. Under the bill, all of those duties, except for the duty to offer training to school staff on school safety move with the office to DPI. Under the bill, DOJ retains the duty to offer such training.

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

2 **SECTION 1.** 15.253 (3) of the statutes is renumbered 15.374 (2) and amended

3 to read:

15.374 **(2)** OFFICE OF SCHOOL SAFETY. There is created an office of school safety in the department of public instruction. The director of the office shall be appointed by the ~~attorney general~~ state superintendent of public instruction in the classified service.

SECTION 2. 20.455 (2) (f) of the statutes is renumbered 20.255 (2) (f) and amended to read:

20.255 **(2)** (f) *School safety.* As a continuing appropriation, the amounts in the schedule to provide grants under s. ~~165.88~~ 115.945 (2).

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

SECTION 3. 20.455 (2) (im) of the statutes is amended to read:

20.455 **(2)** (im) *Training to school staff.* All moneys received from fees collected under s. ~~165.28 (3)~~ 165.25 (20) to provide training to school staff under s. ~~165.28 (3)~~ 165.25 (20).

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

SECTION 5. 115.28 (15) (a) of the statutes is amended to read:

115.28 **(15)** (a) Establish, by rule, standards for the approval of the abilities of certified teachers and counselors and their aides participating in bilingual–bicultural education programs under subch. ~~VII~~ VIII to read, write and speak a non–English language and to possess knowledge of the culture of limited–English proficient pupils.

SECTION 6. 115.28 (15) (b) of the statutes is amended to read:

115.28 **(15)** (b) Establish, by rule, minimum standards for bilingual–bicultural education programs under subch. ~~VII~~ VIII.

SECTION 7. Subchapter VII (title) of chapter 115 [precedes 115.94] of the statutes is created to read:

CHAPTER 115

SUBCHAPTER VII

OFFICE OF SCHOOL SAFETY

SECTION 8. Subchapter VII (title) of chapter 115 [precedes 115.95] of the statutes is renumbered Subchapter VIII (title) of chapter 115 [precedes 115.95].

SECTION 9. Subchapter VIII (title) of chapter 115 [precedes 115.997] of the statutes is renumbered Subchapter IX (title) of chapter 115 [precedes 115.997].

SECTION 10. 118.017 (1) (a) of the statutes is amended to read:

118.017 **(1)** (a) Those programs established under subch. ~~VII~~ VIII of ch. 115 where instruction shall be in the English language and in the non–English language of the bilingual–bicultural education program.

SECTION 11. 119.04 (1) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

119.04 **(1)** Subchapters IV, V, and ~~VII~~ VIII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 115.447, 115.448, 115.449, 115.457, 115.458, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.237, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),

(14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

****NOTE: This is reconciled s. 119.04 (1), as affected by this act. This SECTION has been affected by drafts with the following LRB numbers: LRB–0974/P2, LRB–1301/P2, LRB–1704/P4, LRB–1746/P2, LRB–1787/P2, LRB–1801/P4, and LRB–2165/P1.

SECTION 12. 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

SECTION 13. 165.28 (1) of the statutes is renumbered 115.94 (1) and amended to read:

115.94 **(1)** In conjunction with the department of ~~public instruction~~ justice, create model practices for school safety. The department of ~~public instruction~~ justice shall provide any resources or staff requested by the office to create the model practices. The office shall also consult the Wisconsin School Safety Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center when creating the model practices.

SECTION 14. 165.28 (2) of the statutes is renumbered 115.94 (2).

SECTION 15. 165.28 (3) of the statutes is renumbered 165.25 (20) and amended to read:

165.25 **(20)** TRAINING ON SCHOOL SAFETY. Offer, or contract with another party to offer, training to school staff on school safety. Training subjects may include trauma informed care and how adverse childhood experiences have an impact on a child's development and increase needs for counseling or support. If a school receives under s. ~~165.88~~ 115.945 (2) (b) a grant for the training under this subsection, the ~~office~~ department may charge a fee for the training.

SECTION 16. 165.88 (title) of the statutes is renumbered 115.945 (title).

SECTION 17. 165.88 (1) (intro.) and (a) of the statutes are consolidated, renumbered 115.945 (1) and amended to read:

115.945 **(1)** ~~DEFINITIONS~~ DEFINITION. In this section~~: (a) "Independent,~~ "independent charter school" means a charter school established under s. 118.40 (2r) or (2x).

SECTION 18. 165.88 (1) (b), (c) and (d) of the statutes are repealed.

SECTION 19. 165.88 (2) of the statutes is renumbered 115.945 (2), and 115.945 (2) (a) and (b), as renumbered, are amended to read:

115.945 **(2)** (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the department ~~of justice~~ shall award grants for expenditures related to improving school safety. The department shall accept applications for a grant under this subsection from school boards, operators of independent charter schools, governing bodies of private schools, and tribal schools.

(b) The department ~~of justice~~, in consultation with the department of ~~public instruction~~ justice, shall develop a plan for use in awarding grants under this subsection. The department ~~of justice~~ shall include in the plan a description of what types of expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall include expenditures to comply with the model practices created in s. ~~165.28~~ 115.94 (1); expenditures for training under s. ~~165.28 (3)~~ 165.25 (20); expenditures for safety–related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch. 227.

SECTION 20. 165.88 (3) of the statutes is renumbered 115.945 (3).

SECTION 21. 165.88 (4) of the statutes is renumbered 115.945 (4) and amended to read:

115.945 **(4)** REPORT. The department ~~of justice~~ shall submit an annual report to the cochairpersons of the joint committee on finance providing an account of the grants awarded under sub. (2) and the expenditures made with the grant moneys.

SECTION 22. 230.08 (2) (wc) of the statutes is repealed.

SECTION 9127. Nonstatutory provisions; Justice.

(1) TRANSFER OF OFFICE OF SCHOOL SAFETY.

(a) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property of the department of justice that is primarily related to the duties of the office of school safety, as determined by the state superintendent of public instruction, is transferred to the department of public instruction.

(b) *Contracts.* All contracts entered into by the department of justice in effect on the effective date of this paragraph that are primarily related to the duties of the office of school safety, as determined by the state superintendent of public instruction, remain in effect and are transferred to the department of public instruction. The department of public instruction shall carry out any obligations under those contracts unless modified or rescinded by the department of public instruction to the extent allowed under the contract.

(c) *Rules and orders.* All rules promulgated by the department of justice in effect on the effective date of this paragraph that are primarily related to the duties of the office of school safety, as determined by the state superintendent of public instruction, remain in effect until their specified expiration dates or until amended or repealed by the department of public instruction. All orders issued by the department of justice in effect on the effective date of this paragraph that are primarily related to the duties of the office of school safety, as determined by the state

superintendent of public instruction, remain in effect until their specified expiration dates or until modified or rescinded by the department of public instruction.

SECTION 9427. Effective dates; Justice.

(1) OFFICE OF SCHOOL SAFETY TRANSFER. The treatment of ss. 15.253 (3), 20.455 (2) (f) and (im), 20.923 (4) (c) 6., 115.28 (15) (a) and (b), 118.017 (1) (a), 119.04 (1) (by SECTION 11), 165.28 (intro.), (1), (2), and (3), 165.88 (title), (1) (intro.), (a), (b), (c), and (d), (2), (3), and (4), and 230.08 (2) (wc), and subch. VIII (title) of ch. 115, the renumbering of subch. VII (title) of ch. 115, the creation of subch. VII (title) of ch. 115, and SECTION 9127 (1) of this act take effect on January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1708/P2
MES:cdc

DOA:.....Quinn, BB0241 – TIF district project plan stress tests (TID)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Tax incremental district project plan stress tests

This bill requires another item that must be included in a tax incremental district's project plan.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Currently, a project plan must include a number of elements, such as information regarding the kind, number, and location of all proposed public works or improvements within the district, an economic feasibility study, a detailed list of estimated project costs, and a description of financing methods for the project costs. This bill requires the project plan to also include alternative economic projections of

the TID's finances and feasibility under different economic situations, including a slower pace of development and lower rate of property value growth than expected in the TID.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.1105 (4) (f) of the statutes is amended to read:

2 66.1105 **(4)** (f) Adoption by the planning commission of a project plan for each
3 tax incremental district and submission of the plan to the local legislative body. The
4 plan shall include a statement listing the kind, number and location of all proposed
5 public works or improvements within the district or, to the extent provided in sub.
6 (2) (f) 1. k. and 1. n., outside the district, an economic feasibility study, a detailed list
7 of estimated project costs, and a description of the methods of financing all estimated
8 project costs and the time when the related costs or monetary obligations are to be
9 incurred. <u>The project plan shall also contain alternative projections of the district's</u>
10 <u>finances and economic feasibility under different economic situations, including the</u>
11 <u>pace of development in the district being slower than expected and the rate of</u>
12 <u>property value growth in the district being lower than expected.</u> The plan shall also
13 include a map showing existing uses and conditions of real property in the district;
14 a map showing proposed improvements and uses in the district; proposed changes
15 of zoning ordinances, master plan, if any, map, building codes and city ordinances;
16 a list of estimated nonproject costs; and a statement of the proposed method for the
17 relocation of any persons to be displaced. The plan shall indicate how creation of the
18 tax incremental district promotes the orderly development of the city. The city shall

include in the plan an opinion of the city attorney or of an attorney retained by the city advising whether the plan is complete and complies with this section.

SECTION 9330. Initial applicability; Local Government.

(1) TAX INCREMENTAL DISTRICT PROJECT PLANS; ALTERNATIVE FINANCIAL SCENARIOS. The treatment of s. 66.1105 (4) (f) first applies to a tax incremental district that is created on October 1, 2019, or whose project plan is amended on October 1, 2019.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1709/P2
MES:cdc

DOA:.....Quinn, BB0241 – TIF district developer grant limitations (TID)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Tax incremental financing district developer cash grant limitations

This bill limits the amount of cash grants that may be made by a political subdivision to a person for project costs of a tax incremental financing district.

Under the current tax incremental financing program, a city or village may create a TID in part of its territory to foster development under certain conditions. Currently, towns and counties also have a limited ability to create a TID under certain limited circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Currently, a project plan must include a number of elements, such as information regarding the kind, number, and location of all proposed public works or improvements within the district, an economic feasibility study, a detailed list of estimated project costs, and a description of financing methods for the project costs. Generally, project costs are defined to include public works such as sewers, streets,

and lighting systems; financing costs; site preparation costs; and professional service costs. Certain items are specifically prohibited from being considered project costs, such as the cost of constructing or expanding certain municipal buildings and cash grants to developers, although exceptions are allowed. For example, current law authorizes a political subdivision to make cash grants to owners, lessees, or developers of land in a TID if the grant recipient has entered into a development agreement with the political subdivision.

Under this bill, the total of all such allowable cash grants may not exceed 20 percent of the total project costs of a TID, including financing costs attributable to the grants.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 66.1105 (2) (f) 2. d. of the statutes is amended to read:

66.1105 **(2)** (f) 2. d. Cash grants made by the city to owners, lessees, or developers of land that is located within the tax incremental district unless the grant recipient has signed a development agreement with the city, a copy of which shall be sent to the appropriate joint review board or, if that joint review board has been dissolved, retained by the city in the official records for that tax incremental district. <u>The total of all cash grants that are made under subd. 2. d. may not exceed 20 percent of the total project costs of the tax incremental district, including financing costs attributable to the grants.</u>

SECTION 9330. Initial applicability; Local Government.

(1) TAX INCREMENTAL DISTRICT FINANCING; LIMITATION ON CASH GRANTS. The treatment of s. 66.1105 (2) (f) 2. d. first applies to a tax incremental district that is created on October 1, 2019, or whose project plan is amended on October 1, 2019.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1715/P3
SWB:ahe/klm/cjs

DOA:.....Schmidt, BB0242 – False claims private authority

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

GENERAL COURTS AND PROCEDURE

1. Qui tam actions for false claims

This bill restores a private individual's authority to bring a qui tam claim against a person who makes a false or fraudulent claim for medical assistance, which was eliminated in 2015 Wisconsin Act 55, and further expands qui tam actions to include any false or fraudulent claims to a state agency. A qui tam claim is a claim initiated by a private individual on his or her own behalf and on behalf of the state against a person who makes a false claim relating to medical assistance or other moneys from a state agency. The bill provides that, of moneys recovered as a result of a qui tam claim, a private individual may be awarded up to 30 percent of the amount recovered, depending upon the extent of the individual's contribution to the prosecution of the action. The individual may also be entitled to reasonable expenses incurred in bringing the action, as well as attorney fees. The bill also includes additional changes not included in the prior law to incorporate provisions enacted in the federal Deficit Reduction Act of 2005 and conform state law to the federal False Claims Act, including expanding provisions to facilitate qui tam actions and modifying the bases for liability to parallel the liability provisions under the federal False Claims Act. In addition to qui tam claims, DOJ has independent authority to

bring a claim against a person for making a false claim for medical assistance. The bill modifies provisions relating to DOJ's authority to parallel the liability and penalty standards relating to qui tam claims and to parallel the forfeiture amounts provided under the federal False Claims Act.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dm) Knowingly makes, uses, or causes to be made or used a false record or statement material to an obligation to pay or transmit money or property to a state

agency, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to a state agency.

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

(3) The court may assess against a person who violates sub. (2) not less than 2 nor more than 3 times the amount of the damages sustained by the state because of the acts of the person, and shall not assess any forfeiture, if the court finds all of the following:

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

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

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

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

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

the attorney general of the complaint, evidence, and information under this paragraph, the attorney general may intervene in the action.

(bm) Any complaint filed by the state in intervention, whether filed separately or as an amendment to the qui tam plaintiff's complaint, shall relate back to the filing date of the qui tam plaintiff's complaint, to the extent that the state's claim arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the qui tam plaintiff's complaint.

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

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

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

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

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

****NOTE: This provision may require additional consideration in light of recent changes made to s. 803.09 in 2017 Wisconsin Act 369. Act 369 created s. 803.09 (2m) which provides that "[w]hen a party to an action challenges in state or federal court the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, the assembly, the senate, and the legislature may intervene as set forth under s. 13.365 at any time in the action as a matter of right by serving a motion upon the parties as provided in s. 801.14." Because par. (e) limits intervention, a case could give rise to issues with the intervention rights described under s. 803.09 (2m). One way to address any issue would be to add the same "except" language that this draft adds for s. 803.09 (1) and (2) (i.e., "[e]xcept as provided in s. 20.9315"). See SECTIONS 5 and 6 of this draft. I included those exceptions as they recreate

the law as it existed prior to enactment of 2015 Wisconsin Act 55. However, I wanted to flag the provision with respect to s. 803.09 (2m), as it relates to the new language enacted in 2017 Wisconsin Act 369.

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

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

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

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

(c) Upon a showing by the state that unrestricted participation in the prosecution of an action under sub. (5) or an alternate proceeding to which the state is a party by the person bringing the action would interfere with or unduly delay the

prosecution of the action or proceeding, or would result in consideration of repetitious or irrelevant evidence or evidence presented for purposes of harassment, the court may limit the person's participation in the prosecution, such as:

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

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

3. Limiting the cross–examination of witnesses by the person.

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

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

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

(9) Whether or not the state participates in an action under sub. (5), upon showing in camera by the attorney general that discovery by the person bringing the action would interfere with the state's ongoing investigation or prosecution of a criminal or civil matter arising out of the same facts as the facts upon which the action is based, the court may stay such discovery in whole or in part for a period of

not more than 60 days. The court may extend the period of any such stay upon further showing in camera by the attorney general that the state has pursued the criminal or civil investigation of the matter with reasonable diligence and the proposed discovery in the action brought under sub. (5) will interfere with the ongoing criminal or civil investigation or prosecution.

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

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

(b) Except as provided in par. (e), if an action or claim is one in which the court or other adjudicator finds to be based primarily upon disclosures of specific

information not provided by the person who brings an action under sub. (5) relating to allegations or transactions specifically in a criminal, civil, or administrative hearing, or in a legislative or administrative report, hearing, audit, or investigation, or report made by the news media, the court or other adjudicator may award such amount as it considers appropriate, but not more than 10 percent of the proceeds of the action or settlement of the claim, depending upon the significance of the information and the role of the person bringing the action in advancing the prosecution of the action or claim.

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

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

(e) Whether or not the state proceeds with the action or an alternate proceeding under sub. (10), if the court or other adjudicator finds that an action under sub. (5) was brought by a person who planned or initiated the violation upon which the action or proceeding is based, then the court may, to the extent that the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under par. (a), (b), or (d), taking into account the role of that person

in advancing the prosecution of the action or claim and any other relevant circumstance pertaining to the violation, except that if the person bringing the action is convicted of criminal conduct arising from his or her role in a violation of sub. (2), the court or other adjudicator shall dismiss the person as a party and the person shall not receive any share of the proceeds of the action or claim or any expenses, costs, and fees under par. (c).

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

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

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

(c) From the news media.

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

(14) Any employee, contractor, or agent who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful actions taken by the employee, contractor, agent, or by others in furtherance of an action or claim filed under this section or on behalf of the employee, contractor, or agent, including investigation for, initiation of, testimony for, or assistance in an action or claim filed or to be filed under sub. (5) is entitled to all necessary relief to make the employee,

contractor, or agent whole. Such relief shall in each case include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay at the legal rate, and compensation for any special damages sustained as a result of the discrimination, including costs and reasonable attorney fees. An employee, contractor, or agent may bring an action to obtain the relief to which the employee, contractor, or agent is entitled under this subsection within 3 years after the date the retaliation occurred.

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

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

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

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

SECTION 2. 49.485 of the statutes is renumbered 20.9315 (19) and amended to read:

20.9315 **(19)** ~~Whoever knowingly presents or causes to be presented to any officer, employee, or agent of this state a false claim for medical assistance shall forfeit not less than $5,000 nor more than $10,000, plus 3 times the amount of the~~

~~damages that were sustained by the state or would have been sustained by the state, whichever is greater, as a result of the false claim.~~ The attorney general may bring an action on behalf of the state to recover any forfeiture incurred under this section.

SECTION 3. 165.25 (11m) of the statutes is created to read:

165.25 **(11m)** FALSE CLAIMS. Diligently investigate possible violations of s. 20.9315, and, if the department determines that a person has committed an act that is punishable under s. 20.9315, may bring a civil action against that person.

SECTION 4. 801.02 (1) of the statutes is amended to read:

801.02 **(1)** ~~A~~ Except as provided in s. 20.9315 (5) (b), a civil action in which a personal judgment is sought is commenced as to any defendant when a summons and a complaint naming the person as defendant are filed with the court, provided service of an authenticated copy of the summons and of the complaint is made upon the defendant under this chapter within 90 days after filing.

SECTION 5. 803.09 (1) of the statutes is amended to read:

803.09 **(1)** ~~Upon~~ Except as provided in s. 20.9315, upon timely motion anyone shall be permitted to intervene in an action when the movant claims an interest relating to the property or transaction which is the subject of the action and the movant is so situated that the disposition of the action may as a practical matter impair or impede the movant's ability to protect that interest, unless the movant's interest is adequately represented by existing parties.

SECTION 6. 803.09 (2) of the statutes is amended to read:

803.09 **(2)** ~~Upon~~ Except as provided in s. 20.9315, upon timely motion anyone may be permitted to intervene in an action when a movant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order or rule

administered by a federal or state governmental officer or agency or upon any regulation, order, rule, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely motion may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

SECTION 7. 804.01 (2) (intro.) of the statutes is amended to read:

804.01 **(2)** SCOPE OF DISCOVERY. (intro.) ~~Unless~~ Except as provided in s. 20.9315 (9), and unless otherwise limited by order of the court in accordance with the provisions of this chapter, the scope of discovery is as follows:

SECTION 8. 805.04 (1) of the statutes is amended to read:

805.04 **(1)** BY PLAINTIFF; BY STIPULATION. ~~An~~ Except as provided in sub. (2p), an action may be dismissed by the plaintiff without order of court by serving and filing a notice of dismissal at any time before service by an adverse party of responsive pleading or motion or by the filing of a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is not on the merits, except that a notice of dismissal operates as an adjudication on the merits when filed by a plaintiff who has once dismissed in any court an action based on or including the same claim.

SECTION 9. 805.04 (2p) of the statutes is created to read:

805.04 **(2p)** FALSE CLAIMS. An action filed under s. 20.9315 may be dismissed only by order of the court. In determining whether to dismiss the action filed under s. 20.9315, the court shall take into account the best interests of the parties and the purposes of s. 20.9315.

SECTION 10. 893.9815 of the statutes is created to read:

1 **893.9815 False claims.** An action or claim under s. 20.9315 shall be
2 commenced within 10 years after the cause of the action or claim accrues or be
3 barred.

4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1717/P2
FFK:cdc

DOA:.....Kyle, BB0236 – Align Payment Indexing Drafts

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Payment Indexing: parental choice programs, the Special Needs Scholarship Program, independent charter schools, full-time open enrollment program, and whole grade sharing agreements

Under current law, the per pupil payment amounts under the the Milwaukee Parental Choice Program, the Racine Parental Choice Program, the statewide parental choice program, and the Special Needs Scholarship Program, the per pupil payment amount to independent charter schools, the transfer amounts under the full–time open enrollment program, and the required transfer amount for a child with a disability in a whole grade sharing agreement (collectively "per pupil payments") are adjusted annually. The annual adjustment for per pupil payments is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2019–20 school year, the annual adjustment for per pupil payments is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase, if any, in the per member amount of per pupil aid paid to school districts between the previous school year and the current school year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 115.363 (2) (b) of the statutes is amended to read:

115.363 **(2)** (b) The school board shall pay to each nonprofit corporation with which it contracts under par. (a) an amount that is no more than the amount paid per pupil under s. 118.40 (2r) (e) ~~2m., 2n., or 2p~~ 2q. in the current school year multiplied by the number of pupils participating in the program under the contract.

SECTION 2. 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

118.40 **(2r)** (e) 2p. (intro.) ~~In~~ Beginning in the 2015–16 school year and ~~in each~~ ending in the 2018–19 school year ~~thereafter~~, for a pupil attending a charter school established by or under a contract with an entity under par. (b) 1. a. to f., from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, if positive. The change in the statewide categorical aid per pupil shall be determined as follows:

SECTION 3. 118.40 (2r) (e) 2q. of the statutes is created to read:

118.40 **(2r)** (e) 2q. Beginning in the 2019–20 school year and in each school year thereafter, for a pupil attending a charter school established by or under a contract with an entity under par. (b) 1. a. to f., from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the

sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

SECTION 4. 118.40 (2r) (g) 1. b. of the statutes is amended to read:

118.40 **(2r)** (g) 1. b. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (e) ~~2p.~~ 2q. for that school year.

SECTION 5. 118.50 (2m) (a) 2. of the statutes is amended to read:

118.50 **(2m)** (a) 2. ~~Beginning in~~ In the 2017-18 and 2018-19 school ~~year~~ years, the sum of the per pupil amount under this paragraph for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 6. 118.50 (2m) (a) 3. of the statutes is created to read:

118.50 **(2m)** (a) 3. Beginning in the 2019-20 school year, the sum of the per pupil amount under this paragraph for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

SECTION 7. 118.60 (4) (bg) 3. of the statutes is amended to read:

118.60 **(4)** (bg) 3. In the 2015-16, 2016-17, 2017-18, and 2018-19 school ~~year and in each school year thereafter~~ years, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term,

except as provided in subd. 5., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 8. 118.60 (4) (bg) 6. of the statutes is created to read:

118.60 **(4)** (bg) 6. Beginning in the 2019–20 school year and in each school year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 7., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

SECTION 9. 118.60 (4) (bg) 7. of the statutes is created to read:

118.60 **(4)** (bg) 7. If the pupil described in subd. 6. is enrolled in a private school that enrolls pupils under the program in any grade between kindergarten to 8 and also in any grade between 9 to 12, the state superintendent shall substitute for the

amount described in subd. 6. the amount determined under subd. 4. a. to d., with the following modifications:

a. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between kindergarten to 8 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

b. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between 9 to 12 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

SECTION 10. 119.23 (4) (bg) 3. of the statutes is amended to read:

119.23 **(4)** (bg) 3. In the 2015-16<u>, 2016-17, 2017-18, and 2018-19</u> school ~~year and in each school year thereafter~~ <u>years</u>, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 5., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled;

the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 11. 119.23 (4) (bg) 6. of the statutes is created to read:

119.23 **(4)** (bg) 6. Beginning in the 2019–20 school year and in each school year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 7., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

SECTION 12. 119.23 (4) (bg) 7. of the statutes is created to read:

119.23 **(4)** (bg) 7. If the pupil described in subd. 6. is enrolled in a private school that enrolls pupils under the program in any grade between kindergarten to 8 and also in any grade between 9 to 12, the state superintendent shall substitute for the amount described in subd. 6. the amount determined under subd. 4. a. to d., with the following modifications:

a. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between kindergarten to 8 by the sum of the maximum amount per pupil the state superintendent paid a private school under

this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

b. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between 9 to 12 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1720/P4
SWB:kjf&ahe

DOA:.....Ames, BB0244 - Dental services (Seal-a-Smile)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Evidence-based oral health grants and Seal-A-Smile program

This bill expands the grants awarded annually by DHS for the Seal-A-Smile program and modifies the scope of other grants awarded by DHS from fluoride programs to include grants for fluoride varnish and other evidence-based oral health activities. Under current law, DHS annually awards grants totaling $25,000 for fluoride supplements, $25,000 for a fluoride mouth-rinse program, and $120,000 for a school-based dental sealant program. Under the bill, DHS is required to award grants totaling no less than $50,000 for fluoride varnish and other evidence-based oral health activities, $700,000 for school-based preventive dental services, and $100,000 for school-based restorative dental services, except that in fiscal year 2019-20, DHS is required to award $525,000 for school-based preventive dental services, $100,000 for school-based restorative dental services, and $50,000 for fluoride varnish and other evidence-based oral health activities.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 250.10 (1m) (b) of the statutes is amended to read:

250.10 **(1m)** (b) Award in each fiscal year to qualified applicants grants totaling ~~$25,000~~ no less than $50,000 for fluoride ~~supplements, $25,000 for a fluoride mouth–rinse program~~ varnish and other evidence–based oral health activities, $700,000 for school–based preventive dental services, and ~~$120,000 for a school–based dental sealant program~~ $100,000 for school–based restorative dental services.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) EVIDENCE-BASED ORAL HEALTH GRANTS AND SEAL-A-SMILE PROGRAM. Notwithstanding s. 250.10 (1m) (b), in fiscal year 2019–20, the department of health services shall, from the appropriation under s. 20.435 (1) (de), award to qualified applicants grants totaling $50,000 for fluoride varnish and other evidence–based oral health activities, $525,000 for school–based preventive dental services, and $100,000 for school–based restorative dental services.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1723/P1
EKL:cdc

DOA:.....Hynek, BB0256 – Recreating Percent for Art program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

TOURISM

1. Art in state buildings program

This bill establishes a program administered by the Arts Board for the acquisition and display of works of art in and on the grounds of state buildings open to the general public. Under the bill, for building projects costing at least $250,000, at least two-tenths of 1 percent of the appropriation for the construction, reconstruction, remodeling of, or addition to a state building must be used to acquire one or more works of art to be incorporated into the building or displayed in or on the grounds of the building. The Arts Board must appoint an advisory committee for each building project and, after reviewing the committee's recommendations, must select one or more works of art for the project. The bill contains specific contract requirements for the Arts Board's acquisition of works of art, including vesting ownership of the works of art in the state but reserving certain rights to the artists. Under the bill, the Arts Board is required to ensure that selected works of art represent a wide variety of art forms and artists, except that preference must be given to Wisconsin artists, and that each work of art is maintained and displayed for at least 25 years, unless earlier removal is in the public interest.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 13.48 (10) (a) of the statutes is amended to read:

13.48 **(10)** (a) Except as provided in par. (c), no state board, agency, officer, department, commission, or body corporate may enter into a contract for the construction, reconstruction, remodeling of, or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of $300,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. <u>The building commission may not approve a contract for the construction, reconstruction, remodeling of, or addition to a state building as defined in s. 41.51 (2) unless it determines that the requirements under s. 41.58 have been complied with or that s. 41.58 does not apply.</u> This section applies to the department of transportation only in respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 2. 20.380 (3) (k) of the statutes is created to read:

20.380 **(3)** (k) *Art in state buildings; funds received from other state agencies.* All moneys received from other state agencies under s. 41.58 (2), less moneys transferred to par. (ka), for the art in state buildings program under s. 41.58.

SECTION 3. 20.380 (3) (ka) of the statutes is created to read:

20.380 **(3)** (ka) *Administration of art in state buildings program*. All moneys transferred from the appropriation under par. (k) for administration of the art in state buildings program under s. 41.58.

SECTION 4. 41.51 of the statutes is renumbered 41.51 (intro.) and amended to read:

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

(1) "Board" means the arts board.

SECTION 5. 41.51 (2) of the statutes is created to read:

41.51 **(2)** "State building" means a permanent structure normally occupied by state employees that is wholly or partially enclosed and that is used for performing or facilitating the performance of the functions of a state agency as defined in s. 20.001 (1).

SECTION 6. 41.51 (3) of the statutes is created to read:

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

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

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

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

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

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

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

(b) If a state building to which this section applies is located contiguous to other state buildings, the board, after reviewing the recommendations of the advisory committee appointed under sub. (3), may apply the funds set aside under par. (a) to the acquisition, including all associated administrative costs, of one or more works of art to be incorporated into one or more of the contiguous buildings or to be displayed in or on the grounds of one or more of the contiguous buildings.

(3) ADVISORY COMMITTEE. (a) For a building project requiring an expenditure under sub. (2) and after selection of the architect for the project, the board shall appoint an advisory committee for the purpose of reviewing and recommending one or more works of art to be incorporated into the state building or displayed in or on the grounds of the state building.

(b) The advisory committee shall consist of at least 5 members appointed by the board, including all of the following:

1. One member who is a member of the board.

2. At least 2 members who are artists, art educators, art administrators, museum directors or curators, art critics, or art collectors.

3. At least 2 members who are project managers, architects, users of the building, or members of the building commission.

(4) CONTRACTS WITH ARTISTS. (a) After reviewing the recommendations of the advisory committee appointed under sub. (3) with respect to a particular building project, the board shall select one or more works of art recommended by the advisory committee to be incorporated into the project. The board shall ensure that the aggregate of all works of art selected under this subsection represents a wide variety of art forms executed by the broadest feasible diversity of artists, except that the board shall give preference to the works of art of artists who are residents of this state.

(b) 1. The board shall contract for the procurement of each work of art selected for a building project under this section. Except as provided in subds. 2. and 3., each contract shall provide for sole ownership of the work of art to the state.

2. If a work of art selected for a building project under this section is an existing work of art and is no longer subject to the control of the artist originating the work of art, the contract shall assign sole ownership to the state, subject to any existing obligations of the owner to the originating artist.

3. If a work of art selected for a building project under this section is owned by the artist originating the work of art or if the work of art has not been executed on the date of the contract, the contract shall assign sole ownership to the state, subject to the following rights that shall be retained by the artist except as otherwise provided in the contract executed under par. (b) 1.:

a. The right to claim authorship of the work of art.

b. The right to reproduce the work of art, including all rights secured to the artist under federal copyright laws.

(5) BOARD RESPONSIBILITIES. After acquisition of a work of art under sub. (4), the board shall do all of the following:

(a) Ensure proper execution of the work of art if it is a new original work of art.

(b) Ensure that the work of art is properly installed within the public view.

(c) Cooperate with the building commission and consult with the artist or the artist's representative to ensure that the work of art is properly maintained and is not artistically altered without the consent of the artist or the artist's representative.

(d) Ensure that the work of art is maintained and displayed in or on the grounds of the state building for at least 25 years, unless, after consultation with the state agency making principal use of the building to which the work of art is appurtenant, the board finds that earlier removal is in the public interest. When a work of art acquired under this section is removed from a state building, the board shall loan the work of art to an accredited museum in the state or to an educational or other appropriate public institution capable of maintaining and exhibiting the work of art.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1724/P2
JK:kjf&amn

DOA:.....Quinn, BB0257 – Historic rehabilitation credit modifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Historical rehabilitation credit

Current law authorizes WEDC to certify a person to receive a tax credit equal to 20 percent of the qualified rehabilitation expenses, as defined under the federal Internal Revenue Code, for certified historic structures on property located in this state. WEDC may also certify a person to receive a similar credit for the rehabilitation expenses for qualified rehabilitated buildings, as defined under the federal Internal Revenue Code, that are not certified historic structures. Finally, current law prohibits WEDC from certifying persons to claim more than $3,500,000 in all such credits for all projects undertaken on the same parcel.

This bill eliminates the credit for qualified rehabilitated buildings and prohibits WEDC from certifying persons to claim more than $3,500,000 in tax credits for any project involving the rehabilitation of certified historic structures, regardless of the number of parcels on which the project is undertaken.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.07 (9m) (a) 3. of the statutes is amended to read:

71.07 **(9m)** (a) 3. For taxable years beginning after December 31, 2013, <u>and before January 1, 2019,</u> any person may claim as a credit against taxes otherwise due under s. 71.02, up to the amount of those taxes, an amount equal to 20 percent of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the Internal Revenue Code, for qualified rehabilitated buildings, as defined in section 47 (c) (1) of the Internal Revenue Code, on property located in this state, if the cost of the person's qualified rehabilitation expenditures is at least $50,000 and the rehabilitated property is placed in service after December 31, 2013, and regardless of whether the rehabilitated property is used for multiple or revenue–producing purposes. No credit may be claimed under this subdivision for property listed as a contributing building in the state register of historic places or in the national register of historic places and no credit may be claimed under this subdivision for nonhistoric, nonresidential property converted into housing if the property has been previously used for housing.

SECTION 2. 71.07 (9m) (cn) (intro.) of the statutes is amended to read:

71.07 **(9m)** (cn) (intro.) For taxable years beginning after December 31, 2014, <u>and before January 1, 2019,</u> the Wisconsin Economic Development Corporation shall certify a person to claim a credit under par. (a) 3. if all of the following apply:

SECTION 3. 71.07 (9m) (e) of the statutes is renumbered 71.07 (9m) (e) 1.

SECTION 4. 71.07 (9m) (e) 2. of the statutes is created to read:

71.07 **(9m)** (e) 2. No credit may be claimed under par. (a) 3. for taxable years beginning after December 31, 2018. Credits under par. (a) 3. for taxable years that begin before January 1, 2019, may be carried forward to taxable years that begin after December 31, 2018.

SECTION 5. 71.28 (6) (a) 3. of the statutes is amended to read:

71.28 **(6)** (a) 3. For taxable years beginning after December 31, 2013, <u>and before January 1, 2019,</u> any person may claim as a credit against taxes otherwise due under s. 71.23, up to the amount of those taxes, an amount equal to 20 percent of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the Internal Revenue Code, for qualified rehabilitated buildings, as defined in section 47 (c) (1) of the Internal Revenue Code, on property located in this state, if the cost of the person's qualified rehabilitation expenditures is at least $50,000 and the rehabilitated property is placed in service after December 31, 2013, and regardless of whether the rehabilitated property is used for multiple or revenue–producing purposes. No credit may be claimed under this subdivision for property listed as a contributing building in the state register of historic places or in the national register of historic places and no credit may be claimed under this subdivision for nonhistoric, nonresidential property converted into housing if the property has been previously used for housing.

SECTION 6. 71.28 (6) (cn) (intro.) of the statutes is amended to read:

71.28 **(6)** (cn) (intro.) For taxable years beginning after December 31, 2014, <u>and before January 1, 2019,</u> the Wisconsin Economic Development Corporation shall certify a person to claim a credit under par. (a) 3. if all of the following apply:

SECTION 7. 71.28 (6) (e) of the statutes is renumbered 71.28 (6) (e) 1.

SECTION 8. 71.28 (6) (e) 2. of the statutes is created to read:

71.28 **(6)** (e) 2. No credit may be claimed under par. (a) 3. for taxable years beginning after December 31, 2018. Credits under par. (a) 3. for taxable years that begin before January 1, 2019, may be carried forward to taxable years that begin after December 31, 2018.

SECTION 9. 71.47 (6) (a) 3. of the statutes is amended to read:

71.47 **(6)** (a) 3. For taxable years beginning after December 31, 2013, <u>and before January 1, 2019,</u> any person may claim as a credit against taxes otherwise due under s. 71.43, up to the amount of those taxes, an amount equal to 20 percent of the costs of qualified rehabilitation expenditures, as defined in section 47 (c) (2) of the Internal Revenue Code, for qualified rehabilitated buildings, as defined in section 47 (c) (1) of the Internal Revenue Code, on property located in this state, if the cost of the person's qualified rehabilitation expenditures is at least $50,000 and the rehabilitated property is placed in service after December 31, 2013, and regardless of whether the rehabilitated property is used for multiple or revenue–providing purposes. No credit may be claimed under this subdivision for property listed as a contributing building in the state register of historic places or in the national register of historic places and no credit may be claimed under this subdivision for nonhistoric, nonresidential property converted into housing if the property has been previously used for housing.

SECTION 10. 71.47 (6) (cn) (intro.) of the statutes is amended to read:

71.47 **(6)** (cn) (intro.) For taxable years beginning after December 31, 2014, <u>and before January 1, 2019,</u> the Wisconsin Economic Development Corporation shall certify a person to claim a credit under par. (a) 3. if all of the following apply:

SECTION 11. 71.47 (6) (e) of the statutes is renumbered 71.47 (6) (e) 1.

SECTION 12. 71.47 (6) (e) 2. of the statutes is created to read:

71.47 **(6)** (e) 2. No credit may be claimed under par. (a) 3. for taxable years beginning after December 31, 2018. Credits under par. (a) 3. for taxable years that begin before January 1, 2019, may be carried forward to taxable years that begin after December 31, 2018.

SECTION 13. 238.17 (1) of the statutes is renumbered 238.17 (1) (a) and amended to read:

238.17 **(1)** (a) ~~For~~ Except as provided in par. (b), for taxable years beginning after December 31, 2013, the corporation may certify a person to claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6), if the corporation determines that the person is conducting an eligible activity under s. 71.07 (9m), 71.28 (6), or 71.47 (6). No person may claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6) without first being certified under this subsection.

SECTION 14. 238.17 (1) (b) of the statutes is created to read:

238.17 **(1)** (b) The corporation may not certify a person to claim a tax credit under s. 71.07 (9m) (a) 3., 71.28 (6) (a) 3., or 71.47 (6) (a) 3. for taxable years beginning after December 31, 2018.

SECTION 15. 238.17 (2) of the statutes is amended to read:

238.17 **(2)** Beginning July 1, 2018, and ending on June 30, 2019, the corporation may not certify persons to claim more than a total of $3,500,000 in tax credits for all projects undertaken on the same parcel. Beginning July 1, 2019, the corporation may not certify persons to claim more than a total of $3,500,000 in tax credits for any project, regardless of the number of parcels on which the project is undertaken.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1726/P3
TJD:cdc

DOA:.....Ames, BB0219 – Prescription drug transparency

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

1. Registration of pharmacy benefit managers; drug cost reporting

This bill generally requires certain prescription drug cost reporting by drug manufacturers, pharmacy benefit managers, insurers, and hospitals. The bill also requires pharmacy benefit managers to register with OCI in order to perform activities of a pharmacy benefit manager in Wisconsin.

Under the bill, each insurer that offers a health insurance policy that covers prescription drugs must submit to OCI an annual report that identifies the 25 prescription drugs that are the highest cost to the insurer and the 25 prescription drugs that have the highest cost increases over the 12 months before the submission of the report. Health insurance policies are referred to in the bill as disability insurance policies.

The bill requires a drug manufacturer to notify OCI if it increases the wholesale acquisition cost of a brand-name or generic drug on the market in this state by more that an amount specified in the bill, or if it intends to introduce to market a brand-name or generic drug that has an annual wholesale acquisition cost of more than a specified amount. The manufacturer must include with the notice justification for and documentation regarding the price increase. The bill requires each manufacturer to provide OCI an annual description of each manufacturer-sponsored patient assistance program in effect during the previous

year. Each manufacturer must also report to OCI the value of price concessions provided to each pharmacy benefit manager for each drug sold.

The bill requires pharmacy benefit managers to report to OCI the amount received from manufacturers as drug rebates and the value of price concessions provided by manufacturers for each drug. The bill also requires each hospital participating in the federal drug–pricing program, known as the 340B program, to report to OCI the per unit margin for each drug covered under the 340B program dispensed in the previous year, the total margin, and how the margin revenue was used. OCI is required under the bill to publicly post information submitted, analyze data collected, publish a report on emerging trends in prescription prices and price increases, and annually conduct a public hearing based on that analysis. OCI must also conduct a statistically–valid survey of pharmacies in this state regarding whether the pharmacy agreed to not disclose that customer drug benefit cost sharing exceeds the cost of the dispensed drug.

The bill requires OCI to ensure that every health insurance policy that covers prescription drugs does not restrict a pharmacy or pharmacist from or penalize a pharmacy or pharmacist for informing an insured of a difference between the price of a drug or biological product under the policy and the price the insured would pay without using health insurance coverage.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 632.796 of the statutes is created to read:

2 **632.796 Drug cost report. (1)** DEFINITION. In this section, "disability
3 insurance policy" has the meaning given in s. 632.895 (1) (a).

4 **(2)** REPORT REQUIRED. Annually, at the time the insurer files its rate request
5 with the commissioner, each insurer that offers a disability insurance policy that
6 covers prescription drugs shall submit to the commissioner a report that identifies
7 the 25 prescription drugs that are the highest cost to the insurer and the 25
8 prescription drugs that have the highest cost increases over the 12 months before the
9 submission of the report.

10 **SECTION 2.** 632.865 (3) of the statutes is created to read:

632.865 **(3)** REGISTRATION REQUIRED. (a) No person may perform any activities of a pharmacy benefit manager in this state without first registering with the commissioner under this subsection.

(b) The commissioner shall establish a registration procedure for pharmacy benefit managers. The commissioner may promulgate any rules necessary to implement the registration procedure under this paragraph.

SECTION 3. 632.866 of the statutes is created to read:

632.866 Prescription drug cost reporting. (1) DEFINITIONS. In this section:

(a) "Brand-name drug" means a prescription drug approved under 21 USC 355 (b) or 42 USC 262.

(b) "Covered hospital" means an entity described in 42 USC 256b (a) (4) (L) to (N) that participates in the federal drug-pricing program under 42 USC 256b.

(c) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

(d) "Generic drug" means a prescription drug approved under 21 USC 355 (j).

(e) "Manufacturer" has the meaning given in s. 450.01 (12). "Manufacturer" does not include an entity that is engaged only in the dispensing, as defined in s. 450.01 (7), of a brand-name drug or a generic drug.

(f) "Manufacturer-sponsored assistance program" means a program offered by a manufacturer or an intermediary under contract with a manufacturer through which a brand-name drug or a generic drug is provided to a patient at no charge or at a discount.

(g) "Margin" means, for a covered hospital, the difference between the net cost of a brand-name drug or generic drug covered under the federal drug-pricing program under 42 USC 256b and the net payment by the covered hospital for that brand-name drug or generic drug.

(h) "Net payment" means the amount paid for a brand-name drug or generic drug after all discounts and rebates have been applied.

(i) "Pharmacy benefit manager" has the meaning given in s. 632.865 (1) (c).

(j) "Wholesale acquisition cost" means the most recently reported manufacturer list or catalog price for a brand-name drug or a generic drug available to wholesalers or direct purchasers in the United States, before application of discounts, rebates, or reductions in price.

(2) PRICE INCREASE OR INTRODUCTION NOTICE; JUSTIFICATION REPORT. (a) A manufacturer shall notify the commissioner if it is increasing the wholesale acquisition cost of a brand-name drug on the market in this state by more than 10 percent or by more than $10,000 during any 12-month period or if it intends to introduce to market in this state a brand-name drug that has an annual wholesale acquisition cost of $30,000 or more.

(b) A manufacturer shall notify the commissioner if it is increasing the wholesale acquisition cost of a generic drug by more than 25 percent or by more than $300 during any 12-month period or if it intends to introduce to market a generic drug that has an annual wholesale acquisition cost of $3,000 or more.

(c) The manufacturer shall provide the notice under par. (a) or (b) in writing at least 30 days before the planned effective date of the cost increase or drug introduction with a justification that includes all documents and research related to the manufacturer's selection of the cost increase or introduction price and a description of life cycle management, market competition and context, and estimated value or cost-effectiveness of the product.

(3) NET PRICES PAID BY PHARMACY BENEFIT MANAGERS. By March 1 annually, the manufacturer shall report to the commissioner the value of price concessions,

expressed as a percentage of the wholesale acquisition cost, provided to each pharmacy benefit manager for each drug sold in this state.

(4) REBATES AND PRICE CONCESSIONS. By March 1 annually, each pharmacy benefit manager shall report to the commissioner the amount received from manufacturers as drug rebates and the value of price concessions, expressed as a percentage of the wholesale acquisition cost, provided by manufacturers for each drug.

(5) HOSPITAL MARGIN SPENDING. By March 1 annually, each covered hospital operating in this state shall report to the commissioner the per unit margin for each drug covered under the federal drug pricing program under 42 USC 256b dispensed in the previous year multiplied by the number of units dispensed at that margin and how the margin revenue was used.

(6) MANUFACTURER-SPONSORED ASSISTANCE PROGRAMS. By March 1 annually, each manufacturer shall provide the commissioner with a description of each manufacturer-sponsored patient assistance program in effect during the previous year that includes all of the following:

(a) The terms of the programs.

(b) The number of prescriptions provided to state residents under the program.

(c) The total market value of assistance provided to residents of this state under the program.

(7) CERTIFICATION AND PENALTIES FOR NONCOMPLIANCE. Each manufacturer and covered hospital that is required to report under this section shall certify each report as accurate under the penalty of perjury. A manufacturer or covered hospital that fails to submit a report required under this section is subject to a forfeiture of no more than $10,000 each day the report is overdue.

(8) HEARING AND PUBLIC REPORTING. (a) The commissioner shall publicly post manufacturer price justification documents and covered hospital documentation of how each hospital spends the margin revenue. The commissioner shall keep any trade secret or proprietary information confidential.

(b) The commissioner shall analyze data collected under this section and publish annually a report on emerging trends in prescription prices and price increases, and shall annually conduct a public hearing based on the analysis under this paragraph. The report under this paragraph shall include analysis of manufacturer prices and price increases, analysis of hospital-specific margins and how that revenue is spent or allocated on a hospital-specific basis, and analysis of how pharmacy benefit manager discounts and net costs compare to retail prices paid by patients.

(9) ALLOWING COST DISCLOSURE TO INSURED. The commissioner shall ensure that every disability insurance policy that covers prescription drugs or biological products does not restrict a pharmacy or pharmacist that dispenses a prescription drug or biological product from informing and does not penalize a pharmacy or pharmacist for informing an insured under a policy of a difference between the negotiated price of, or copayment or coinsurance for, the drug or biological product under the policy and the price the insured would pay for the drug or biological product if the insured obtained the drug or biological product without using any health insurance coverage.

SECTION 9123. Nonstatutory provisions; Office of Commissioner of Insurance.

(1) PRESCRIPTION DRUG COST SURVEY. The commissioner of insurance shall conduct a statistically-valid survey of pharmacies in this state regarding whether

1 the pharmacy agreed to not disclose that customer drug benefit cost sharing exceeds
2 the cost of the dispensed drug.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1727/P1
TJD:kjf

DOA:.....Ames, BB0243 – Drug importation program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ***to create*** 250.048 of the statutes; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

1. Prescription drug importation program

This bill requires DHS, in consultation with persons interested in the sale and pricing of prescription drugs and federal officials and agencies, to design and implement a prescription drug importation program for the benefit of and that generates savings for Wisconsin residents. The bill establishes requirements for the program including all of the following: DHS must designate a state agency to become or contract with a licensed wholesale distributor and seek federal certification and approval to import prescription drugs; the importation program must comply with certain federal regulations and import from Canadian suppliers only prescription drugs that are not brand–name drugs, have fewer than four competitor drugs in this country, and for which importation creates substantial savings; DHS must ensure that prescription drugs imported under the program are not distributed, dispensed, or sold outside of Wisconsin; and the importation program must have an audit procedure to ensure the program complies with certain requirements specified in the bill. Before submitting the proposed implementation program to the federal government for certification, DHS must submit the proposed importation to JCF for its approval.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 250.048 of the statutes is created to read:

2 **250.048 Prescription drug importation program. (1)** IMPORTATION
3 PROGRAM REQUIREMENTS. The department, in consultation with persons interested in
4 the sale and pricing of prescription drugs and appropriate officials and agencies of
5 the federal government, shall design and implement a prescription drug importation
6 program for the benefit of residents of this state, that generates savings for residents,
7 and that satisfies all of the following:

8 (a) The department shall designate a state agency to become a licensed
9 wholesale distributor or to contract with a licensed wholesale distributor and shall
10 seek federal certification and approval to import prescription drugs.

11 (b) The prescription drug importation program under this section shall comply
12 with relevant requirements of 21 USC 384, including safety and cost savings
13 requirements.

14 (c) The prescription drug importation program under this section shall import
15 prescription drugs from Canadian suppliers regulated under any appropriate
16 Canadian or provincial laws.

17 (d) The prescription drug importation program under this section shall have
18 a process to sample the purity, chemical composition, and potency of imported
19 prescription drugs.

20 (e) The prescription drug importation program under this section shall import
21 only those prescription drugs for which importation creates substantial savings for

residents of the state and only those prescription drugs that are not brand-name drugs and that have fewer than 4 competitor prescription drugs in the United States.

(f) The department shall ensure that prescription drugs imported under the program under this section are not distributed, dispensed, or sold outside of the state.

(g) The prescription drug importation program under this section shall ensure all of the following:

1. Participation by any pharmacy or health care provider in the program is voluntary.

2. Any pharmacy or health care provider participating in the program has the appropriate license or other credential in this state.

3. Any pharmacy or health care provider participating in the program charges a consumer or health plan the actual acquisition cost of the imported prescription drug that is dispensed.

(h) The prescription drug importation program under this section shall ensure that a payment by a health plan or health insurance policy for a prescription drug imported under the program reimburses no more than the actual acquisition cost of the imported prescription drug that is dispensed.

(i) The prescription drug importation program under this section shall ensure that any health plan or health insurance policy participating in the program does all of the following:

1. Maintains a formulary and claims payment system with current information on prescription drugs imported under the program.

2. Bases cost-sharing amounts for participants or insureds under the plan or policy on no more than the actual acquisition cost of the prescription drug imported under the program that is dispensed to the participant or insured.

3. Demonstrates to the department or a state agency designated by the department how premiums under the policy or plan are affected by savings on prescription drugs imported under the program.

(j) Any wholesale distributor importing prescription drugs under the program under this section shall limit its profit margin to the amount established by the department or a state agency designated by the department.

(k) The prescription drug importation program under this section may not import any generic prescription drug that would violate federal patent laws on branded products in this country.

(L) The prescription drug importation program under this section shall comply to the extent practical and feasible before the prescription drug to be imported comes into possession of the state's wholesale distributor and fully after the prescription drug to be imported is in possession of the state's wholesale distributor with tracking and tracing requirements of 21 USC 360eee to 360eee-1.

(m) The prescription drug importation program under this section shall establish a fee or other approach to finance the program that does not jeopardize significant savings to residents of the state.

(n) The prescription drug importation program under this section shall have an audit function that ensures all of the following:

1. The department has a sound methodology to determine the most cost-effective prescription drugs to include in the importation program under this section.

2. The department has a process in place to select Canadian suppliers that are high quality, high performing, and in full compliance with Canadian laws.

****NOTE: I am unsure what exactly "high performing" means in this context. You may want to select more specific terms to reflect cost consciousness, efficiency, supplying a variety of prescription drugs, or whatever you would like "high performing" to mean.

3. Prescription drugs imported under the program are pure, unadulterated, potent, and safe.

4. The prescription drug importation program is complying with the requirements of this subsection.

5. The prescription drug importation program under this section is adequately financed to support administrative functions of the program while generating significant cost savings to residents of the state.

6. The prescription drug importation program under this section does not put residents of the state at a higher risk than if the program did not exist.

7. The prescription drug importation program under this section provides and is projected to continue to provide substantial cost savings to residents of the state.

(2) ANTICOMPETITIVE BEHAVIOR. The department, in consultation with the attorney general, shall identify the potential for and monitor anticompetitive behavior in industries affected by a prescription drug importation program.

(3) APPROVAL OF PROGRAM DESIGN; CERTIFICATION. No later than the first day of the 7th month beginning after the effective date of this subsection .... [LRB inserts date], the department shall submit to the joint committee on finance a report that includes the design of the prescription drug importation program in accordance with this section. The department may not submit the proposed prescription drug importation program to the federal department of health and human services unless the joint committee on finance approves the proposed prescription drug

implementation program. Within 14 days of the date of approval by the joint committee on finance of the proposed prescription drug importation program, the department shall submit to the federal department of health and human services a request for certification of the approved prescription drug importation program.

(4) IMPLEMENTATION OF CERTIFIED PROGRAM. After the federal department of health and human services certifies the prescription drug importation program submitted under sub. (3), the department shall begin implementation of the program and the program shall be fully operational by 180 days after the date of certification by the federal department of health and human services. The department shall do all of the following to implement the prescription drug importation program to the extent the action is in accordance with other state laws and the certification by the federal department of health and human services:

(a) Become a licensed wholesale distributor, designate another state agency to become a licensed wholesale distributor, or contract with a licensed wholesale distributor.

(b) Contract with one or more Canadian suppliers that meet the criteria in sub. (1) (c).

(c) Create an outreach and marketing plan to communicate with and provide information to health plans and health insurance policies, employers, pharmacies, health care providers, and residents of the state on participating in the prescription drug importation program.

(d) Develop and implement a registration process for health plans and health insurance policies, pharmacies, and health care providers interested in participating in the prescription drug importation program.

(e) Create a publicly accessible source for listing prices of prescription drugs imported under the program.

(f) Create, publicize, and implement a method of communication to promptly answer questions from and address the needs of persons affected by the implementation of the program before the program is fully operational.

(g) Establish the audit functions under sub. (1) (n) with a timeline to complete each audit function every 2 years.

(h) Conduct any other activities determined by the department to be important to successful implementation of the prescription drug importation program under this section.

(5) REPORT. By January 1 and July 1 of each year, the department shall submit to the joint committee on finance a report including all of the following:

(a) A list of prescription drugs included in the importation program under this section.

(b) The number of pharmacies, health care providers, and health plans and health insurance policies participating in the prescription drug importation program under this section.

(c) The estimated amount of savings to residents of the state, health plans and health insurance policies, and employers resulting from the implementation of the prescription drug importation program under this section reported from the date of the previous report under this subsection and from the date the program was fully operational.

(d) Findings of any audit functions under sub. (1) (n) completed since the date of the previous report under this subsection.

SECTION 9119. Nonstatutory provisions; Health Services.

1 (1) PRESCRIPTION DRUG IMPORTATION PROGRAM. The department of health services
2 shall submit the first report required under s. 250.048 (5) by the next January 1 or
3 July 1, whichever is earliest, that is at least 180 days after the date the prescription
4 drug importation program is fully operational under s. 250.048 (4). The department
5 of health services shall include in the first 3 reports submitted under s. 250.048 (5)
6 information on the implementation of the audit functions under s. 250.048 (1) (n).
7 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1729/P3
TJD:cdc

DOA:.....Bollhorst, BB0248 – Repeal FoodShare work requirement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. FSET requirement

2017 Wisconsin Act 264 requires DHS, beginning on October 1, 2019, to require all able-bodied adults, with some limited exceptions, who seek benefits from the FoodShare program to participate in the FoodShare employment and training program, known as FSET, unless they are already employed. This bill eliminates that requirement for able-bodied adults with dependents but retains the requirement for able-bodied adults without dependents. FoodShare is also known as the food stamp program and the federal Supplemental Nutrition Assistance Program.

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

2 **SECTION 1.** 49.79 (9) (a) 1g. of the statutes is amended to read:

3 49.79 **(9)** (a) 1g. Except as provided in subds. 2. and 3., ~~beginning October 1,~~

4 ~~2019,~~ the department shall require, to the extent allowed by the federal government,

~~all~~ able–bodied adults without dependents in this state to participate in the employment and training program under this subsection, except for able–bodied adults without dependents who are employed, as determined by the department. The department may require ~~other~~ able individuals who are 18 to 60 years of age, or a subset of those individuals to the extent allowed by the federal government, who are not participants in a Wisconsin Works employment position to participate in the employment and training program under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1730/P1
TJD:cdc

DOA:.....Bollhorst, BB0249 - Repeal FSET pay-for-performance requirement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Eliminating FSET pay-for-performance requirement

2017 Wisconsin Act 266 requires DHS to create and implement a payment system based on performance for entities that perform administrative functions for the FoodShare employment and training program, known as FSET. Act 266 specified performance outcomes on which the pay-for-performance system must be based. This bill eliminates the requirement for DHS to create a pay-for-performance system for FSET vendors.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.79 (9) (f) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1731/P3
TJD:cdc

DOA:.....Bollhorst, BB0250 – Repeal FoodShare drug screening requirement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Eliminating FSET drug testing requirement

2015 Wisconsin Act 55 required DHS to promulgate rules to develop and implement a drug screening, testing, and treatment policy, which DHS promulgated as DHS 38, Wis. Adm. Code. 2017 Wisconsin Act 370 incorporated into statutes DHS 38 relating to drug screening, testing, and treatment for recipients of the FoodShare employment and training program, known as FSET. This bill eliminates the requirement to implement a drug screening, testing, and treatment policy and removes from the statutes the language incorporated by Act 370.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.435 (4) (bq) of the statutes is repealed.

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

SECTION 2. 49.79 (9) (d) of the statutes is repealed.

SECTION 3. 49.791 of the statutes is repealed.

****NOTE: This is reconciled s. 49.791. This SECTION has been affected by drafts with the following LRB numbers: –1731/P2, –1288/P1, and –1774/P1.

SECTION 4. 2017 Wisconsin Act 370, section 44 (5) is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1732/P1
TJD:cdc

DOA:.....Bollhorst, BB0253 – Repeal health savings account requirement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Eliminating savings account program

2017 Wisconsin Act 271 requires DHS to submit a request to the federal government to establish and implement a savings account program, similar in function and operation to health savings accounts, in the Medical Assistance program. This bill eliminates that requirement.

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

2 **SECTION 1.** 49.45 (60) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1733/P1
TJD:cdc

DOA:.....Bollhorst, BB0252 – Repeal child support compliance for Medicaid eligibility

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Eliminating child support compliance requirement

2017 Wisconsin Act 268 prohibits the following individuals from being eligible for the Medical Assistance program: certain able–bodied adults and able–bodied parents who refuse to cooperate in determining the paternity of a child, establishing or enforcing any support order, or obtaining any other payments or property to which the adult or the child has rights, and certain parents who are delinquent in child support payments without satisfying an exception or who refuse to cooperate in providing or obtaining support for their child. This bill eliminates this prohibition and reinstates the pre–Act 268 requirement that a person seeking Medical Assistance benefits must cooperate, in accordance with federal law, in good faith with efforts directed at establishing the paternity of a nonmarital child and obtaining support payments or any other payments or property to which the person and the dependent child or children may have rights.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 49.45 (19) (title) of the statutes is amended to read:

2 49.45 **(19)** (title) ~~ASSIGNING~~ ESTABLISHING PATERNITY AND ASSIGNING MEDICAL
3 SUPPORT RIGHTS.

4 **SECTION 2.** 49.45 (19) (am) of the statutes is created to read:

5 49.45 **(19)** (am) As a condition of eligibility for medical assistance, a person
6 shall cooperate in good faith with efforts directed at establishing the paternity of a
7 nonmarital child and obtaining support payments or any other payments or property
8 to which the person and the dependent child or children may have rights. This
9 cooperation shall be in accordance with federal law and regulations applying to
10 paternity establishment and collection of support payments and may not be required
11 if the person has good cause for refusing to cooperate, as determined by the
12 department in accordance with federal law and regulations.

****NOTE: This draft reinstates the requirement to cooperate that was in the statutes before being replaced by the provision in 2017 Wisconsin Act 268. Please advise if you do not want to reinstate this requirement.

13 **SECTION 3.** 49.463 of the statutes is repealed.

14 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1734/P1
KP:kjf

DOA:.....Potts, BB0247 – Increase SWRM Bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

1. Bonding authority for soil and water conservation grants

This bill increases the general obligation bonding authority for the Soil and Water Resource Management Program by $10,000,000. The program, which is administered by DATCP, awards grants to counties to help fund their land and water conservation activities. The total amount of debt that may now be obligated for this purpose is $78,075,000.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (we) of the statutes is amended to read:

20.866 **(2)** (we) *Agriculture; soil and water.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer

protection to provide for soil and water resource management under s. 92.14. The state may contract public debt in an amount not to exceed ~~$68,075,000~~ $78,075,000 for this purpose.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1735/P1
KP:kjf

DOA:.....Potts, BB0251 – TRM Bonding Authority

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Bonding for nonpoint water pollution abatement

This bill increases by $6,500,000, from $44,050,000 to $50,550,000, the general obligation bonding authority for financial assistance for nonpoint source water pollution abatement projects and for animal feeding operations to implement best management practices.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 20.866 **(2)** (tf) *Natural resources; nonpoint source.* From the capital

4 improvement fund, a sum sufficient for the department of natural resources to fund

nonpoint source water pollution abatement projects under s. 281.65 (4c) and (4e). The state may contract public debt in an amount not to exceed ~~$44,050,000~~ $50,550,000 for this purpose.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1736/P2
KP:kjf

DOA:.....Potts, BB0254 – Urban Nonpoint Bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Bonding for urban storm water, flood control, and riparian restoration

This bill increases by $4,000,000, from $53,600,000 to $57,600,000, the general obligation bonding authority for financial assistance for projects that manage urban storm water and runoff and for flood control and riparian restoration projects.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (th) of the statutes is amended to read:

20.866 **(2)** (th) *Natural resources; urban nonpoint source cost-sharing.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide cost-sharing grants for urban nonpoint source water pollution

abatement and storm water management projects under s. 281.66, to provide municipal flood control and riparian restoration cost–sharing grants under s. 281.665, and to make the grant under 2007 Wisconsin Act 20, section 9135 (1i). The state may contract public debt in an amount not to exceed ~~$53,600,000~~ $57,600,000 for this purpose. Of this amount, $500,000 is allocated in fiscal biennium 2001–03 for dam rehabilitation grants under s. 31.387.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1740/P1
ZDW:ahe

DOA:.....Potts, BB0246 – Increase contaminated sediment bonding authority

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Contaminated sediment removal

Under current law, the state may contract up to $32,000,000 in public debt to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior, or a tributary of Lake Michigan or Lake Superior, if DNR has identified the body of water as being impaired by the sediment. This bill increases the bonding authority for sediment removal projects by $25,000,000.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (ti) of the statutes is amended to read:

20.866 **(2)** (ti) *Natural resources; contaminated sediment removal.* From the capital improvement fund, a sum sufficient for the department of natural resources

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1746/P3
FFK&KRP:all

DOA:.....Kretschmann, BB0238 – Urban Excellence Initiative

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Grant opportunities for urban school districts

This bill provides various grant opportunities for urban school districts. Under the bill, an "urban school district" is a school district in which at least 18,000 pupils were enrolled in the 2018–19 school year (Green Bay Area Public School District, Madison Metropolitan School District, Milwaukee Public Schools, Kenosha Unified School District, and Racine Unified School District) and, in future school years, any other school district in which at least 18,000 pupils were enrolled in the previous school year.

Early childhood education grants. This bill creates an annual grant program under which DPI must award grants to urban school districts to develop, implement, and administer new or expanded early childhood education programs to enhance learning opportunities for young children residing in the urban school district and to prepare those children for entry into the elementary grades. Under the grant program, DPI must, with certain exceptions, award grants in the amount of $1,000 per eligible child who attends an urban school district's early childhood education program in the current school year. An "eligible child" is a child who resides in the urban school district and who is 1) three years old on or before

September 1 in the relevant school year, or 2) less than three years old but eligible to attend the early childhood education program under the urban school district's early admission standards.

Summer school grants. Under current law, DPI must award a grant to a first class city school district (currently, only Milwaukee Public Schools) for the purpose of developing, redesigning, or implementing a summer school program. This bill expands eligibility for these summer school grants to include all urban school districts. Under the bill, DPI must annually allocate $2,000,000 in summer school grant funding to MPS and must allocate the remaining funding equally among the other urban school districts.

Grants for national teacher certification or master educator licensure. Under current law, DPI awards annual grants of $5,000 each to an individual who is certified by the National Board for Professional Teaching Standards or licensed by DPI as a master educator and who works in a high poverty school. This bill increases the amount of these grants to $15,000, if the individual works at a high poverty school located in an urban school district, and to $10,000, if the individual works at a high poverty school located in a school district that is not an urban school district.

Community engagement grants. Under the bill, DPI must award grants to urban school districts for the purpose of supporting projects that include collaboration with a nonprofit corporation, a cooperative educational service agency, a UW System institution, a technical college district board, or a local unit of government and that are intended to improve academic achievement, the well–being of pupils and their families, or relationships between pupils, school staff, and the community.

Principal training grants. Under the bill, DPI must annually award a grant to a nonprofit organization or an urban school district for the purpose of providing training, coaching, and professional support to principals who work in urban school districts.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.255 (2) (dh) of the statutes is created to read:

2 20.255 **(2)** (dh) *Community engagement grants; urban school districts.* The

3 amounts in the schedule for community engagement grants under s. 115.449.

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

4 **SECTION 2.** 20.255 (2) (di) of the statutes is created to read:

20.255 **(2)** (di) *Principal training and support; urban school districts.* The amounts in the schedule for grants under s. 115.28 (66).

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

SECTION 3. 20.255 (2) (dj) of the statutes is amended to read:

20.255 **(2)** (dj) *Summer school ~~programs;~~ grants; urban school districts.* The amounts in the schedule for grants to school ~~boards~~ districts for summer school ~~grant~~ programs under s. 115.447.

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

SECTION 4. 20.255 (2) (dm) of the statutes is created to read:

20.255 **(2)** (dm) *Early childhood education grants; urban school districts.* The amounts in the schedule for early childhood education grants under s. 115.448.

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

SECTION 5. 115.28 (66) of the statutes is created to read:

115.28 **(66)** PRINCIPAL TRAINING AND SUPPORT; URBAN SCHOOL DISTRICTS. Annually, award a grant to a nonprofit organization or an urban school district for the purpose of providing training, coaching, and professional support to principals employed by urban school districts. For purposes of this subsection, "urban school district" has the meaning given in s. 115.42 (1c) (b).

SECTION 6. 115.42 (1) of the statutes is renumbered 115.42 (1m), and 115.42 (1m) (a) 1., as renumbered, is amended to read:

115.42 **(1m)** (a) 1. The person is certified by the National Board for Professional Teaching Standards or licensed by the department as a master educator under s. PI ~~34.19~~ 34.042, Wis. Adm. Code.

SECTION 7. 115.42 (1c) of the statutes is created to read:

115.42 **(1c)** In this section:

(a) "Pupils enrolled" has the meaning given in s. 121.004 (7).

(b) "Urban school district" means a school district that satisfies any of the following:

1. The number of pupils enrolled in the school district in the 2018–19 school year was at least 18,000.

2. The number of pupils enrolled in the school district in the previous school year was at least 18,000.

SECTION 8. 115.42 (2) (a) (intro.) of the statutes is amended to read:

115.42 **(2)** (a) (intro.) Except as provided in par. (c), the department shall award 9 grants of $2,500 each to each person who received a grant under sub. ~~(1)~~ (1m) if the person satisfies all of the following requirements:

SECTION 9. 115.42 (2) (bL) of the statutes is amended to read:

115.42 **(2)** (bL) The department shall award the grants under this subsection annually, one grant in each of the school years following the school year in which the grant under sub. ~~(1)~~ (1m) was awarded and in which the person satisfies the requirements under par. (a).

SECTION 10. 115.42 (2) (c) of the statutes is renumbered 115.42 (2) (c) 1. (intro.) and amended to read:

115.42 **(2)** (c) 1. (intro.) The amount of ~~each~~ a grant under par. (a) ~~shall be $5,000~~ is $10,000 in any school year in which the recipient is employed in a school ~~in which at~~ that satisfies all of the following:

a. At least 60 percent of the pupils enrolled at the school satisfy the income eligibility criteria for a free or reduced–price lunch under 42 USC 1758 (b) (1).

SECTION 11. 115.42 (2) (c) 1. b. of the statutes is created to read:

115.42 **(2)** (c) 1. b. The school is not located in an urban school district.

SECTION 12. 115.42 (2) (c) 2. of the statutes is created to read:

115.42 **(2)** (c) 2. The amount of a grant under par. (a) is $15,000 in any school year in which the recipient is employed in a school that satisfies all of the following:

a. At least 60 percent of the pupils enrolled at the school satisfy the income eligibility criteria for a free or reduced-price lunch under 42 USC 1758 (b) (1).

b. The school is located in an urban school district.

SECTION 13. 115.42 (2) (d) of the statutes is amended to read:

115.42 **(2)** (d) In any of the 9 school years following the receipt of a grant under sub. ~~(1)~~ (1m) in which the grant recipient is evaluated under s. 115.415, if the grant recipient is placed in a performance category other than the "effective" or "highly effective" performance category in the applicable educator effectiveness system, as determined by the department, he or she is not eligible for a grant under this subsection in that school year.

SECTION 14. 115.447 (title) of the statutes is amended to read:

115.447 (title) **Summer school ~~programs;~~ grants; urban school districts.**

SECTION 15. 115.447 (1) of the statutes is amended to read:

115.447 **(1)** In this section, "~~eligible~~ "urban school district" ~~means a 1st class city school district~~ has the meaning given in s. 115.42 (1c) (b).

SECTION 16. 115.447 (2) (intro.) of the statutes is amended to read:

115.447 **(2)** (intro.) Beginning in the 2018-19 school year and in each year thereafter, from the appropriation under s. 20.255 (2) (dj), the department shall award grants to ~~eligible~~ urban school districts to do any of the following:

SECTION 17. 115.447 (2m) of the statutes is created to read:

115.447 **(2m)** Beginning in the 2019–20 school year and in each school year thereafter, the department shall allocate in each school year $2,000,000 for grants to an urban school district that is a 1st class city school district and shall allocate the remaining amount appropriated under s. 20.255 (2) (dj) equally among the urban school districts that are not 1st class city school districts.

SECTION 18. 115.448 of the statutes is created to read:

115.448 Early childhood education grants; urban school districts. (1) In this section:

(a) "Early childhood education program" means a program provided by an urban school district to enhance learning opportunities for young children residing in the urban school district and to prepare those children for entry into the elementary grades.

(b) "Eligible child" means a child who resides in an urban school district that provides an early childhood education program and who meets any of the following criteria:

1. The child is 3 years old on or before September 1 in the year the child proposes to attend the early childhood education program.

2. The child is less than 3 years old on or before September 1 in the year the child proposes to attend the early childhood education program, and the child is eligible to attend the early childhood education program under procedures, conditions, and standards the school board of the urban school district prescribes for early admission to the early childhood education program.

(c) "Urban school district" has the meaning given in s. 115.42 (1c) (b).

(2) An urban school district may annually submit to the department a statement that the urban school district is interested in receiving a grant award under this section.

(3) From the appropriation under s. 20.255 (2) (dm), beginning in the 2020–21 school year, the department shall annually award a grant in an amount determined under sub. (4) to an urban school district under sub. (2) that provides, or that will use the grant award to implement, an early childhood education program.

(4) Subject to sub. (6), the department shall award a grant under sub. (3) to an urban school district in the amount of $1,000 per eligible child who, in the current school year, attends the urban school district's early childhood education program. The urban school district shall report to the department the number of eligible children attending the urban school district's early childhood education program on the 3rd Friday of September in the current school year, and the department shall calculate the amount of the urban school district's grant award based on the attendance on that date.

(5) An urban school district that receives a grant under this section shall use the grant moneys to develop, implement, and administer a new or expanded early childhood education program, and the urban school district shall ensure that its early childhood education program meets the licensing requirements for child care centers established by the department of children and families, including staff to child ratios, required for participation in the quality rating system under s. 49.155 (6) (e).

(6) (a) If the appropriation under s. 20.255 (2) (dm) in any fiscal year is insufficient to pay the full amount under sub. (4) to all urban school districts entitled

to receive grants under this section, the department shall prorate the payments among those urban school districts.

(b) If, after the department makes the payments to urban school districts required under sub. (4), moneys remain in the appropriation account under s. 20.255 (2) (dm) for the fiscal year, the department may distribute the balance of the funds remaining in that appropriation account to any of those urban school districts in amounts determined by the department.

SECTION 19. 115.449 of the statutes is created to read:

115.449 Community engagement grants; urban school districts. (1) In this section, "urban school district" has the meaning given in s. 115.42 (1c) (b).

(2) Annually, the department shall award a grant to each urban school district to support projects that satisfy the following criteria:

(a) The project includes collaboration with at least one of the following:

1. A nonstock, nonprofit corporation organized under ch. 181.

2. A cooperative educational service agency.

3. An institution within the University of Wisconsin System.

4. A technical college district board.

5. Any local unit of government.

(b) The project makes additional resources or services available to pupils and their families.

(c) The goal of the project is to improve the academic achievement of pupils, the well–being of pupils and their families, or relationships between pupils, school staff, and the community.

(3) In each school year, the amount of a grant under sub. (2) is the amount appropriated under s. 20.255 (2) (dh) in that school year divided by the total number of urban school districts in that school year.

(4) The department may promulgate rules to implement and administer this section.

SECTION 9334. Initial applicability; Public Instruction.

(1) GRANTS FOR NATIONAL TEACHER CERTIFICATION OR MASTER EDUCATOR LICENSURE. The renumbering and amendment of s. 115.42 (1) and (2) (c) and the creation of s. 115.42 (1c) and (2) (c) 1. b. and 2. first apply to grants awarded in the 2019–20 school year.

(2) SUMMER SCHOOL GRANT PROGRAM. The treatment of s. 115.447 (2) (intro.) first applies to the 2019–20 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1755/P1
MLJ:kjf

DOA:.....Stinebrink, BB0258 – DVA Continuing Appropriations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. Continuing appropriations

This bill changes the appropriations for the veterans home exchange program and the veterans cemetery operations from sum certain annual appropriations to continuing appropriations. An annual sum certain appropriation is expendable only for the fiscal year for which the appropriation is made and only up to the dollar amount shown in the schedule for that fiscal year. A continuing appropriation is expendable until fully depleted, and the moneys held therein do not lapse. Therefore, the effect of this change is to allow the moneys in the appropriations to continue to be spent until depleted.

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

SECTION 1. 20.485 (1) (g) of the statutes is amended to read:

20.485 **(1)** (g) *Home exchange.* ~~The amounts in the schedule for the purchase of the necessary materials, supplies and equipment for the operation of the home~~

~~exchange, and compensation for members' labor.~~ All moneys received from the sale of products authorized by s. 45.51 (7) ~~shall be credited to this appropriation~~, for the purchase of the necessary materials, supplies, and equipment for the operation of the home exchange, and compensation for members' labor.

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

SECTION 2. 20.485 (4) (g) of the statutes is amended to read:

20.485 **(4)** (g) *Cemetery operations*. ~~The amounts in the schedule for the care and operation of the veterans memorial cemeteries under s. 45.61 other than those costs provided under pars. (q) and (r).~~ All moneys received under s. 45.61 (3) ~~shall be credited to this appropriation account~~, for the care and operation of the veterans memorial cemeteries under s. 45.61 other than those costs provided under pars. (q) and (r).

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1756/P2
EKL:klm&ahe

DOA:.....Quinn, BB0262 – Grants to regional economic development corporations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. WEDC grants to regional economic development organizations

This bill requires that WEDC annually award at least $1,000,000 in grants to regional economic development organizations to be spent on economic development activities, including marketing activities. Under current law, WEDC is required to provide grants to these organizations, but there is no minimum level of grants that must be awarded and the grants may be used only to fund marketing activities.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 238.135 of the statutes is amended to read:

3 **238.135 Grants to regional economic development organizations.** The

4 corporation shall award annual grants to regional economic development

organizations to fund economic development activities, including marketing activities. The total amount of grants awarded each year shall be at least $1,000,000. The amount of ~~each~~ a grant to fund marketing activities may not exceed $100,000 or the amount of matching funds the organization obtains from sources other than the corporation or the state, whichever is less.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1757/P3
EKL:kjf&cdc

DOA:.....Quinn, BB0261 – WEDC accountability provisions

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Disclosure of WEDC contracts and changes to projects

Under this bill, any WEDC contract under which a taxpayer may be eligible to claim total tax benefits in excess of $5,000,000 must require the taxpayer to notify WEDC of any material change to the project and the effect of the material change on the contract's performance goals or requirements. The bill requires WEDC to notify JCF of these material changes and any other material change to a contract under which a taxpayer may be eligible to claim total tax benefits in excess of $5,000,000 that is due to an amendment to the contract. The bill also requires that WEDC's Internet site contain a searchable database of all final contracts, including amendments, that provide a grant, loan, or tax benefit.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 238.116 of the statutes is created to read:

238.116 Reporting of material changes in contracts for tax benefits. (1) Each contract the corporation executes with a taxpayer under which the taxpayer may be eligible to claim tax benefits in excess of $5,000,000 during the term of the contract shall include a requirement that the taxpayer promptly notify the corporation of all of the following:

(a) Each material change to a project subject to the contract.

(b) All effects of each material change under par. (a) on the contract's performance goals or requirements, including job retention, creation, or training and capital expenditures, and any effect on the timing of the taxpayer's achievement of the performance goals or requirements.

(2) The corporation shall notify the joint committee on finance of any material change for which the corporation receives notice under sub. (1) and, for any contract under which a taxpayer may be eligible to claim tax benefits in excess of $5,000,000 during the term of the contract, of any material change due to an amendment to the contract.

SECTION 2. 238.08 of the statutes is renumbered 238.08 (1) and amended to read:

238.08 **(1)** All records of the corporation are open to the public as provided in s. 19.35 (1) except those records relating to pending grants, loans, or economic development projects that, in the opinion of the corporation, must remain confidential to protect the competitive nature of the grant, loan, or project <u>and except records received from the department of revenue pursuant to an agreement under s. 71.78 (5)</u>.

****NOTE: This is reconciled s. 238.08(1). This SECTION has been affected by drafts with the following LRB numbers: –1757/p2 and –1796/p1.

SECTION 3. 238.08 (2) of the statutes is created to read:

238.08 **(2)** The corporation shall maintain on its Internet site a searchable, electronic database that allows any person to inspect all final contracts, including final amendments to these contracts, under which the corporation agrees to provide a grant, loan, or tax benefit. The corporation shall add a final contract or final amendment to the database no later than 30 days after the contract or amendment is executed.

SECTION 9349. Initial applicability; Wisconsin Economic Development Corporation.

(1) REPORTING OF MATERIAL CHANGES TO CONTRACTS. The treatment of s. 238.116 first applies to contracts entered into, modified, or renewed on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1764/P4
SWB:cdc

DOA:.....Bollhorst, BB0271 – Minority Health Grant Language

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Minority health grant funding

This bill modifies the funding for the DHS minority health program through which DHS annually awards grants to organizations for activities to improve the health status of economically disadvantaged minority group members. Under current law, DHS awards grants of up to $50,000 per year per applicant from program revenues. The bill instead uses general purpose revenues for these grants and eliminates the program revenues appropriation. Current law requires that applicants that are not federally qualified health centers receive priority for grants. The bill requires that applicants providing maternal and child health services also receive priority for these grants.

Under current law, DHS is also required to award, from the same program revenues appropriation, a grant of up to $50,000 to a private nonprofit corporation to conduct a public information campaign on minority health. Under the bill, this grant is also funded by general purpose revenues.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.435 (1) (cr) of the statutes is created to read:

2 20.435 **(1)** (cr) *Minority health grants.* The amounts in the schedule for the
3 minority health program under s. 250.20 (3) and (4).

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

4 **SECTION 2.** 20.435 (1) (kb) of the statutes is repealed.

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

5 **SECTION 3.** 20.505 (8) (hm) 6e. of the statutes is repealed.

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

6 **SECTION 4.** 250.20 (3) of the statutes is amended to read:

7 250.20 **(3)** From the appropriation account under s. 20.435 (1) ~~(kb)~~ (cr), the
8 department shall annually award grants for activities to improve the health status
9 of economically disadvantaged minority group members. A person may apply, in the
10 manner specified by the department, for a grant of up to $50,000 in each fiscal year
11 to conduct these activities. An awardee of a grant under this subsection shall
12 provide, for at least 50 percent of the grant amount, matching funds that may consist
13 of funding or an in–kind contribution. An applicant that is not a federally qualified
14 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants
15 awarded under this subsection. An applicant that provides maternal and child
16 health services shall receive priority for grants awarded under this subsection.

17 **SECTION 5.** 250.20 (4) of the statutes is amended to read:

250.20 **(4)** From the appropriation account under s. 20.435 (1) ~~(kb)~~ (cr), the department shall award a grant of up to $50,000 in each fiscal year to a private nonprofit corporation that applies, in the manner specified by the department, to conduct a public information campaign on minority health.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1767/P1
MLJ:amn

DOA:.....Stinebrink, BB0274 – County Grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

1. Institutional appropriations

This bill repeals one of the appropriations that funds a program that provides grants to counties and tribes for the improvement of veterans services.

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

2 **SECTION 1.** 20.485 (1) (gk) of the statutes is amended to read:

3 20.485 **(1)** (gk) *Institutional operations.* The amounts in the schedule for the
4 care of the members of the Wisconsin veterans homes under s. 45.50, for the payment
5 of stipends under s. 45.50 (2m) (f), for the transfer of moneys to the appropriation
6 account under s. 20.435 (4) (ky) for payment of the state share of the medical
7 assistance costs related to the provision of stipends under s. 45.50 (2m) (f), for the

payment of assistance to indigent veterans under s. 45.43 to allow them to reside at the Wisconsin Veterans Home at Union Grove, for the transfer of moneys to the appropriation accounts under pars. (kc)~~, (kg),~~ and (kj), and for the payment of grants under s. 45.82. Not more than 1 percent of the moneys credited to this appropriation account may be used for the payment of assistance to indigent veterans under s. 45.43. All moneys received under par. (m) and s. 45.51 (7) (b) and (8) and all moneys received for the care of members under medical assistance, as defined in s. 49.43 (8), shall be credited to this appropriation account. Except for the moneys transferred under this paragraph to the appropriation account under par. (kc), no moneys may be expended from this appropriation for the purposes specified in par. (kc).

SECTION 2. 20.485 (1) (kg) of the statutes is repealed.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1769/P1
MCP:kjf

DOA:.....Hutter, BB0275 – Petroleum Environmental Cleanup Fund Award Program Sunset

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

1. PECFA claim submission deadline

Under current law, DNR administers a program, commonly known as PECFA, to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. Under current law, a person is not eligible for reimbursement unless the person submits a PECFA claim to DNR before July 1, 2020. The bill changes that date to July 1, 2021.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 292.63 (3) (ac) 3. of the statutes is amended to read:

292.63 **(3)** (ac) 3. An owner or operator or person owning a home oil tank system is not eligible for an award under this section if the owner or operator or person does not submit a claim for the costs before July 1, ~~2020~~ 2021.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1770/P3
MIM:klm&ahe

DOA:.....Hynek, BB0272 – Minimum wage

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Minimum wage

This bill raises the minimum wages to be paid to most employees annually, from the effective date of the bill through January 1, 2024. After that date, the bill requires DWD to determine the percentage difference between the consumer price index for the preceding 12–month period and the consumer price index for the 12 months before the preceding 12–month period, adjust the minimum wages then in effect by that percentage difference, and publish those amounts in the Wisconsin Administrative Register and on the DWD website.

The bill requires the secretary of workforce development to establish a committee to study options to achieve a $15 per hour minimum wage and other options to increase compensation for workers in this state. Under the bill, the committee consists of nine members, with five appointed by the governor, and one each appointed by the speaker of the assembly, the assembly minority leader, the senate majority leader, and the senate minority leader. The committee is required to submit a report containing its recommendations for options to achieve a $15 per hour minimum wage and other options to increase compensation for workers in this state to the governor and the appropriate standing committees of the legislature no later than October 1, 2020.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 104.01 (1h) of the statutes is created to read:

104.01 **(1h)** "Consumer price index" means the average of the consumer price index over each 12–month period for all urban consumers, U.S. city average, all items, not seasonally adjusted, as determined by the bureau of labor statistics of the U.S. department of labor.

SECTION 2. 104.035 (1) (a) of the statutes is renumbered 104.035 (1) (a) (intro.) and amended to read:

104.035 **(1)** (a) *Minimum rates.* (intro.) Except as provided in subs. (2) to ~~(8)~~ (8m), the minimum wage is:

1. For wages earned prior to the effective date of this subdivision .... [LRB inserts date], $7.25 per hour.

SECTION 3. 104.035 (1) (a) 2. of the statutes is created to read:

104.035 **(1)** (a) 2. For wages earned on or after the effective date of this subdivision .... [LRB inserts date], and prior to January 1, 2021, $8.25 per hour.

SECTION 4. 104.035 (1) (a) 3. of the statutes is created to read:

104.035 **(1)** (a) 3. For wages earned on or after January 1, 2021, and prior to January 1, 2022, $9.00.

SECTION 5. 104.035 (1) (a) 4. of the statutes is created to read:

104.035 **(1)** (a) 4. For wages earned on or after January 1, 2022, and prior to January 1, 2023, $9.75.

SECTION 6. 104.035 (1) (a) 5. of the statutes is created to read:

104.035 **(1)** (a) 5. For wages earned on or after January 1, 2023, and prior to January 1, 2024, $10.50.

SECTION 7. 104.035 (2) (a) of the statutes is renumbered 104.035 (2) (a) (intro.) and amended to read:

104.035 **(2)** (a) *Minimum rates.* (intro.) Except as provided in subs. (2m) to ~~(8)~~ (8m), the minimum wage for a minor employee is:

1. For wages earned prior to the effective date of this subdivision .... [LRB inserts date], $7.25 per hour.

SECTION 8. 104.035 (2) (a) 2. of the statutes is created to read:

104.035 **(2)** (a) 2. For wages earned on or after the effective date of this subdivision .... [LRB inserts date], and prior to January 1, 2021, $8.25 per hour.

SECTION 9. 104.035 (2) (a) 3. of the statutes is created to read:

104.035 **(2)** (a) 3. For wages earned on or after January 1, 2021, and prior to January 1, 2022, $9.00.

SECTION 10. 104.035 (2) (a) 4. of the statutes is created to read:

104.035 **(2)** (a) 4. For wages earned on or after January 1, 2022, and prior to January 1, 2023, $9.75.

SECTION 11. 104.035 (2) (a) 5. of the statutes is created to read:

104.035 **(2)** (a) 5. For wages earned on or after January 1, 2023, and prior to January 1, 2024, $10.50.

SECTION 12. 104.035 (2m) (a) of the statutes is renumbered 104.035 (2m) (a) (intro.) and amended to read:

104.035 **(2m)** (a) *Minimum rates.* (intro.) Except as provided in subs. (3) to ~~(8)~~ (8m), the minimum wage for an opportunity employee is:

1. For wages earned prior to the effective date of this subdivision .... [LRB inserts date], $5.90 per hour.

SECTION 13. 104.035 (2m) (a) 2. of the statutes is created to read:

104.035 **(2m)** (a) 2. For wages earned on or after the effective date of this subdivision .... [LRB inserts date], and prior to January 1, 2021, $6.71 per hour.

SECTION 14. 104.035 (2m) (a) 3. of the statutes is created to read:

104.035 **(2m)** (a) 3. For wages earned on or after January 1, 2021, and prior to January 1, 2022, $7.32.

SECTION 15. 104.035 (2m) (a) 4. of the statutes is created to read:

104.035 **(2m)** (a) 4. For wages earned on or after January 1, 2022, and prior to January 1, 2023, $7.93.

SECTION 16. 104.035 (2m) (a) 5. of the statutes is created to read:

104.035 **(2m)** (a) 5. For wages earned on or after January 1, 2023, and prior to January 1, 2024, $8.54.

SECTION 17. 104.035 (3) (a) (intro.) of the statutes is amended to read:

104.035 **(3)** (a) *Minimum rates.* (intro.) Except as provided in subs. (4) to ~~(8)~~ (8m), if an employer of a tipped employee establishes by the employer's payroll records that, when adding the tips received by the tipped employee in a week to the wages paid to the tipped employee in that week, the tipped employee receives not less than the applicable minimum wage specified in sub. (1), (2), or (2m), the minimum wage for the tipped employee is as follows:

SECTION 18. 104.035 (3) (a) 1. of the statutes is amended to read:

104.035 **(3)** (a) 1. For wages earned by a tipped employee who is not an opportunity employee prior to the effective date of this subdivision .... [LRB inserts date], $2.33 per hour.

SECTION 19. 104.035 (3) (a) 1d. of the statutes is created to read:

104.035 **(3)** (a) 1d. For wages earned by a tipped employee who is not an opportunity employee, on or after the effective date of this subdivision .... [LRB inserts date] and prior to January 1, 2021, $2.65 per hour.

SECTION 20. 104.035 (3) (a) 1h. of the statutes is created to read:

104.035 **(3)** (a) 1h. For wages earned by a tipped employee who is not an opportunity employee, on or after January 1, 2021, and prior to January 1, 2022, $2.89 per hour.

SECTION 21. 104.035 (3) (a) 1p. of the statutes is created to read:

104.035 **(3)** (a) 1p. For wages earned by a tipped employee who is not an opportunity employee, on or after January 1, 2022, and prior to January 1, 2023, $3.13 per hour.

SECTION 22. 104.035 (3) (a) 1t. of the statutes is created to read:

104.035 **(3)** (a) 1t. For wages earned by a tipped employee who is not an opportunity employee, on or after January 1, 2023, and prior to January 1, 2024, $3.37 per hour.

SECTION 23. 104.035 (3) (a) 2. of the statutes is amended to read:

104.035 **(3)** (a) 2. For wages earned by a tipped employee who is an opportunity employee <u>prior to the effective date of this subdivision .... [LRB inserts date]</u>, $2.13 per hour.

SECTION 24. 104.035 (3) (a) 2d. of the statutes is created to read:

104.035 **(3)** (a) 2d. For wages earned by a tipped employee who is an opportunity employee, on or after the effective date of this subdivision .... [LRB inserts date], and prior to January 1, 2021, $2.42 per hour.

SECTION 25. 104.035 (3) (a) 2h. of the statutes is created to read:

104.035 **(3)** (a) 2h. For wages earned by a tipped employee who is an opportunity employee, on or after January 1, 2021, and prior to January 1, 2022, $2.64 per hour.

SECTION 26. 104.035 (3) (a) 2p. of the statutes is created to read:

104.035 **(3)** (a) 2p. For wages earned by a tipped employee who is an opportunity employee, on or after January 1, 2022, and prior to January 1, 2023, $2.86 per hour.

SECTION 27. 104.035 (3) (a) 2t. of the statutes is created to read:

104.035 **(3)** (a) 2t. For wages earned by a tipped employee who is an opportunity employee, on or after January 1, 2023, and prior to January 1, 2024, $3.08 per hour.

SECTION 28. 104.035 (4) (a) of the statutes is renumbered 104.035 (4) (a) (intro.) and amended to read:

104.035 **(4)** (a) *Minimum rates.* (intro.) Except as provided in subs. (7) ~~and (8)~~ to (8m), the minimum wage for an agricultural employee is:

1. For wages earned prior to the effective date of this subdivision .... [LRB inserts date], $7.25 per hour.

SECTION 29. 104.035 (4) (a) 2. of the statutes is created to read:

104.035 **(4)** (a) 2. For wages earned on or after the effective date of this subdivision .... [LRB inserts date], and prior to January 1, 2021, $8.25 per hour.

SECTION 30. 104.035 (4) (a) 3. of the statutes is created to read:

104.035 **(4)** (a) 3. For wages earned on or after January 1, 2021, and prior to January 1, 2022, $9.00 per hour.

SECTION 31. 104.035 (4) (a) 4. of the statutes is created to read:

104.035 **(4)** (a) 4. For wages earned on or after January 1, 2022, and prior to January 1, 2023, $9.75 per hour.

SECTION 32. 104.035 (4) (a) 5. of the statutes is created to read:

104.035 **(4)** (a) 5. For wages earned on or after January 1, 2023, and prior to January 1, 2024, $10.50 per hour.

SECTION 33. 104.035 (5) of the statutes is renumbered 104.035 (5) (intro.) and amended to read:

104.035 **(5)** CAMP COUNSELORS. (intro.) ~~The~~ Except as provided in sub. (8m), the minimum wage for a counselor at a seasonal recreational or educational camp, including a day camp, is:

(a) Prior to the effective date of this paragraph .... [LRB inserts date], $350 per week if meals and lodging are not furnished, $265 per week if only meals are furnished, and $210 per week if both meals and lodging are furnished.

SECTION 34. 104.035 (5) (b) of the statutes is created to read:

104.035 **(5)** (b) On or after the effective date of this paragraph .... [LRB inserts date], and prior to January 1, 2021, $398.28 per week if meals and lodging are not furnished, $284.48 per week if only meals are furnished, and $238.97 per week if both meals and lodging are furnished.

SECTION 35. 104.035 (5) (c) of the statutes is created to read:

104.035 **(5)** (c) On or after January 1, 2021, and prior to January 1, 2022, $434.48 per week if meals and lodging are not furnished, $310.34 per week if only meals are furnished, and $260.69 per week if both meals and lodging are furnished.

SECTION 36. 104.035 (5) (d) of the statutes is created to read:

104.035 **(5)** (d) On or after January 1, 2022, and prior to January 1, 2023, $470.69 per week if meals and lodging are not furnished, $336.21 per week if only meals are furnished, and $282.41 per week if both meals and lodging are furnished.

SECTION 37. 104.035 (5) (e) of the statutes is created to read:

104.035 **(5)** (e) On or after January 1, 2023, and prior to January 1, 2024, $506.90 per week if meals and lodging are not furnished, $362.07 per week if only meals are furnished, and $304.14 per week if both meals and lodging are furnished.

SECTION 38. 104.035 (6) of the statutes is renumbered 104.035 (6) (intro.) and amended to read:

104.035 **(6)** GOLF CADDIES. (intro.) ~~The~~ Except as provided in sub. (8m), the minimum wage for a golf caddy is:

(a) Prior to the effective date of this paragraph .... [LRB inserts date], $10.50 for caddying 18 holes and $5.90 for caddying 9 holes.

SECTION 39. 104.035 (6) (b) of the statutes is created to read:

104.035 **(6)** (b) On or after the effective date of this paragraph .... [LRB inserts date], and prior to January 1, 2021, $11.95 for caddying 18 holes and $6.71 for caddying 9 holes.

SECTION 40. 104.035 (6) (c) of the statutes is created to read:

104.035 **(6)** (c) On or after January 1, 2021, and prior to January 1, 2022, $13.03 for caddying 18 holes and $7.32 for caddying 9 holes.

SECTION 41. 104.035 (6) (d) of the statutes is created to read:

104.035 **(6)** (d) On or after January 1, 2022, and prior to January 1, 2023, $14.12 for caddying 18 holes and $7.93 for caddying 9 holes.

SECTION 42. 104.035 (6) (e) of the statutes is created to read:

104.035 **(6)** (e) On or after January 1, 2023, and prior to January 1, 2024, $15.21 for caddying 18 holes and $8.54 for caddying 9 holes.

SECTION 43. 104.035 (8m) of the statutes is created to read:

104.035 **(8m)** Effective on January 1, 2024, and effective on each January 1 thereafter, the department shall revise the minimum wages established under subs.

(1) to (6). The department shall determine the revised minimum wages by calculating the percentage difference between the consumer price index for the 12–month period ending on the last day of the last month for which that information is available and the consumer price index for the 12–month period ending on the last day of the month 12 months prior to that month, adjusting the minimum wage then in effect by that percentage difference. The department shall annually have the revised amount published in the Wisconsin Administrative Register and on the department's Internet site.

SECTION 44. 227.01 (13) (Lw) of the statutes is created to read:

227.01 **(13)** (Lw) Adjusts the minimum wage under s. 104.035 (8m).

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) MINIMUM WAGE STUDY COMMITTEE.

(a) The secretary of workforce development shall establish a minimum wage study committee under s. 15.04 (1) (c). The committee shall consist of the following:

1. Five members appointed by the governor.

2. One member appointed by the speaker of the assembly.

3. One member appointed by the minority leader of the assembly.

4. One member appointed by the majority leader of the senate.

5. One member appointed by the minority leader of the senate.

(b) The committee created under par. (a) shall study options to achieve a $15 per hour minimum wage and other options to increase compensation for workers in this state.

(c) No later than October 1, 2020, the committee created under par. (a) shall submit to the governor and the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3) a report that includes recommendations

1 regarding the options for achieving a $15 per hour minimum wage and other means
2 of increasing worker compensation in this state.
3 (d) The minimum wage study committee terminates upon submission of the
4 report under par. (c).
5 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1772/P3
SWB:kjf&ahe

DOA:.....Bollhorst, BB0268 – Graduate Medical Education Grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Graduate medical training support grants

This bill combines, in a continuing appropriation, funding for grants DHS awards to assist rural hospitals and groups of rural hospitals in procuring infrastructure and increasing case volume to develop accredited graduate medical training programs with funding for grants DHS awards to hospitals to support existing graduate medical training programs. The bill also expands eligibility for both types of grants to all specialties. Under current law, in order to be eligible for a grant, a hospital has to have an existing graduate medical training program in certain prescribed specialty areas or a plan to develop a graduate medical training program in one or more of those specialties.

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

2 **SECTION 1.** 20.435 (1) (fj) of the statutes is repealed.

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

SECTION 2. 20.435 (4) (bf) of the statutes is amended to read:

20.435 **(4)** (bf) *Graduate medical training support grants.* As a continuing appropriation, the amounts in the schedule to award grants to rural hospitals under s. 146.63 and to support graduate medical training programs under s. 146.64.

SECTION 3. 146.63 (2) (a) of the statutes is amended to read:

146.63 **(2)** (a) Subject to subs. (4) and (5), the department shall distribute grants from the appropriation under s. 20.435 ~~(1) (fj)~~ (4) (bf) to assist rural hospitals and groups of rural hospitals in procuring infrastructure and increasing case volume to the extent necessary to develop accredited graduate medical training programs. The department shall distribute the grants under this paragraph to rural hospitals and groups of rural hospitals that apply to receive a grant under sub. (3) and that satisfy the criteria established by the department under par. (b) and the eligibility requirement under sub. (6).

SECTION 4. 146.63 (6) (intro.) of the statutes is amended to read:

146.63 **(6)** ELIGIBILITY. (intro.) A rural hospital or group of rural hospitals may only receive a grant under sub. (3) if the plan to use the funds involves developing an accredited graduate medical training program in ~~any of the following specialties~~ a specialty, including any of the following:

SECTION 5. 146.64 (2) (c) 1. of the statutes is amended to read:

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

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

SECTION 6. 146.64 (4) (intro.) of the statutes is amended to read:

146.64 **(4)** ELIGIBILITY. (intro.) A hospital that has an accredited graduate medical training program in ~~any of the following specialties~~ a specialty, including any of the following, may apply to receive a grant under sub. (3):

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1773/P1
KP:kjf

DOA:.....Hutter, BB0276 – Farm to school program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

1. Prefer farm to school grants to districts with high free or reduced-price lunch eligibility

This bill requires that in awarding grants under the farm to school program, DATCP must give preference to school districts that have a high percentage of students that are eligible for free or reduced–price lunches under federal law. Current law requires DATCP to promote farm to school programs, which connect schools with nearby farms to provide children with locally produced foods in school meals.

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

2 **SECTION 1.** 93.49 (3) (a) of the statutes is renumbered 93.49 (3) (a) (intro.) and
3 amended to read:

4 93.49 **(3)** (a) (intro.) From the appropriation under s. 20.115 (4) (as), the
5 department shall provide grants to school districts, in coordination with the

department of public instruction, and to nonprofit organizations, farmers, and any other entities for the creation and expansion of farm to school programs. The department shall give preference to the following types of proposals:

2. Proposals that are innovative or that provide models that other school districts can adopt.

SECTION 2. 93.49 (3) (a) 1. of the statutes is created to read:

93.49 **(3)** (a) 1. Proposals from school districts in which a high percentage of pupils satisfy the income eligibility criteria under 42 USC 1758 (b) (1) for a free or reduced–price lunch.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1774/P2
MED:kjf&cjs

DOA:.....Hynek, BB0277 – UI Drug Testing

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; drug testing

Current state law requires DWD to establish a program to test for the presence of controlled substances certain claimants who apply for unemployment insurance (UI) benefits. A claimant who tests positive for a controlled substance for which the claimant does not have a prescription is ineligible for UI benefits until certain requalification criteria are satisfied or unless he or she enrolls in a substance abuse treatment program and undergoes a job skills assessment, and a claimant who declines to submit to a test is simply ineligible for benefits until he or she requalifies. However, under federal law, the state may only require the drug testing under the program in accordance with regulations issued by the federal secretary of labor. As of February 13, 2019, final federal regulations have not been issued. This bill repeals the requirement to establish the drug testing program.

Also under current law, an employer may voluntarily submit to DWD the results of a preemployment test for the presence of controlled substances that was conducted on an individual as a condition of an offer of employment or notify DWD that an individual declined to submit to such a test. If DWD then verifies that submission, the employee may be ineligible for benefits until he or she requalifies. However, a claimant who tested positive may maintain eligibility by enrolling in a substance abuse treatment program and undergoing a job skills assessment. This bill repeals these preemployment drug testing provisions.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.445 (1) (aL) of the statutes is repealed.

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

SECTION 2. 108.04 (8) (a) of the statutes is amended to read:

108.04 **(8)** (a) ~~Except as provided in par. (b), if~~ If an employee fails, without good cause, to accept suitable work when offered, the employee is ineligible to receive benefits until the employee earns wages after the week in which the failure occurs equal to at least 6 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the failure not occurred. This paragraph does not preclude an employee from establishing a benefit year during a period in which the employee is ineligible to receive benefits under this paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). ~~Except as provided in par. (b), the~~ The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 whenever an employee of that employer fails, without good cause, to accept suitable work offered by that employer.

SECTION 3. 108.04 (8) (b) of the statutes, as affected by 2017 Wisconsin Act 157, is repealed.

SECTION 4. 108.133 of the statutes, as affected by 2017 Wisconsin Act 157, sections 26 to 37, is repealed.

SECTION 5. 108.14 (8n) (e) of the statutes is amended to read:

108.14 **(8n)** (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), (cg), (e), (L), (q), (s), or (t), (7m) or (8) (a) ~~or (b),~~ <u>or</u> 108.07 (3), (3r), or (5) (b)~~, or 108.133 (3) (f)~~ would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

SECTION 6. 108.141 (7) (a) of the statutes is amended to read:

108.141 **(7)** (a) The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss. 108.17 and 108.18 the department shall charge the share of extended benefits to which s. 108.04 (1) (f), (5), (7) (a), (c), (cg), (e), (L), (q), (s), or (t), (7m) or (8) (a) ~~or (b),~~ <u>or</u> 108.07 (3), (3r), or (5) (b)~~, or 108.133 (3) (f)~~ applies to the fund's balancing account.

SECTION 7. 108.16 (6m) (a) of the statutes is amended to read:

108.16 **(6m)** (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g), (7) (h), (8) (a) ~~or (b)~~, (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), ~~108.133 (3) (f),~~ 108.14 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

SECTION 8. 108.19 (1s) (a) 5. of the statutes is repealed.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; DRUG TESTING. The treatment of ss. 108.04 (8) (b) and 108.133 (4) (a) first applies to initial claims for benefits filed on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; DRUG TESTING. The treatment of ss. 108.04 (8) (a) and (b), 108.133, 108.14 (8n) (e), 108.141 (7) (a), 108.16 (6m) (a), and 108.19 (1s) (a) 5. and SECTION 9350 (1) of this act take effect on the Sunday after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1775/P3
MIM:cdc&cjs

DOA:.....Hynek, BB0279 – Family and medical leave

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

FAMILY AND MEDICAL LEAVE

1. Family and leave expansion

This bill expands the family and medical leave law to allow an employee covered under that law to take family leave to care for a grandparent, grandchild, or sibling and for the active duty of a family member, and lowers the threshold number of employees above which an employer must allow an employee to take family or medical leave.

Under current law, an employer that employs at least 50 individuals on a permanent basis in this state must allow an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take up to eight weeks of family leave in a 12–month period for the birth or adoptive placement of a child or to care for a child, spouse, parent, or domestic partner of the employee or a parent of the spouse or domestic partner of the employee who has a serious health condition; and up to two weeks of medical leave in a 12–month period when the employee has a serious health condition.

This bill requires an employer that employs at least 25 employees on a permanent basis in this state to allow an employee to take family or medical leave

as provided under current law. The bill also allows an employee to take family leave as provided under current law to care for a grandparent, grandchild, or sibling of the employee who has a serious health condition. In addition, the bill requires an employer to allow an employee to take family leave because of any qualifying exigency, as determined by DWD by rule, arising out of the fact that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on deployment with the U.S. armed forces to a foreign country (covered active duty), has been notified of an impending call or order to covered active duty, or because of an unforeseen school or child care facility closure.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a) and amended to read:

103.10 **(1)** (a) "Child" means a natural, adopted, or foster child, a stepchild, or a legal ward ~~to whom any of the following applies:~~.

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

SECTION 3. 103.10 (1) (a) 2. of the statutes is repealed.

SECTION 4. 103.10 (1) (ap) of the statutes is created to read:

103.10 **(1)** (ap) "Covered active duty" means any of the following:

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

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

SECTION 5. 103.10 (1) (b) of the statutes is amended to read:

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

****NOTE: This is reconciled s. 103.10 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: –1775/P2 and –2039/P2

SECTION 6. 103.10 (1) (dm) of the statutes is created to read:

103.10 **(1)** (dm) "Grandchild" means the child of a child.

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

103.10 **(1)** (dp) "Grandparent" means the parent of a parent.

SECTION 8. 103.10 (1) (gm) of the statutes is created to read:

103.10 **(1)** (gm) "Sibling" means a brother, sister, half brother, half sister, stepbrother, or stepsister, whether by blood, marriage, or adoption.

SECTION 9. 103.10 (3) (a) 1. of the statutes is amended to read:

103.10 **(3)** (a) 1. In a 12–month period no employee may take more than 6 weeks of family leave under par. (b) 1. ~~and~~, 2., 4., and 5.

SECTION 10. 103.10 (3) (b) 3. of the statutes is amended to read:

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

SECTION 11. 103.10 (3) (b) 4. of the statutes is created to read:

103.10 **(3)** (b) 4. Because of any qualifying exigency, as determined by the department by rule, arising out of the fact that the spouse, child, domestic partner,

parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty.

SECTION 12. 103.10 (3) (b) 5. of the statutes is created to read:

103.10 **(3)** (b) 5. Because a child care center, child care provider, or school that the employee's child attends is experiencing an unforeseen or unexpected short–term closure.

SECTION 13. 103.10 (6) (b) (intro.) of the statutes is amended to read:

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

SECTION 14. 103.10 (6) (b) 1. of the statutes is amended to read:

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

SECTION 15. 103.10 (6) (c) of the statutes is created to read:

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

SECTION 16. 103.10 (7) (a) of the statutes is amended to read:

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

SECTION 17. 103.10 (7) (b) (intro.) of the statutes is amended to read:

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

SECTION 18. 103.10 (7) (b) 1. of the statutes is amended to read:

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

SECTION 19. 103.10 (7) (d) of the statutes is created to read:

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

SECTION 20. 103.10 (7) (e) of the statutes is created to read:

103.10 **(7)** (e) If an employee requests leave under sub. (3) (b) 5., the employer may require the employee to provide certification that the child care center, child care provider, or school that the employee's child attends is experiencing an unforeseen or unexpected short–term closure. The department may prescribe by rule the form and content of the certification.

SECTION 21. 103.10 (12) (c) of the statutes is amended to read:

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

SECTION 22. 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

SECTION 23. 103.10 (14) (b) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1776/P2
MIM:ahe

DOA:.....Hynek, BB0280 – UI Weekly Benefits

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Increasing maximum weekly unemployment benefits

This bill increases the maximum amount of weekly unemployment benefits payable from $370 to $406.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 108.05 (1) (r) of the statutes is amended to read:

3 108.05 **(1)** (r) Except as provided in s. 108.062 (6) (a), each eligible employee
4 shall be paid benefits for each week of total unemployment that commences on or
5 after January 5, 2014, <u>and before January 5, 2020,</u> at the weekly benefit rate
6 specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall

equal 4 percent of the employee's base period wages that were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that, if that amount is less than $54, no benefits are payable to the employee and, if that amount is more than $370, the employee's weekly benefit rate shall be $370 and except that, if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee under s. 108.06 (1). The department shall publish on its Internet site a weekly benefit rate schedule of quarterly wages and the corresponding weekly benefit rates as calculated in accordance with this paragraph.

SECTION 2. 108.05 (1) (s) of the statutes is created to read:

108.05 **(1)** (s) Except as provided in s. 108.062 (6) (a), each eligible employee shall be paid benefits for each week of total unemployment that commences on or after January 5, 2020, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base period wages that were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that, if that amount is less than $54, no benefits are payable to the employee and, if that amount is more than $406, the employee's weekly benefit rate shall be $406 and except that, if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee under s. 108.06 (1). The department shall publish on its Internet site a weekly benefit rate schedule of quarterly wages and the corresponding weekly benefit rates as calculated in accordance with this paragraph.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE BENEFITS; INCREASE. The treatment of s. 108.05 (1) (r) and (s) takes effect on the first Sunday of the 3rd month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1777/P1
MED:kjf

DOA:.....Hynek, BB0281 – UI Waiting Period

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; waiting period

Currently, a claimant must wait one week after becoming eligible to receive unemployment insurance (UI) benefits before the claimant may receive benefits for a week of unemployment. The waiting period does not affect the maximum number of weeks of a claimant's benefit eligibility.

This bill deletes the one-week waiting period, thus permitting a claimant to receive UI benefits beginning with his or her first week of eligibility.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 108.02 (26m) of the statutes is repealed.

3 **SECTION 2.** 108.04 (3) of the statutes is repealed.

4 **SECTION 3.** 108.04 (11) (bm) of the statutes is amended to read:

108.04 **(11)** (bm) The department shall apply any ineligibility under par. (be) against benefits and weeks of eligibility for which the claimant would otherwise be eligible after the week of concealment and within 6 years after the date of an initial determination issued under s. 108.09 finding that a concealment occurred. ~~The claimant shall not receive waiting period credit under s. 108.04 (3) for the period of ineligibility applied under par. (be).~~ If no benefit rate applies to the week for which the claim is made, the department shall use the claimant's benefit rate for the claimant's next benefit year beginning after the week of concealment to determine the amount of the benefit reduction.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; DELETION OF WAITING PERIOD. The treatment of ss. 108.02 (26m) and 108.04 (3) and (11) (bm) first applies to benefit years beginning on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; DELETION OF WAITING PERIOD. The treatment of ss. 108.02 (26m) and 108.04 (3) and (11) (bm) and SECTION 9350 (1) of this act take effect on the Sunday after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1778/P1
MED:kjf

DOA:.....Hynek, BB0282 – UI Wage Threshold

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; wage threshold for receipt of benefits

Under current law, a claimant for unemployment insurance benefits is generally ineligible to receive any benefits for a week if the claimant receives or is considered to have received wages or other amounts from employment totaling more than $500. This bill requires DWD to annually raise this $500 threshold figure by a percentage equal to the average annual percentage change in the U.S. consumer price index.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 108.05 (3) (dm) of the statutes is renumbered 108.05 (3) (dm) 1. and
3 amended to read:

4 108.05 **(3)** (dm) 1. Except when otherwise authorized in an approved
5 work–share program under s. 108.062, a claimant is ineligible to receive any benefits

for a week if the claimant receives or will receive from one or more employers wages earned for work performed in that week, amounts treated as wages under s. 108.04 (1) (bm) for that week, sick pay, holiday pay, vacation pay, termination pay, bonus pay, back pay, or payments treated as wages under s. 108.04 (12) (e), or any combination thereof, totalling more than ~~$500~~ the amount determined under subd. 2.

SECTION 2. 108.05 (3) (dm) 2. of the statutes is created to read:

108.05 **(3)** (dm) 2. For purposes of subd. 1., the amount under this subdivision shall be $500, except that effective January 1 of each year, with the first adjustment being effective on January 1, 2020, the department shall adjust that amount by a percentage equal to the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor. The department shall annually have the revised amount published in the Wisconsin Administrative Register.

****NOTE: I think this should work, but I would suggest letting DWD review it. I would also note that changes to UI law are typically effective corresponding with the beginning of a week (i.e., on a Sunday), so it might be preferable to have this change be effective on the first full week of a given year, rather than on January 1, but I would also defer to DWD on that.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1779/P1
MIM:amn

DOA:.....Hynek, BB0283 – UI Voluntary Termination

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

This bill expands the conditions under which an individual is entitled to Unemployment Insurance (UI) benefits when that individual voluntarily terminates (quits) employment. Under current law, unless an exemption applies, if an individual quits his or her job, the individual is generally ineligible to receive UI benefits until the individual earns wages or certain other amounts after the week in which the individual quits equal to at least six times the individual's weekly UI benefit rate.

One of the exemptions under current law is for an employee whose spouse is a member of the U.S. armed forces on active duty, if the employee's spouse is required to relocate to a location from which it is impractical for the employee to commute, and the employee relocates with his or her spouse. This bill repeals the requirement that, in order for the exemption to apply, the employee's spouse be a member of the U.S. armed forces. Instead, the bill extends the exemption to cover any employee whose spouse is required by an employer to relocate.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 108.04 (7) (t) 1. of the statutes is repealed.

SECTION 2. 108.04 (7) (t) 2. of the statutes is amended to read:

108.04 **(7)** (t) 2. The employee's spouse was required by ~~the U.S. armed forces~~ his or her employing unit to relocate to a place to which it is impractical for the employee to commute.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; QUIT EXCEPTION. The treatment of s. 108.04 (7) (t) 1. and 2. first applies to determinations issued under s. 108.09 on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; QUIT EXCEPTION. The treatment of s. 108.04 (7) (t) 1. and 2. and SECTION 9350 (1) of this act take effect on the first Sunday after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1780/P1
MED:kjf

DOA:.....Hynek, BB0284 – UI Suitable Work

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; acceptance of suitable work

Under current law, if a claimant for unemployment insurance benefits fails, without good cause, to accept suitable work when offered, the claimant is ineligible to receive benefits until he or she earns wages after the week in which the failure occurs equal to at least six times the claimant's weekly UI benefit rate in covered employment. Current law specifies what is considered "suitable work" for purposes of these provisions, with different standards applying depending on how many weeks have elapsed since the claimant became unemployed. Current law also specifies circumstances in which a claimant has good cause for failing to accept what would otherwise be considered suitable work.

This bill repeals the provisions described above regarding what is considered suitable work and what is considered good cause for failing to accept suitable work and replaces them with 1) a different provision regarding what constitutes good cause for a failure to accept suitable work; and 2) a requirement for DWD to define what constitutes suitable work for claimants by rule, with the rule specifying different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 108.02 (24g) of the statutes is created to read:

2 108.02 **(24g)** SUITABLE WORK. "Suitable work" has the meaning specified by the
3 department by rule under s. 108.14 (27).

4 **SECTION 2.** 108.04 (7) (e) of the statutes is amended to read:

5 108.04 **(7)** (e) Paragraph (a) does not apply if the department determines that
6 the employee accepted work that the employee could have failed to accept under sub.
7 (8) and terminated the work on the same grounds and within the first 30 calendar
8 days after starting the work, or that the employee accepted work that the employee
9 could have refused under sub. (9) and terminated the work within the first 30
10 calendar days after starting the work. For purposes of this paragraph, an employee
11 has the same grounds for voluntarily terminating work if the employee could have
12 failed to accept the work under sub. (8) ~~(d) to (em)~~ when it was offered, regardless of
13 the reason articulated by the employee for the termination.

14 **SECTION 3.** 108.04 (8) (c) of the statutes is amended to read:

15 108.04 **(8)** (c) If an employee fails, without good cause, to return to work with
16 a former employer that recalls the employee within 52 weeks after the employee last
17 worked for that employer, the employee is ineligible to receive benefits until the
18 employee earns wages after the week in which the failure occurs equal to at least 6
19 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other
20 work covered by the unemployment insurance law of any state or the federal
21 government. For purposes of requalification, the employee's weekly benefit rate

shall be that rate which would have been paid had the failure not occurred. This paragraph does not preclude an employee from establishing a benefit year during a period in which the employee is ineligible to receive benefits under this paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of any employer that is subject to the contribution requirements under ss. 108.17 and 108.18 whenever an employee of that employer fails, without good cause, to return to work with that employer. This paragraph does not apply to an employee who fails to return to work with a former employer if the work offered would not be considered suitable work ~~under par. (d) or (dm), whichever is applicable~~. If an employee receives actual notice of a recall to work, par. (a) applies in lieu of this paragraph.

SECTION 4. 108.04 (8) (d) of the statutes is repealed and recreated to read:

108.04 **(8)** (d) An employee shall have good cause under par. (a) or (c), regardless of the reason articulated by the employee for the failure, if the department determines that the failure involved work at a lower grade of skill or significantly lower rate of pay than applied to the employee on one or more recent jobs, and that the employee had not yet had a reasonable opportunity, in view of labor market conditions and the employee's degree of skill, but not to exceed 6 weeks after the employee became unemployed, to seek a new job substantially in line with the employee's prior job skill and rate of pay.

SECTION 5. 108.04 (8) (dm) of the statutes is repealed.

SECTION 6. 108.04 (8) (em) of the statutes is repealed.

SECTION 7. 108.14 (27) of the statutes is created to read:

108.14 **(27)** The department shall promulgate a rule to define what constitutes suitable work for claimants, which shall specify different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

SECTION 8. 108.141 (3g) (a) 3. (intro.) of the statutes is amended to read:

108.141 **(3g)** (a) 3. (intro.) ~~Work~~ Notwithstanding s. 108.02 (24g), work is suitable within the meaning of subd. 2. if:

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The department of workforce development shall submit a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the department determines that the department has rules in place under s. 108.14 (27) to define suitable work.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of s. 108.04 (7) (e) and (8) (c), (d), (dm), and (em) first applies to determinations issued under s. 108.09 on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of s. 108.04 (7) (e) and (8) (c), (d), (dm), and (em) and SECTION 9350 (1) of this act take effect on the date the notice under SECTION 9150 (1) is published in the Wisconsin Administrative Register or on January 3, 2021, whichever occurs first.

****NOTE: The changes in this draft would restore the law to between the time that the 2015 budget act took effect and the time the 2015 Act 334 changes took effect. (Note that the provision requiring DWD to define suitable work by rule originated in the 2015 budget, but DWD never actually promulgated rules under that provision.) Note that this would make the changes effective on the date rules are in place, but included a

"drop-dead" date of January 3, 2021 (a Sunday), as it is our practice not to have an effective date that is completely indefinite and that may never occur. Also note that I also repealed s. 108.04 (8) (em), as this came in via 2015 Act 334 as well, which was necessary given your request to restore the old language of s. 108.04 (8) (d). Let me know if I can explain further.

1 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1781/P2
MED:cdc

DOA:.....Hynek, BB0285 – UI Work Search Waivers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; work search and registration

Under current law, a claimant for unemployment insurance benefits is generally required to register for work and to conduct searches for work each week in order to remain eligible, but DWD is required to waive these requirements under certain circumstances. This bill deletes the waiver provisions in current law and instead allows DWD to establish such waivers by rule.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 108.04 (2) (a) (intro.) of the statutes is amended to read:

3 108.04 **(2)** (a) (intro.) Except as provided in ~~pars.~~ par. (b) ~~to (bd)~~, sub. (16) (am)
4 and (b), and s. 108.062 (10) and (10m) and as otherwise expressly provided, a
5 claimant is eligible for benefits as to any given week only if all of the following apply:

SECTION 2. 108.04 (2) (a) 3. of the statutes is repealed and recreated to read:

108.04 **(2)** (a) 3. The claimant conducts a reasonable search for suitable work during that week and provides verification of that search to the department. The search for suitable work must include at least 4 actions per week that constitute a reasonable search as prescribed by rule of the department. In addition, the department may, by rule, require a claimant to take more than 4 reasonable work search actions in any week. The department shall require a uniform number of reasonable work search actions for similar types of claimants. This subdivision does not apply to a claimant if the department determines that the claimant is currently laid off from employment with an employer but there is a reasonable expectation of reemployment of the individual by that employer. In determining whether the claimant has a reasonable expectation of reemployment by an employer, the department shall request the employer to verify the claimant's employment status and shall consider all of the following:

a. The history of layoffs and reemployments by the employer.

b. Any information that the employer furnished to the claimant or the department concerning the claimant's anticipated reemployment date.

c. Whether the claimant has recall rights with the employer under the terms of any applicable collective bargaining agreement.

SECTION 3. 108.04 (2) (b) of the statutes is repealed and recreated to read:

108.04 **(2)** (b) The department may, by rule, establish waivers from the registration for work requirement under par. (a) 2. and the work search requirement under par. (a) 3.

SECTION 4. 108.04 (2) (bb) of the statutes is repealed.

SECTION 5. 108.04 (2) (bd) of the statutes is repealed.

SECTION 6. 108.04 (2) (bm) of the statutes is amended to read:

108.04 **(2)** (bm) A claimant is ineligible to receive benefits for any week for which there is a determination that the claimant failed to comply with the registration for work and work search requirements under par. (a) 2. or 3. or failed to provide verification to the department that the claimant complied with those requirements, unless the department has waived those requirements under par. (b)~~,~~ ~~(bb), or (bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant for any such week, the department may recover the overpayment under s. 108.22.

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The department of workforce development shall submit a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the department determines that the department has any rules in place under s. 108.04 (2) (b) that are necessary to provide waivers from the registration for work requirement under s. 108.04 (2) (a) 2. and the work search requirement under s. 108.04 (2) (a) 3.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) first applies to initial claims for benefits filed on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) and SECTION 9350 (1) of this act take effect on the date the notice under SECTION 9150 (1) is published

1 in the Wisconsin Administrative Register or on January 3, 2021, whichever occurs
2 first.

****NOTE: I drafted the effective date as discussed, but included a "drop–dead" date of January 3, 2021 (a Sunday), as it is our practice not to have an effective date that is completely indefinite and that may never occur.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1785/P2
TJD:cdc

DOA:.....Bollhorst, BB0270 – Methadone use in opioid and methamphetamine treatment programs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

1. Methadone use in opioid treatment programs

Under current law, DHS is required to create two or three comprehensive opioid treatment programs and two or three additional opioid and methamphetamine treatment programs to provide treatment for opioid, opiate, and methamphetamine addiction in underserved, high–need areas. The programs must provide counseling, medication–assisted treatment, and abstinence–based treatment. Current law prohibits these treatment programs from offering methadone treatment, and this bill removes that prohibition.

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

2 **SECTION 1.** 51.422 (1) of the statutes is amended to read:

3 51.422 **(1)** PROGRAM CREATION. The department shall create 2 or 3 new, regional

4 comprehensive opioid treatment programs, and in the 2017–19 fiscal biennium,

shall create 2 or 3 additional regional comprehensive opioid and methamphetamine treatment programs, to provide treatment for opioid and opiate addiction and methamphetamine addiction in underserved, high-need areas. The department shall obtain and review proposals for opioid and methamphetamine treatment programs in accordance with its request-for-proposal procedures. ~~A program under this section may not offer methadone treatment.~~

SECTION 2. 51.422 (2) of the statutes is amended to read:

51.422 **(2)** PROGRAM COMPONENTS. An opioid or methamphetamine treatment program created under this section shall offer an assessment to individuals in need of service to determine what type of treatment is needed. The program shall transition individuals to a certified residential program, if that level of treatment is necessary. The program shall provide counseling, medication-assisted treatment, including ~~both long-acting opioid antagonist and partial agonist~~ medications that have been approved by the federal food and drug administration ~~if~~ <u>for</u> treating opioid addiction, and abstinence-based treatment. The program shall transition individuals who have completed treatment to county-based or private post-treatment care.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1786/P1
TJD:kjf

DOA:.....Bollhorst, BB0273 - Children's Long-term Support Waiver Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Children's long-term support waiver program

This bill requires DHS to ensure that any eligible child who applies for the disabled children's long-term support waiver program receives services under that program. The disabled children's long-term support waiver program provides services to children who have developmental, physical, or severe emotional disabilities and who are living at home or in another community-based setting.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 46.995 (4) of the statutes is created to read:

3 46.995 **(4)** The department shall ensure that any child who is eligible and who

4 applies for the disabled children's long-term support program that is operating

under a waiver of federal law receives services under the disabled children's long–term support program that is operating under a waiver of federal law.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1787/P3
KRP:amn&wlj

DOA:.....Kretschmann, BB0264 – Transfer technical education equipment grants to DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Technical education equipment grants

This bill transfers from DWD to DPI the authority to award technical education equipment grants to school districts for the acquisition of equipment that is used in advanced manufacturing fields in the workplace.

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

SECTION 1. 20.445 (1) (cg) of the statutes is renumbered 20.255 (2) (cL) and amended to read:

20.255 **(2)** (cL) *Technical education equipment grants.* The amounts in the schedule for the technical education equipment grants under s. ~~106.275~~ 115.458.

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

SECTION 2. 106.275 of the statutes is renumbered 115.458, and 115.458 (1) (a), as renumbered, is amended to read:

115.458 **(1)** (a) From the appropriation under s. ~~20.445 (1) (cg)~~ 20.255 (2) (cL), the department may award technical education equipment grants under this section in the amount of not more than $50,000 to school districts whose grant applications are approved under sub. (2) (b).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1790/P1
MIM:ahe

DOA:.....Hynek, BB0286 – Independent living centers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

1. Transfers to DHS for independent living grants

This bill clarifies that DWD is required to transfer money to DHS for the purpose of providing grants to independent living centers only up to the amount DWD receives from the federal Social Security Administration as reimbursement for the fact that individuals who gain employment with assistance from the vocational rehabilitation program no longer receive certain benefits from the federal Social Security Administration. DHS awards grants to independent living centers for providing nonresidential services to severely disabled individuals.

Under current law, DWD is required to transfer $600,000 in each fiscal year to DHS for the grant program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.445 (5) (n) of the statutes is amended to read:

20.445 **(5)** (n) *Federal program aids and operations.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for the state administration of continuing programs and all federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals and organizations, to be expended for the purposes specified. ~~The~~ From the moneys received by the department under this paragraph from the social security administration under 42 USC 422 (d) and 1382d (d), the department shall, in each fiscal year, transfer $600,000 ~~of the moneys from the account under this paragraph~~ or the amount received, whichever is less, to the appropriation account under s. 20.435 (1) (kc).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1796/P2
EKL:cdc

DOA:.....Quinn, BB0259 – WEDC–DOR data sharing

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Information sharing between WEDC and DOR

This bill allows WEDC and DOR to enter into an agreement under which WEDC may obtain copies of tax returns and related documents from DOR. The bill requires that WEDC keep the records confidential. The bill also authorizes WEDC to examine tax returns and related documents held by DOR to the extent necessary to administer WEDC's economic development programs. Under current law, WEDC's examination authority is limited to the development zone program.

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

2 **SECTION 1.** 71.78 (4) (m) of the statutes is amended to read:

3 71.78 **(4)** (m) The chief executive officer of the Wisconsin Economic

4 Development Corporation and employees of the corporation to the extent necessary

to administer ~~the development zone program~~ economic development programs under ~~subch. II of~~ ch. 238.

SECTION 2. 71.78 (5) of the statutes is amended to read:

71.78 **(5)** AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified in sub. (1) and related schedules, exhibits, writings or audit reports shall not be furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k), (n), (o) and (q) or under an agreement between the department of revenue and another agency of government or the Wisconsin Economic Development Corporation.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1797/P1
EKL:wlj

DOA:.....Quinn, BB0260 – WEDC reporting requirements

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Modifications to WEDC reporting requirements

This bill modifies WEDC's reporting requirements to the legislature and DOR. First, the bill alters the requirement that WEDC, prior to the beginning of each calendar year, report to the legislature on the economic development projects it intends to develop and implement during the year. Under the bill, the reporting period is the fiscal year not the calendar year. Second, the bill repeals the requirement that WEDC report to the legislature on the economic development tax credit program. This program ended in 2015, and taxable year 2019 is the final year for which taxpayers may claim the credit under contracts with WEDC. Third, the bill modifies the requirement that WEDC's quarterly reports to DOR include the amount of tax credits claimed by a person whose certification to claim credits has been revoked. Under the bill, WEDC must report the amount of tax credits that WEDC determined the person was eligible to claim, rather than the amount of credits already claimed.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 238.07 (1) of the statutes is amended to read:

238.07 **(1)** Annually, by ~~January~~ October 1, the board shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report identifying the economic development projects that the board intends to develop and implement during the current ~~calendar~~ fiscal year.

SECTION 2. 238.115 (1) (f) of the statutes is amended to read:

238.115 **(1)** (f) The amount of tax credits the corporation determined each person identified under par. (e) was eligible to claim that, if already claimed ~~that,~~ must be repaid by the person as the result of ~~a~~ the revocation ~~for each person identified under par. (e)~~.

SECTION 3. 238.306 (3) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1801/P5
FFK:kjf&wlj

DOA:.....Kretschmann, BB0263 – Teacher prep time

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Teacher planning time

This bill requires school boards to provide teachers with at least 45 minutes or the equivalent of one class period, whichever is longer, of paid planning time each day.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 118.237 of the statutes is created to read:

118.237 Paid planning time for teachers. Every school board shall provide each of its teachers with at least 45 minutes or the equivalent of one class period, whichever is longer, of paid planning time each school day.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1804/P1
MIM:kjf

DOA:.....Sherwin, BB0287 - Fixed-dollar premium study

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

HEALTH INSURANCE

1. Premium subsidy study

This bill requires the Group Insurance Board to conduct a study of the feasibility and potential cost savings of including a fixed-dollar employee premium subsidy in the state group health insurance plan. The bill also requires GIB to submit a report of the study to the governor and JCF.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9113. Nonstatutory provisions; Employee Trust Funds.**

3 (1) STUDY OF FIXED-DOLLAR PREMIUM SUBSIDY MODEL. The group insurance board,

4 in consultation with the actuary selected under s. 40.03 (1) (d) to perform actuarial

1 services for the group health insurance plan, shall conduct a study of the feasibility
2 and potential cost savings associated with including a fixed–dollar employee
3 premium subsidy program in the group health insurance plan for active state
4 employees. No later than June 30, 2020, the group insurance board shall submit a
5 report of the study to the governor and the joint committee on finance.
6 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1805/P3
MIM:kjf

DOA:.....Sherwin, BB0289 – Pharmacy cost study

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

HEALTH INSURANCE

1. Prescription drug pooling study

This bill requires DETF, in consultation with DOC, DHS, and DVA, to study the options and opportunities for savings to state agencies through prescription drug pooling. The bill also requires DETF to submit a report to the governor and the appropriate standing committees of the legislature.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9113. Nonstatutory provisions; Employee Trust Funds.**

3 (1) PRESCRIPTION DRUG POOLING STUDY. The department of employee trust funds,

4 in consultation with the department of corrections, the department of health

services, and the department of veterans affairs, shall study the options and opportunities for cost savings to state agencies through prescription drug pooling. No later than January 1, 2020, the department of employee trust funds shall submit a report of the study to the governor and the appropriate standing committees of the legislature, as determined by the speaker of the assembly and the president of the senate, in the manner provided under s. 13.172 (3).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1806/P2
MIM:kjf

DOA:.....Sherwin, BB0290 – Study of private sector retirement security plans administered by ETF

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

WISCONSIN RETIREMENT SYSTEM

1. Private retirement security plan study

Under current law, DETF administers the Wisconsin Retirement System under which public employees who are covered under the WRS and their employers pay contributions to the WRS and the WRS, from those contributions and the earnings on those contributions, provides retirement annuities to those public employees. This bill directs the secretary of employee trust funds to establish a committee to study the creation of a private retirement security plan to provide retirement benefits for residents of this state who choose to participate in the plan.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9113. Nonstatutory provisions; Employee Trust Funds.**

(1) PRIVATE SECTOR RETIREMENT SECURITY PLAN COMMITTEE.

(a) The secretary of employee trust funds shall establish a private sector retirement security plan committee. The committee shall consist of the following members:

1. The state treasurer.

2. One member of the employee trust funds board appointed by the governor.

3. One member of the investment board appointed by the governor.

4. Three members of the public appointed by the governor.

5. One member appointed by the speaker of the assembly.

6. One member appointed by the minority leader of the assembly.

7. One member appointed by the majority leader of the senate.

8. One member appointed by the minority leader of the senate.

(b) Not less than 3 of the members appointed under par. (a) shall have at least 10 years of experience in making investments.

(c) The committee created under par. (a) shall conduct a study to determine the feasibility of establishing a private retirement security plan administered by the department of employee trust funds to provide retirement benefits for residents of this state who choose to participate in the plan.

(d) No later than September 30, 2020, the committee shall submit to the governor and the joint survey committee on retirement systems a report that includes recommendations regarding the creation of a private sector retirement security plan that is administered by the department of employee trust funds.

(e) The private sector retirement security plan committee terminates upon submission of the report under par. (d).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1807/P3
MIM:kjf&cdc

DOA:.....Sherwin, BB0288 – On–site state employee health clinics

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

HEALTH INSURANCE

1. Employee health clinics

This bill allows the Group Insurance Board to enter into contracts with entities to provide health and wellness services at health clinics to be located in state facilities to individuals who are covered by a state group health insurance plan.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 40.03 **(6)** (n) Notwithstanding par. (L), may contract with any entity to provide

4 health and wellness services to any individual who is covered under a group health

1 insurance plan under subch. IV at health clinics that are established within state
2 facilities.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1821/P2
EKL:ahe&kjf

DOA:.....Quinn, BB0293 – Net operating loss carry-back repeal

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Repeal of net operating loss carryback

This bill repeals the provision under which an individual may carry back a net operating loss to the two prior taxable years in order to reduce the amount of income subject to tax in those years.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 71.05 (8) (a) of the statutes is amended to read:

3 71.05 **(8)** (a) ~~The carry back of losses to reduce income of prior years may be~~

4 ~~permitted for 2 taxable years.~~ There shall be added any amount deducted as a federal

net operating loss ~~carry–back or~~ carry–over and there shall be subtracted for the first taxable year for which the subtraction may be made any Wisconsin net operating loss ~~carry–back or~~ carry–forward allowable under par. (b) in an amount not in excess of the Wisconsin taxable income computed before the deduction of the Wisconsin net operating loss ~~carry–back or~~ carry–forward.

SECTION 2. 71.05 (8) (b) 1. of the statutes is renumbered 71.05 (8) (b) and amended to read:

71.05 **(8)** (b) Except as provided in s. 71.80 (25), a Wisconsin net operating loss may be ~~carried back against Wisconsin taxable income of the previous 2 years and then~~ carried forward against Wisconsin taxable incomes of the next 20 taxable years, if the taxpayer was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset against other income of the year of loss and to the extent not offset against Wisconsin modified taxable income ~~of the 2 years preceding the loss and~~ of any year between the loss year and the taxable year for which the loss carry–forward is claimed. In this paragraph, "Wisconsin modified taxable income" means Wisconsin taxable income with the following exceptions: a net operating loss deduction or offset for the loss year or any taxable year ~~before or~~ thereafter is not allowed, the deduction for long–term capital gains under subs. (6) (b) 9. and 9m. and (25) is not allowed, the amount deductible for losses from sales or exchanges of capital assets may not exceed the amount includable in income for gains from sales or exchanges of capital assets and "Wisconsin modified taxable income" may not be less than zero.

SECTION 3. 71.05 (8) (b) 2. of the statutes is repealed.

SECTION 4. 71.05 (8) (c) of the statutes is repealed.

SECTION 5. 71.80 (25) (a) of the statutes is renumbered 71.80 (25), and 71.80 (25) (title), as renumbered, is amended to read:

71.80 **(25)** (title) NET OPERATING AND BUSINESS LOSS CARRY-FORWARD ~~AND CARRY-BACK~~.

SECTION 6. 71.80 (25) (b) of the statutes is repealed.

SECTION 9337. Initial applicability; Revenue.

(1) NET OPERATING LOSSES. The treatment of ss. 71.05 (8) (a), (b) 2., and (c) and 71.80 (25) (b) and the renumbering and amendment of ss. 71.05 (8) (b) 1. and 71.80 (25) (a) first apply to taxable years beginning after December 31, 2018.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1823/P2
EKL:ahe

DOA:.....Quinn, BB0292 - Medical care insurance subtraction for self-employed persons

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Modification to medical care insurance subtraction

This bill changes how nonresidents and part-year residents calculate the subtraction for medical care insurance premiums that self-employed individuals may claim for income tax purposes. Under current law, the subtraction is prorated based on the individual's share of income earned from a trade or business that is taxable in Wisconsin. Under the bill, the subtraction is prorated based on the individual's share of total income that is taxable in Wisconsin, not just the earnings from a trade or business. The bill also repeals several provisions that provided a subtraction for medical care insurance premiums but are no longer operable.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.05 (6) (b) 17. of the statutes is repealed.

SECTION 2. 71.05 (6) (b) 18. of the statutes is repealed.

SECTION 3. 71.05 (6) (b) 19. c. of the statutes is amended to read:

71.05 **(6)** (b) 19. c. For taxable years beginning before January 1, 2020, for a person who is a nonresident or a part–year resident of this state, modify the amount calculated under subd. 19. b. by multiplying the amount by a fraction the numerator of which is the person's net earnings from a trade or business that are taxable by this state and the denominator of which is the person's total net earnings from a trade or business.

SECTION 4. 71.05 (6) (b) 19. cm. of the statutes is created to read:

71.05 **(6)** (b) 19. cm. For taxable years beginning after December 31, 2019, for a person who is a nonresident or a part–year resident of this state, modify the amount calculated under subd. 19. b. by multiplying the amount by a fraction the numerator of which is the person's wages, salary, tips, unearned income, and net earnings from a trade or business that are taxable by this state and the denominator of which is the person's total wages, salary, tips, unearned income, and net earnings from a trade or business. In this subdivision, for married persons filing separately "wages, salary, tips, unearned income, and net earnings from a trade or business" means the separate wages, salary, tips, unearned income, and net earnings from a trade or business of each spouse, and for married persons filing jointly "wages, salary, tips, unearned income, and net earnings from a trade or business" means the total wages,

salary, tips, unearned income, and net earnings from a trade or business of both spouses.

SECTION 5. 71.05 (6) (b) 19. d. of the statutes is amended to read:

71.05 **(6)** (b) 19. d. ~~Reduce~~ For taxable years beginning before January 1, 2020, reduce the amount calculated under subd. 19. b. or c. to the person's aggregate net earnings from a trade or business that are taxable by this state.

SECTION 6. 71.05 (6) (b) 19. dm. of the statutes is created to read:

71.05 **(6)** (b) 19. dm. For taxable years beginning after December 31, 2019, reduce the amount calculated under subd. 19. b. or cm. to the person's aggregate wages, salary, tips, unearned income, and net earnings from a trade or business that are taxable by this state.

SECTION 7. 71.05 (6) (b) 20. of the statutes is repealed.

SECTION 8. 71.05 (6) (b) 36. of the statutes is repealed.

SECTION 9. 71.05 (6) (b) 37. of the statutes is repealed.

SECTION 10. 71.05 (6) (b) 39. of the statutes is repealed.

SECTION 11. 71.05 (6) (b) 40. of the statutes is repealed.

SECTION 12. 71.05 (6) (b) 41. of the statutes is repealed.

SECTION 13. 71.07 (5) (a) 15. of the statutes is amended to read:

71.07 **(5)** (a) 15. The amount claimed as a deduction for medical care insurance under section 213 of the Internal Revenue Code that is exempt from taxation under s. 71.05 (6) (b) ~~17. to 20.~~ 19., 35., ~~36., 37.,~~ 38., ~~39., 40., 41.,~~ and 42. and the amount claimed as a deduction for a long–term care insurance policy under section 213 (d) (1) (D) of the Internal Revenue Code, as defined in section 7702B (b) of the Internal Revenue Code that is exempt from taxation under s. 71.05 (6) (b) 26.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1840/P2
FFK:cdc

DOA:.....Kretschmann, BB0295 – Minority teacher grant program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Grant program to recruit minority teachers

This bill creates a minority teacher grant program under which DPI awards grants to school districts for the purpose of recruiting minorities to teach in the school district. Under the bill, a minority is a Black American, an American Indian, a individual of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America, or South America or whose culture or origin is Spanish, or an individual admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia. The bill requires DPI to award half of the moneys appropriated for these grants to a first class city school district (currently, only Milwaukee Public Schools). DPI must award the other half of the moneys appropriated for these grants to school districts other than MPS and give a preference school districts that have a high percentage of minority pupils. Under the bill, this grant program replaces the minority teacher loan program administered by HEAB. See EDUCATION – HIGHER EDUCATION.

HIGHER EDUCATION

2. Minority teacher loan program

This bill prohibits HEAB from making a loan under the minority teacher loan program after the date on which the bill becomes law. Under the bill, HEAB

continues to administer the repayment and loan forgiveness of all minority teacher loans made on or before the date the bill becomes law.

Under current law, HEAB administers a minority teacher loan program for minority students who meet certain eligibility criteria, including enrollment in a program of study leading to a teacher's license in a teacher shortage field. A minority student is defined as a student who is a Black American, an American Indian, a individual of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America, or South America or whose culture or origin is Spanish, or an individual admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia. Under the program, HEAB may award, to an eligible minority student, a loan of up to $10,000 annually for up to three years. HEAB must forgive 25 percent of the loan for each school year that the loan recipient 1) is employed in the city of Milwaukee as a full–time elementary or secondary school teacher in a high–demand, teacher shortage field; and 2) receives a teacher rating of proficient or distinguished.

The bill replaces the minority teacher loan program with a grant program under which DPI awards grants to school districts to recruit minority teachers. See EDUCATION – PRIMARY AND SECONDARY EDUCATION.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (ej) of the statutes is created to read:

20.255 **(2)** (ej) *Minority teacher grant program*. The amounts in the schedule for grants to recruit minority teachers under s. 115.417.

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

SECTION 2. 39.40 (5) of the statutes is amended to read:

39.40 **(5)** <u>The board may not make loans under sub. (2) after the effective date of this subsection .... [LRB inserts date].</u> The board shall administer the repayment and forgiveness of loans made under <u>sub. (2) on or before the effective date of this subsection .... [LRB inserts date] and under</u> s. 36.25 (16), 1993 stats. The board shall treat ~~such~~ loans <u>made under s. 36.25 (16), 1993 stats.,</u> as if they had been made under sub. (2).

SECTION 3. 115.417 of the statutes is created to read:

115.417 Minority teacher grant program. (1) In this section, "minority" means an individual who is any of the following:

(a) A Black American.

(b) An American Indian.

(c) A Hispanic, as defined in s. 16.287 (1) (d).

(d) A person admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia.

(2) Beginning in the 2019–20 school year, from the appropriation under s. 20.255 (2) (ej), the department shall award grants, on a competitive basis, to school districts to recruit minorities to teach in the school district. The department shall do all of the following in awarding grants under this subsection:

(a) Award 50 percent of the amount appropriated under s. 20.255 (2) (ej) to a 1st class city school district.

(b) Award 50 percent to school districts that are not a 1st class city school district.

(c) Give preference in awarding funding under par. (b) to school districts that have a high percentage of pupils who are minorities, as defined by the department by rule.

(3) The department may promulgate rules to implement and administer this section.

SECTION 9320. Initial applicability; Higher Educational Aids Board.

(1) MINORITY TEACHER LOAN PROGRAM; SUNSET. The treatment of s. 39.40 (5) first applies to loan applications received by the higher educational aids board on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1844/P2
EAW:amn

DOA:.....Schmidt, BB0298 – DOC juvenile daily rate and MJTC transfer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

1. Costs for the placement of juveniles in a Type 1 juvenile correctional facility

This bill updates the daily rate paid by counties to DOC for services provided to juveniles in a Type 1 juvenile correctional facility, and increases the amount transferred from DOC to DHS for the operation of the Mendota Juvenile Treatment Center (MJTC). Under the bill, the daily rate for care in a Type 1 juvenile correctional facility is $501 for fiscal year 2019–20, $513 for the first half of fiscal year 2020–21, and $588 for the second half of fiscal year 2020–21. Under the bill, DOC is required to transfer $3,224,100 to DHS for the operation of MJTC in fiscal year 2019–20, and $5,878,100 in fiscal year 2020–21.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 46.057 (2) of the statutes is amended to read:

46.057 **(2)** From the appropriation account under s. 20.410 (3) (ba), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) $1,365,500 in each fiscal year and, from the appropriation account under s. 20.410 (3) (hm), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) ~~$2,869,200~~ $3,224,100 in fiscal year ~~2017–18~~ 2019–20 and ~~$2,932,600~~ $5,878,100 in fiscal year ~~2018–19~~ 2020–21, for services for juveniles placed at the Mendota juvenile treatment center. The department of health services may charge the department of corrections not more than the actual cost of providing those services.

SECTION 2. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 **(4)** (d) 2. Beginning on July 1, ~~2017~~ 2019, and ending on June 30, ~~2018~~ 2020, the per person daily cost assessment to counties shall be ~~$390~~ $501 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and ~~$390~~ $501 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

SECTION 3. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 **(4)** (d) 3. Beginning on July 1, ~~2018~~ 2020, and ending on ~~June 30, 2019~~ December 31, 2020, the per person daily cost assessment to counties shall be $513 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and $513 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3). Beginning on January 1, 2021, the per person daily cost assessment to counties shall be ~~$397~~ $588 for care in a Type 1 juvenile correctional facility, as

1 defined in s. 938.02 (19), and ~~$397~~ $588 for care for juveniles transferred from a
2 juvenile correctional institution under s. 51.35 (3).
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1846/P5
MLJ:kjf

DOA:.....Sherwin, BB0301 – Volkswagen Settlement Grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. Volkswagen settlement grants

Under current law, moneys received under a settlement that the state received from a legal action against Volkswagen are held in an appropriation account that limits spending to two purposes: replacement of state fleet vehicles and issuing grants for the replacement of public transit vehicles. Under this bill, the grants may be awarded both for the replacement of public transit vehicles and the installation of electric vehicle charging stations. During the 2019–21 fiscal biennium, DOA must allocate approximately 60 percent of the grants to the replacement of public transit vehicles and approximately 40 percent of the grants to electric vehicle charging stations, except that the secretary of administration may adjust the allocation if necessary.

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

2 **SECTION 1.** 16.047 (2) (a) of the statutes is renumbered 16.047 (2).

SECTION 2. 16.047 (2) (b) of the statutes is repealed.

SECTION 3. 16.047 (3) of the statutes is repealed.

SECTION 4. 16.047 (4m) (b) of the statutes is amended to read:

16.047 **(4m)** (b) The department shall establish a program to award grants of settlement funds from the appropriation under s. 20.855 (4) (h) to eligible applicants for the replacement of public transit vehicles <u>or the installation of charging stations for vehicles with an electric motor</u>. Any eligible applicant may apply for a grant under the program.

SECTION 5. 16.047 (4m) (c) of the statutes is amended to read:

16.047 **(4m)** (c) The department shall award grants under this subsection on a competitive basis and shall give preference to the replacement of public transit vehicles <u>or the installation of charging stations for vehicles with an electric motor</u> in communities or on routes that the department determines are critical for the purpose of connecting employees with employers.

SECTION 6. 16.047 (4m) (d) of the statutes is amended to read:

16.047 **(4m)** (d) An eligible applicant may use settlement funds awarded under this subsection only for the payment of costs incurred by the eligible applicant to replace public transit vehicles <u>or install charging stations for vehicles with an electric motor</u> in accordance with the settlement guidelines.

SECTION 7. 16.047 (4m) (e) of the statutes is repealed.

SECTION 8. 20.855 (4) (h) of the statutes is amended to read:

20.855 **(4)** (h) *Volkswagen settlement funds.* All moneys received from the trustee of the settlement funds, as defined in s. 16.047 (1) (a), for the replacement of vehicles in the state fleet under s. 16.047 (2) and for the grants under s. 16.047 (4m).

~~No more than $21,000,000 may be expended from this appropriation in fiscal year 2017–18.~~ No moneys may be expended from this appropriation after June 30, 2027.

SECTION 9. 79.035 (7) (a) 1. of the statutes is amended to read:

79.035 **(7)** (a) 1. For an urban mass transit system that is eligible to receive state aid under s. 85.20 (4m) (a) 6. cm. or d. and serving a population exceeding 200,000, ~~75~~ 20 percent of the total amount of grants received under s. 16.047 (4m).

SECTION 9101. Nonstatutory provisions; Administration.

(1) VOLKSWAGEN SETTLEMENT FUNDS. Of the settlement funds in the appropriation under s. 20.855 (4) (h) for the grants under s. 16.047 (4m), during the 2019–21 fiscal biennium, the department of administration shall allocate approximately 60 percent of the grants for the replacement of public transit vehicles and shall allocate approximately 40 percent of the grants for the installation of charging stations for vehicles with an electric motor, except that the secretary of administration may adjust the allocation if necessary.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1850/P2
MPG:cdc

DOA:.....Quinn, BB0294 – Business Development Tax Credit Renewable Energy Bonus

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Energy efficiency and use of renewable resources in certain building projects

Subject to certain limitations, current law authorizes WEDC to award tax credits to a person making an investment in a building project in this state. The award may equal up to 5 percent of the investment.

Under this bill, WEDC may additionally award tax credits to a person making an investment in a building project in this state, if the project satisfies certain requirements under current law, and if the investment is made for purposes of energy efficiency or the generation of energy from renewable resources.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 238.308 (4) (a) 4m. of the statutes is created to read:

238.308 **(4)** (a) 4m. In addition to any tax benefit awarded under subd. 4., an amount equal to up to 5 percent of the person's real property investment in a capital investment project, if the project satisfies subd. 4. and if the investment is made for purposes of energy efficiency or the generation of energy from renewable resources. The corporation shall include in any contract for the award of tax benefits under this subdivision a requirement that the recipient of the tax benefits provide documentation to the corporation verifying all expenditures under this subdivision and showing the energy efficiency or renewable energy impacts of those expenditures.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1860/P3
JK:cjs&ahe

DOA:.....Bork, BB0306 – Redistricting

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

1. Nonpartisan redistricting

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the LRB to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to oversee the LRB's work in drawing redistricting plans and to perform certain tasks in the redistricting process. The commission consists of five members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. The four appointed commissioners then select a fifth commissioner to serve as chairperson. The bill prohibits all of the following individuals from being commission members: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of Congress or are employed directly by the legislature or Congress.

If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan. The bill permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan. However, the bill also provides that any draft maps, along with the data sets

used to create them, that the LRB produces in the course of preparing a redistricting plan must be open to the public and made available on the Internet site of the LRB as soon as they are produced. The bill further provides that in preparing a redistricting plan, the LRB must test the efficiency gap and competitiveness of each district and make the test results available to the public, including on its Internet site.

In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements of the Voting Rights Act, for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements of the Voting Rights Act, demographic information.

After the LRB submits a plan to the legislature, the commission must hold public hearings on the plan and submit a report to the legislature summarizing information and testimony received at the hearings. The bill requires either the assembly or the senate to bring the redistricting plan to a vote expeditiously, but not less than seven days after the report of the commission is received and made available to the members of the legislature. That plan may not be amended. If the first plan fails to pass, the legislature must submit to the LRB the reasons for why the plan failed. The LRB then must submit a second plan that also may not be amended. If the second plan fails, the LRB must produce a third plan. The third plan may be amended, but the plan and all amendments to it may be passed only with the approval of three–fourths of all the members elected in each house.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 3.002 (intro.) and (1m) of the statutes are consolidated, renumbered
2 3.002 and amended to read:

3 **3.002 Description of territory.** In this chapter: ~~**(1m)** Reference~~, reference
4 to any county or municipality means that county or municipality as its boundaries
5 exist on April 1 of the year of the federal decennial census ~~on which the districting~~
6 ~~plan described under subch. II is based~~.

7 **SECTION 2.** 3.002 (2) of the statutes is repealed.

SECTION 3. 3.004 (2) of the statutes is amended to read:

3.004 **(2)** "Ward" means a ward prescribed by a municipality based upon municipal boundaries in effect on April 1 of the year of the federal decennial census in accordance with the most recent revision of municipal wards under s. 5.15 ~~upon which the districting plan described under subch. II is based~~ and used in preparing congressional and legislative redistricting plans as required under s. 4.005.

SECTION 4. Subchapter I of chapter 4 [precedes 4.001] of the statutes is repealed and recreated to read:

CHAPTER 4

SUBCHAPTER I

GENERAL PROVISIONS

AND REDISTRICTING

4.001 Definitions. In this chapter, unless the context requires otherwise:

(1) "Block" has the meaning given in s. 5.02 (1q).

(2) "Commission" means the redistricting advisory commission established under s. 13.49.

(3) "Plan" means a plan for legislative and congressional reapportionment prepared under this subchapter.

(4) "Political subdivision" means a city, town, village, or county within this state.

(5) "Section 2 of the Voting Rights Act" means 52 USC 10301.

(6) "Ward" means a municipal ward in effect on April 1 of the year of the federal decennial census and used in preparing congressional and legislative redistricting plans as required under s. 4.005.

4.002 Political subdivision boundaries. In this chapter, reference to any political subdivision means that political subdivision as its boundaries exist on April 1 of the year of the federal decennial census.

4.003 Legislative districts established. This state is divided into 33 senate districts, each composed of 3 assembly districts. Each senate district may elect one member of the senate. Each assembly district may elect one representative to the assembly.

4.004 Preparations for redistricting. (1) The legislative reference bureau shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal decennial census.

(2) By December 1 of the year of the decennial federal census, the legislative reference bureau shall obtain from the U.S. bureau of the census information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legislative reference bureau shall use the information to do all of the following:

(a) Prepare necessary descriptions of geographic and political units for which census data will be reported and that are suitable for use as components of legislative districts.

(b) Prepare maps of geographic and political units within the state which may be used to illustrate the locations of district boundaries proposed in plans prepared in accordance with s. 4.007.

(3) As soon as possible after receiving from the U.S. bureau of the census the population data needed for legislative redistricting that the U.S. bureau of the census is required to provide this state under P.L. 94–171, the legislative reference

bureau shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described under sub. (2) (b). The legislative reference bureau shall prepare and publish an analysis describing the population of current legislative and congressional districts and the extent to which the districts may violate the standards under s. 4.007. Upon satisfying these requirements, the legislative reference bureau shall begin the preparation of congressional and legislative redistricting plans as required under s. 4.006.

(4) None of the 4 selecting authorities, as defined in s. 13.49 (1) (b), may assign or hire any person to work with the legislative reference bureau to prepare for redistricting under this section, to prepare plans under s. 4.006, or to oversee either process.

4.005 Use of municipal ward plans. After receipt of a division ordinance or resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data obtained from the U.S. bureau of the census under s. 4.004 (3) to assign a population figure based upon certified federal census data to each ward established in the division ordinance or resolution. The legislative reference bureau shall use each ward to which a population figure is assigned in preparing congressional and legislative redistricting plans as required under s. 4.006.

4.006 Preparation of redistricting plans. (1) Not later than January 1 of the 2nd year following the decennial federal census, the legislative reference bureau shall deliver to the majority leader of the senate and speaker of the assembly identical bills creating plans of legislative and congressional redistricting, prepared in accordance with s. 4.007. Either the assembly or the senate shall bring the bill to a vote expeditiously, but not less than 7 days after the commission report under s. 13.49 (3) (d) 2. is received and made available to the members of the legislature. The

vote shall be under a procedure or rule permitting no amendments. If the bill is approved by the first house in which it is considered, the bill shall expeditiously be brought to a vote in the 2nd house under a similar procedure or rule.

(2) If neither of the bills delivered by the legislative reference bureau under sub. (1) is approved by both the assembly and the senate, the chief clerk of the house that failed to approve the bill shall immediately transmit to the legislative reference bureau information that the house may direct regarding reasons why the plan was not approved. The legislative reference bureau shall prepare identical bills embodying a 2nd plan of legislative and congressional redistricting prepared in accordance with s. 4.007, taking into account the reasons transmitted to the legislative reference bureau under this subsection insofar as it is possible to do so within the requirements of s. 4.007. The legislative reference bureau shall deliver the bills to the majority leader of the senate and the speaker of the assembly no later than 21 days after the date of the vote by which the senate or the assembly failed to approve the bill submitted under sub. (1). Any bill delivered by the legislative reference bureau under this subsection shall be expeditiously introduced and brought to a vote not less than 7 days after the date of introduction, in the same manner as prescribed for the bill required under sub. (1).

(3) If neither of the bills delivered by the legislative reference bureau under sub. (2) is approved by both the assembly and the senate, the same procedure as prescribed by sub. (2) shall be followed. If a 3rd plan is required under this subsection, the legislative reference bureau shall deliver the bills to the majority leader of the senate and the speaker of the assembly no later than 21 days after the date of the vote by which the senate or the assembly failed to approve the bill submitted under sub. (2). Any bill delivered by the legislative reference bureau

under this subsection shall be expeditiously introduced and brought to a vote not less than 7 days after the date of introduction and shall be subject to amendment in the same manner as other bills. Any bill delivered under this subsection, and any amendment to such a bill, may be passed only with the approval of three-fourths of all the members elected in each house.

(4) Notwithstanding subs. (1) to (3):

(a) If certified federal census data that is sufficient to permit preparation of a congressional redistricting plan becomes available at an earlier time than the population data needed to permit preparation of a legislative redistricting plan in accordance with s. 4.007, the legislative reference bureau shall so inform the majority leader of the senate and the speaker of the assembly. If the majority leader of the senate and the speaker of the assembly jointly direct, the legislative reference bureau shall prepare a separate bill establishing congressional districts and deliver it separately from the bill establishing legislative districts. The legislature shall proceed to consider the congressional redistricting bill in substantially the manner prescribed by subs. (1) to (3).

(b) If the population data for legislative redistricting that the U.S. bureau of the census is required to provide this state under P.L. 94-171 and, if used by the legislative reference bureau, the corresponding topologically integrated geographic encoding and referencing data file for that population data are not available to the legislative reference bureau on or before April 1 of the first year following the decennial federal census, the deadlines set forth in this section shall be extended by a number of days equal to the number of days after April 1 of the first year following the decennial federal census that the population data and the topologically

integrated geographic encoding and referencing data file for legislative redistricting become available.

4.007 Redistricting standards. (1) Legislative and congressional districts shall be established on the basis of population requirements imposed under the Wisconsin Constitution and the U.S. Constitution and requirements imposed under Section 2 of the Voting Rights Act.

(2) Senate and assembly districts, respectively, shall satisfy the population standards established in this subsection. The quotient, obtained by dividing the sum of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, may not exceed 1 percent of the applicable ideal district population, unless necessary to maintain compliance with Section 2 of the Voting Rights Act. For purposes of this subsection, the ideal district population is determined by dividing the population of the state reported in the most recent federal decennial census by the number of districts to be established. No senate district may have a population that exceeds that of any other senate district by more than 10 percent and no assembly district may have a population that exceeds that of any other assembly district by more than 10 percent, unless necessary to maintain compliance with Section 2 of the Voting Rights Act.

(3) Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in sub. (2), while maintaining compliance with Section 2 of the Voting Rights Act. No congressional district may have a population which varies by more than 1 percent from the applicable ideal district population, unless necessary to comply with Section 2 of the Voting Rights Act.

(4) District boundaries shall coincide with ward boundaries and, to the extent consistent with sub. (1), shall coincide with the boundaries of political subdivisions. The number of political subdivisions divided among more than one district shall be as small as possible. When there is a choice among political subdivisions to divide, the more populous political subdivisions shall be divided before the less populous, except that this requirement does not apply to a legislative district boundary drawn along a county boundary which passes through a city with territory in more than one county.

(5) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(6) Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.

(7) (a) In this subsection:

1. "Geographic unit center" means that point within a population data unit approximately equidistant from the northern and southern extremities and also approximately equidistant from the eastern and western extremities of the population data unit. This point shall be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the federal government or another source that the legislative reference bureau determines is qualified and objective and is obtained for use in this state with prior approval of the joint committee on legislative organization.

2. "Population data unit" means a ward, census enumeration district, block, or other unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from certified federal census data.

3. "X-coordinate" means the relative location of a point along the east–west axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subd. 1., the x-coordinate shall be measured along a line drawn due east from a due north and south line running through the point which is the western extremity of this state, to the point to be located.

4. "Y-coordinate" means the relative location of a point along the north–south axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subd. 1., the y-coordinate shall be measured along a line drawn due south from a due east and west line running through the point which is the northern extremity of this state, to the point to be located.

(b) To the extent consistent with subs. (1) to (3), districts shall be compact in form. Compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries. When it is necessary to compare the relative compactness of 2 or more districts, or of 2 or more alternative redistricting plans, the tests prescribed by pars. (c) and (d) shall be used. Should the results of these 2 tests be contradictory, the standard under par. (c) shall be given greater weight than the standard under par. (d).

(c) 1. The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

2. In measuring the compactness of a district by means of electronic data processing, the difference between the x-coordinates of the easternmost and the westernmost geographic unit centers included in the district shall be compared to the difference between the y-coordinates of the northernmost and southernmost geographic unit centers included in the district.

3. To determine the length and width of a district by manual measurement, the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district shall each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this subdivision shall be drawn either due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this subdivision shall each be drawn as required by this subdivision, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

4. The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of 2 or more alternative redistricting plans for the state or for a portion

of the state. However, it is not valid to cumulate or compare absolute values computed using the measurements under subd. 2. with those computed using the measurements under subd. 3.

(d) 1. The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one to one.

2. The population dispersion about the population center of a district or about the geographic center of a district is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from the geographic unit center of that population data unit to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population–weighted average of the x-coordinates and y-coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

3. The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of 2 or more alternative redistricting plans for the state or for a portion of the state.

(8) In preparing any redistricting plan, the legislative reference bureau shall be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group or, except to the extent required under sub. (1), for the purpose of augmenting or diluting the voting strength of a language or racial minority group. Except as

provided in sub. (10), in establishing districts, no use shall be made of any of the following data:

(a) The residence addresses of incumbent legislators or members of Congress.

(b) Political affiliations of registered voters.

(c) Previous election results.

(d) Demographic information except as necessary to meet the requirements of subs. (1) and (10).

(9) The number of assembly districts in any redistricting plan may not be less than 54 nor more than 100. The number of senate districts in any redistricting plan may not be more than one–third nor less than one–fourth of the number of assembly districts. Each senate district shall contain only whole assembly districts. Except as otherwise provided in this subsection, to the extent possible, each congressional district shall contain only whole senate districts. The other standards specified in this section shall take precedence where a conflict arises between those standards and the requirement of including only whole senate districts within a congressional district.

(10) In preparing any redistricting plan, the legislative reference bureau shall test the efficiency gap and competitiveness of each district and make the test results available to the public, including publishing the results on its Internet site, no later than 72 hours prior to the first public hearing on the proposed plan. The legislative reference bureau may use the data described under sub. (8) (b) to (d) to perform the tests under this subsection.

4.008 Required provisions in redistricting bills. Each bill delivered under s. 4.006 shall provide all of the following:

(1) That, wherever territory is described in the bill by geographic boundaries, the following conventions are used:

(a) Each bound continues to the intersection with the bound next named, or to the intersection with a straight–line extension of such bound.

(b) If the bound is a street, it follows the center line of the street or the center line of the street extended.

(c) If the bound is a railroad right–of–way, it follows the center line of the railroad right–of–way.

(d) If the bound is a river or stream, it follows the center of the main channel of such river or stream.

(e) If the bound follows a municipal boundary, it coincides with such boundary.

(2) That the bill first applies, with respect to regular elections, to offices filled at the next occurring general election after the bill takes effect and, with respect to special or recall elections, to offices filled or contested on or after the date of that general election.

4.0085 Challenge based on population inequality; burden of proof. If an action is brought challenging a legislative redistricting plan under this subchapter on the basis of an excessive population variance among senate or assembly districts established in the plan, the legislature has the burden of justifying any variance in excess of 10 percent between the population of a senate or assembly district and the applicable ideal district population. If an action is brought challenging a congressional redistricting plan under this subchapter on the basis of an excessive population variance among congressional districts established in the plan, the legislature has the burden of justifying any variance in excess of 1 percent

between the population of a congressional district and the applicable ideal district population.

SECTION 5. 5.15 (4) (a) of the statutes is amended to read:

5.15 **(4)** (a) Except as provided in par. (c), the division ordinance or resolution shall number all wards in the municipality with unique whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. ~~4.003~~ 4.008 (1). The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries. If the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution shall designate the polling place for any ward that is created to effect the legislative act. Nothing in this paragraph shall be construed to compel a county or city to alter or redraw supervisory or aldermanic districts.

SECTION 6. 13.49 of the statutes is created to read:

13.49 Redistricting advisory commission. (1) DEFINITIONS. In this section:

(a) "Chief election officer" means the elections commission administrator.

(b) "Four selecting authorities" means all of the following:

1. The majority leader of the senate.

2. The minority leader of the senate.

3. The speaker of the assembly.

4. The minority leader of the assembly.

(c) "Partisan public office" means any of the following:

1. The office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator, or state representative to the assembly.

2. A county office that is filled by an election process involving nomination and election of candidates on a partisan basis.

(d) "Political party office" means an elective office in a political party, as defined in s. 11.0101 (26), or in a national political party.

(e) "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father–in–law, mother–in–law, son–in–law, daughter–in–law, brother–in–law, sister–in–law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2) GENERAL PROVISIONS. (a) Not later than February 15 of the first year following the decennial federal census, a temporary redistricting advisory commission is created consisting of 5 members. Each of the 4 selecting authorities shall certify to the chief election officer the selecting authority's appointment of a person to serve on the commission. Within 30 days after the last selecting authority has certified his or her appointment, but not later than February 15 of the first year following the decennial federal census, the 4 commission members so appointed shall

select, by a vote of at least 3 members, and certify to the chief election officer the 5th commission member, who shall serve as chairperson.

(b) No individual may be appointed to the redistricting advisory commission who satisfies any of the following:

1. The individual is not an eligible elector of this state at the time of the appointment.

2. The individual holds partisan public office or political party office.

3. The individual is a relative of or is employed by a member of the legislature or of Congress or is employed directly by the legislature or Congress.

(c) Members of the redistricting advisory commission appointed by a selecting authority shall be reimbursed from the appropriation account under s. 20.765 (1) (a) or (b), depending upon the house in which that member's appointing authority holds office, for actual and necessary expenses incurred in performance of duties as a commission member. The member who is not appointed by a selecting authority shall be reimbursed from the appropriation under s. 20.765 (1) (a) for actual and necessary expenses incurred in performance of duties as a commission member.

(d) A vacancy on the redistricting advisory commission shall be filled as provided in s. 17.20 (1) within 15 days after the vacancy occurs.

(e) Each redistricting advisory commission terminates upon complying with sub. (3).

(3) DUTIES. The redistricting advisory commission shall do all of the following:

(a) If requested to do so by the legislative reference bureau, provide direction to the legislative reference bureau concerning any decision the legislative reference bureau must make in preparing a redistricting plan under subch. I of ch. 4 for which no clearly applicable guideline is provided under s. 4.007.

(b) Oversee the work of legislative reference bureau employees engaged in preparing a redistricting plan under subch. I of ch. 4 and may enter into contracts for hiring experts to assist in the preparing of such plans. The commission may enter into a contract to retain experts for preparing a redistricting plan only with the approval of three–fourths of the members of the commission and may terminate a contract employee only with the approval of three–fourths of the members of the commission.

(c) Upon delivery by the legislative reference bureau of a bill embodying a redistricting plan as required under s. 4.006, make available to the public at the earliest feasible time all of the following information:

1. Copies of the bill.

2. Maps illustrating the plan.

3. A summary of the standards prescribed under s. 4.007 for development of the plan.

4. A statement of the population of each district included in the plan and the relative deviation of each district population from the ideal district population.

(d) Upon delivery by the legislative reference bureau of an initial bill embodying a redistricting plan as required under s. 4.006 (1), do all of the following:

1. As expeditiously as reasonably possible, schedule and conduct public hearings, in different geographic regions of the state, on the plan embodied in the bill. No more than one public hearing may be held in the city of Madison, and at least one public hearing shall be held in each congressional district of the state. The commission shall hold public hearings on weekends whenever it is practicable.

2. Following the hearings held under subd. 1., promptly prepare and submit to the legislature in the manner provided under s. 13.172 (2) a report summarizing

information and testimony received by the commission in the course of the hearings. The report may include any comments and conclusions that the commission's members deem appropriate concerning the information and testimony received at the hearings or otherwise presented to the commission. The report shall be treated in the same manner as a report submitted under s. 13.172 (2).

(4) CONFIDENTIALITY. (a) Except as provided in par. (b), the redistricting advisory commission may establish policies limiting the information that the legislative reference bureau may provide to persons outside of the bureau staff concerning any redistricting plan prepared under subch. I of ch. 4.

(b) Any policy established under par. (a) does not apply to a redistricting plan after a bill embodying that plan is delivered by the legislative reference bureau as required under s. 4.006 or to population data furnished to the legislative reference bureau by the U.S. bureau of the census. Notwithstanding s. 13.92 (1) (c), any draft maps, along with the data sets used to create them, that are produced by the legislative reference bureau in the course of its work in preparing a bill under s. 4.006 shall be open to public inspection and copying under s. 19.35 (1) and made available on the Internet site of the legislative reference bureau as soon as they are produced.

SECTION 7. 20.765 (3) (bd) of the statutes is created to read:

20.765 **(3)** (bd) *Legislative reference bureau; redistricting*. For the legislative reference bureau, biennially, the amounts in the schedule for redistricting operations under subch. I of ch. 4.

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

SECTION 9312. Initial applicability; Elections Commission.

(1) REDISTRICTING. The treatment of ss. 3.002 (intro.), (1m), and (2), 3.004 (2), subch. I of ch. 4, 5.15 (4) (a), 13.49, and 20.765 (3) (bd) first applies to redistricting plans based on the 2020 decennial federal census.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1866/P1
ARG:kjf

DOA:.....Mott, BB0304 - Environmental education grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Environmental education grants

This bill requires UW-Stevens Point to award grants, funded from the conservation fund, to nonprofit corporations and public agencies for the development, dissemination, and presentation of environmental education programs. To receive a grant, the grant recipient must match at least 25 percent of the amount of the grant, which matching may include in-kind contributions. No more than one-third of the total amount of grants awarded each year may be awarded to state agencies.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.285 (1) (rs) of the statutes is created to read:

20.285 **(1)** (rs) *Environmental education grants.* From the conservation fund, the amounts in the schedule for the University of Wisconsin-Stevens Point to award environmental education grants under s. 36.57.

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

SECTION 2. 36.57 of the statutes is created to read:

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

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

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

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

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

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

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

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

1. The state superintendent of public instruction.

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

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

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

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1869/P2
MDK:kjf

DOA:.....Mott, BB0300 - UW-Extension cooperative county agriculture representation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. UW-Extension county-based agriculture positions

This bill requires the Board of Regents of the UW System to allocate $1,500,000 in fiscal year 2019-20 and $2,000,000 in each fiscal year thereafter for UW-Extension county-based agriculture positions.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 36.115 (9) of the statutes is created to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1870/P3
MDK:cdc

DOA:.....Mott, BB0299 – Student success and attainment

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Student success and attainment

The bill requires the Board of Regents of the UW System to allocate $20,000,000 of its general program operations appropriation in fiscal year 2019–20 and $25,000,000 of that appropriation in fiscal year 2020–21 to advance student success and attainment.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) STUDENT SUCCESS AND ATTAINMENT. From the appropriation under s. 20.285 (1) (a), the Board of Regents of the University of Wisconsin System shall allocate

$20,000,000 in fiscal year 2019-20 and $25,000,000 in fiscal year 2020-21 to advance student success and attainment.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1871/P1
MDK:amn

DOA:.....Mott, BB0297 – Talent incentive grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

The bill allows HEAB to award supplemental grants in a fiscal biennium to students to whom HEAB has awarded talent incentive grants in that biennium. Under current law, HEAB awards talent incentive grants to uniquely needy students enrolled at public and private nonprofit institutions of higher education in this state. Current law limits the amount of a talent incentive grant to $1,800 for an academic year. The bill allows HEAB to award the supplemental grants from funding that is available after HEAB makes all of the talent incentive grants in a fiscal biennium. Supplemental grants are not subject to the $1,800 limit.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 39.435 (2) of the statutes is renumbered 39.435 (2) (a) and amended

3 to read:

39.435 **(2)** (a) The board shall award talent incentive grants to uniquely needy students enrolled at least half–time as first–time freshmen at public and private nonprofit institutions of higher education located in this state and to sophomores, juniors, and seniors who received such grants as freshmen. No grant under this ~~subsection~~ paragraph may exceed $1,800 for any academic year. The board may award a grant under this ~~subsection~~ paragraph to the same student for up to 10 semesters or their equivalent, but may not award such a grant to the same student more than 6 years after the initial grant is awarded to that student. A student need not maintain continuous enrollment at an institution of higher education to remain eligible for a grant under this ~~subsection~~ paragraph. The board shall promulgate rules establishing eligibility criteria for grants under this ~~subsection~~ paragraph.

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

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1885/P3
TJD:amn&wlj

DOA:.....Ames, BB0308 – Medicaid community health benefit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Services that contribute to determinants of health

This bill includes services, as determined by DHS, that contribute to the determinants of health as a benefit under the Medical Assistance program. DHS is required to seek any necessary state plan amendment or request any waiver of federal Medicaid law to provide the benefit but is not required to provided the services as a Medical Assistance benefit if the federal Department of Health and Human Services does not provide federal financial participation for the services.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.46 (2) (b) 21. of the statutes is created to read:

3 49.46 **(2)** (b) 21. Subject to par. (bv), nonmedical services that contribute to the

4 determinants of health.

1 **SECTION 2.** 49.46 (2) (bv) of the statutes is created to read:

2 49.46 **(2)** (bv) The department shall determine those services under par. (b) 21.
3 that contribute to the determinants of health. The department shall seek any
4 necessary state plan amendment or request any waiver of federal Medicaid law to
5 implement this paragraph. The department is not required to provided the services
6 under this paragraph as a benefit under the Medical Assistance program if the
7 federal department of health and human services does not provide federal financial
8 participation for the services under this paragraph.

****NOTE: This is reconciled s. 49.46 (2) (bv). This section has been affected by drafts with the following LRB numbers: –1885/P2, –1566/P1, and –1569/P1.

9 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1887/P4
EKL:amn&wlj

DOA:.....Gilchrist, BB0307 - Require e-commerce marketplace providers to collect and remit tax from third parties

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Collection of sales tax by marketplace providers

This bill requires that marketplace providers collect and remit sales and use tax on sales facilitated on behalf of marketplace sellers. For purposes of the bill, a "marketplace provider" is a person who contracts with a seller to facilitate the sale of the seller's products through a physical or electronic marketplace operated by the person and who engages in certain activities with respect to the seller's products, such as providing services for payment processing, order taking, or fulfillment and storage. Additionally, the person must engage, directly or through an affiliated person, in activities related to the marketplace's operation, such as transmitting the offer or acceptance between the marketplace seller and a buyer, providing a virtual currency used to purchase products from the marketplace seller, or developing software for the marketplace. The bill defines "marketplace seller" to mean a seller who sells products through a physical or electronic marketplace operated by a marketplace provider, regardless of whether the seller is required to be registered with DOR.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 66.0615 (1m) (f) 2. of the statutes is amended to read:

66.0615 **(1m)** (f) 2. Sections 77.51 (12m), (13), (14), (14g), (15a), ~~and~~ (15b), and (17), 77.52 (3), (3m), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

SECTION 2. 66.0615 (1m) (g) of the statutes is created to read:

66.0615 **(1m)** (g) Sections 77.52 (3m) and 77.523, as they apply to the taxes under subch. III of ch. 77, shall apply to the tax imposed under par. (a) by a municipality.

SECTION 3. 77.51 (7i) of the statutes is created to read:

77.51 **(7i)** (a) "Marketplace provider" means a person who contracts with a seller to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller's products through a physical or electronic marketplace operated by the person and who meets all of the following conditions:

1. The person engages, directly or through one or more affiliated persons, in any of the following activities:

a. Transmitting or communicating the offer or acceptance between the seller and a buyer.

b. Owning or operating the technology or the electronic or physical infrastructure that brings together the seller and a buyer.

c. Providing a virtual currency that a buyer is allowed or required to use to purchase a product from the seller.

d. Developing software or conducting research and development for an activity described in par. (b) that is directly related to a physical or electronic marketplace operated by the person or an affiliated person.

2. The person engages in any of the following activities with respect to the seller's products:

a. Providing payment processing services.

b. Providing fulfillment or storage services.

c. Listing products for sale.

d. Setting prices.

e. Branding sales as those of the marketplace provider.

f. Taking orders.

g. Advertising or promotion.

h. Accepting or assisting with returns or exchanges or providing other types of customer service.

(b) For purposes of this subsection, "affiliated person" means a person who, with respect to another person, meets any of the following conditions:

1. The person has an ownership interest of more than 5 percent, whether direct or indirect, in the other person.

2. The person is related to the other person because a 3rd person, or group of 3rd persons who are affiliated persons with respect to each other, holds an ownership interest of more than 5 percent, whether direct or indirect, in the related person.

SECTION 4. 77.51 (7j) of the statutes is created to read:

77.51 **(7j)** "Marketplace seller" means a seller who sells products through a physical or electronic marketplace operated by a marketplace provider, regardless of whether the seller is required to be registered with the department.

SECTION 5. 77.51 (11d) of the statutes is amended to read:

77.51 **(11d)** For purposes of subs. (1ag), (1f), (3pf), (7i), (7j), and (9p) and ss. 77.52 (20) and (21), 77.522, 77.54 (9g), (51), (52), and (60), and 77.59 (5r), "product" includes tangible personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d), and services.

SECTION 6. 77.51 (13) (intro.) of the statutes is amended to read:

77.51 **(13)** (intro.) ~~Except as provided in sub. (13b), "retailer"~~ "Retailer" includes:

SECTION 7. 77.51 (13) (a) of the statutes is amended to read:

77.51 **(13)** (a) Every seller who makes any sale on the seller's own behalf or on behalf of another person, regardless of whether the sale is mercantile in nature, of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or a service specified under s. 77.52 (2) (a).

SECTION 8. 77.51 (13) (c) of the statutes is amended to read:

77.51 **(13)** (c) When the department determines that it is necessary for the efficient administration of this subchapter to regard any salespersons, representatives, peddlers, marketplace providers, or canvassers as the agents of the dealers, distributors, marketplace sellers, supervisors, or employers under whom they operate or from whom they obtain the tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) sold by them, irrespective of whether they are making the sales on their own behalf or on behalf of such dealers, distributors, marketplace sellers, supervisors, or employers, the department may so

regard them and may regard the dealers, distributors, marketplace sellers, supervisors, or employers as retailers for purposes of this subchapter.

SECTION 9. 77.51 (13) (p) 7. of the statutes is created to read:

77.51 **(13)** (p) 7. Whether the seller sells on the seller's own behalf or on behalf of another person.

SECTION 10. 77.51 (13) (q) of the statutes is created to read:

77.51 **(13)** (q) A marketplace provider who facilitates, on behalf of a marketplace seller, sales that are sourced to this state as provided under s. 77.522 of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services.

SECTION 11. 77.51 (13b) of the statutes is repealed.

SECTION 12. 77.51 (14) (n) 7. of the statutes is created to read:

77.51 **(14)** (n) 7. Whether the seller sells on the seller's own behalf or on behalf of another person.

SECTION 13. 77.51 (17) (g) of the statutes is created to read:

77.51 **(17)** (g) Whether the seller sells on the seller's own behalf or on behalf of another person.

SECTION 14. 77.52 (3m) of the statutes is created to read:

77.52 **(3m)** A marketplace provider is liable for the tax imposed under this section on the sales price the marketplace provider charges to the purchaser of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services under sub. (2), including any charges for facilitating the sale of the property, items, goods, or services.

SECTION 15. 77.52 (14) (c) of the statutes is created to read:

77.52 **(14)** (c) A marketplace provider shall obtain and maintain each exemption certificate from a purchaser claiming an exemption for a sale facilitated by the marketplace provider on behalf of a marketplace seller.

SECTION 16. 77.523 of the statutes is created to read:

77.523 Liability of marketplace providers and sellers. (1) A marketplace provider shall collect and remit tax on a sale facilitated on behalf of a marketplace seller.

(2) A marketplace provider who collects and remits tax on a sale under sub. (1) shall notify the marketplace seller that the marketplace provider is collecting and remitting the tax. Upon notification, only the marketplace provider may be audited and held liable for tax on the sale. If notification is not provided, the marketplace provider and marketplace seller may be audited and held liable for tax on the sale.

(3) Upon examination by the department and subject to the limitations in subs. (4) to (6), a marketplace provider is relieved of liability under this subchapter for the failure to collect and remit tax on a sale if the marketplace provider can show all of the following to the department's satisfaction:

(a) The sale was made solely on behalf of a marketplace seller.

(b) The marketplace provider notified the marketplace seller under sub. (2).

(c) The retail sale was properly sourced to this state under s. 77.522.

(4) The relief from liability under sub. (3) may not exceed 5 percent of the tax due for the sale.

(5) Subsection (3) does not apply if the failure to collect and remit tax was due to an error in sourcing the sale under s. 77.522.

(6) Subsection (3) does not apply to a sale occurring after December 31, 2020.

(7) Nothing in this section affects the obligations of a purchaser to remit use tax on a transaction for which the marketplace provider and marketplace seller did not collect and remit the tax.

SECTION 17. 77.585 (1g) of the statutes is created to read:

77.585 **(1g)** A marketplace provider who collects and remits tax on behalf of a marketplace seller under s. 77.523 may claim a bad debt deduction under this subsection if either the marketplace provider or marketplace seller may claim a deduction under section 166 of the Internal Revenue Code for the sales transaction. A marketplace seller may not claim a deduction under this subsection for the same transaction.

SECTION 18. 77.585 (11) of the statutes is created to read:

77.585 **(11)** A marketplace seller may claim as a deduction on a return under s. 77.58 the amount of the sales price for which the marketplace seller received notification under s. 77.523 (2).

SECTION 19. 77.982 (2) of the statutes is amended to read:

77.982 **(2)** Sections 77.51 (1f), (3pf), (9p), (12m), (13), (14), (14g), (15a), ~~and~~ (15b), and (17), 77.52 (1b), (3), (5), (13), (14), and (18) to (23), 77.522, 77.523, 77.54 (51) and (52), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes under subch. V, applies to the tax under this subchapter.

SECTION 20. 77.991 (2) of the statutes is amended to read:

77.991 **(2)** Sections 77.51 (12m), (13), (14), (14g), (15a), ~~and~~ (15b), and (17), 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m), and

77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter. Section 77.73, as it applies to the taxes under subch. V, applies to the tax under this subchapter. The renter shall collect the tax under this subchapter from the person to whom the passenger car is rented.

SECTION 21. 77.9951 (2) of the statutes is amended to read:

77.9951 **(2)** Sections 77.51 (3r), (12m), (13), (14), (14g), (15a), ~~and~~ (15b), and (17), 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

SECTION 9437. Effective dates; Revenue.

(1) SALES TAX COLLECTION BY MARKETPLACE PROVIDERS. The treatment of ss. 66.0615 (1m) (f) 2. and (g), 77.51 (7i), (7j), (11d), (13) (intro.), (a), (c), (p) 7., and (q), (13b), (14) (n) 7., and (17) (g), 77.52 (3m) and (14) (c), 77.523, 77.585 (1g) and (11), 77.982 (2), 77.991 (2), and 77.9951 (2) takes effect on the first day of the calendar quarter that is at least 3 months after publication or, for a marketplace provider, the day on which the marketplace provider is notified by the department of revenue under s. 77.51 (13) (c), 2017 stats., to collect tax on sales made on behalf of 3rd–party sellers, whichever is earlier.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1898/P4
MES:wlj&cdc

DOA:.....Quinn, BB0309 - Tax-advantaged first-time home buyer accounts

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Tax-advantaged first-time home buyer accounts

This bill creates a tax-advantaged first-time home buyers savings account. Under the bill, an individual may create the account and must designate a beneficiary of the account, which may be the account holder. The beneficiary must be an individual who is a first-time home buyer, which is defined as someone who resides in this state and has not owned or purchased a single-family residence during the 36 months before the month in which the individual purchases the residence in this state. An account holder may withdraw funds from the account to pay the down payment and eligible closing costs for the purchase of a single-family residence in this state by the beneficiary or to reimburse the beneficiary for eligible costs. The account holder may not use funds from the account to pay any expenses he or she incurs in administering the account, although the financial institution may deduct a service fee from the account.

Beginning in taxable year 2020, annually, an account holder may subtract from his or her federal adjusted gross income (FAGI) up to $5,000, or $10,000 if the account holder files a joint income tax return, of the amount he or she contributes to an account, as well as any gain that is redeposited into the account. An account holder

may not claim a subtraction for more than a total of $50,000 of deposits into an account for each beneficiary.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 71.05 (6) (a) 29. of the statutes is created to read:

2 71.05 **(6)** (a) 29. For an account holder or an account holder's estate, with regard
3 to an account described under s. 71.10 (10):

4 a. Any amount that is distributed to an account holder under s. 71.10 (10) (d)
5 3. or to an account holder's estate under s. 71.10 (10) (d) 4.

6 b. Any amount that is withdrawn from the account for any reason other than
7 payment or reimbursement of eligible costs as defined under s. 71.10 (10) (a) 3.,
8 except that this subd. 29. b. does not apply to the transfer of funds to another account
9 as described under s. 71.10 (10) (c) 4. or funds that are disbursed pursuant to a filing
10 for bankruptcy protection under 11 USC 101 et seq.

11 **SECTION 2.** 71.05 (6) (b) 54. of the statutes is created to read:

12 71.05 **(6)** (b) 54. For each account an account holder creates under s. 71.10 (10),
13 and subject to s. 71.10 (10) (d), an account holder may subtract an amount of up to
14 $5,000, or an amount of up to $10,000 if the account holder files a joint income tax
15 return, for each such account that the account holder deposits into such an account
16 in the taxable year to which the subtraction relates, and any interest, dividends, or
17 other gain that accrues in the account if the interest, dividends, or other gain is
18 redeposited into the account.

SECTION 3. 71.10 (4) (k) of the statutes is created to read:

71.10 **(4)** (k) Any amount computed under s. 71.83 (1) (ch).

SECTION 4. 71.10 (10) of the statutes is created to read:

71.10 **(10)** FIRST-TIME HOME BUYERS SAVINGS ACCOUNTS. (a) *Definitions*. In this subsection:

1. "Account holder" means an individual who creates, individually or jointly with his or her spouse, an account under this subsection.

2. "Allowable closing costs" means disbursements listed in a settlement statement for the purchase of a single-family residence by an account holder.

3. "Beneficiary" means a first-time home buyer who is designated by an account holder as the beneficiary of an account under this subsection.

4. "Eligible costs" means the down payment and allowable closing costs for the purchase of a single-family residence in this state by a beneficiary.

5. "Financial institution" means any bank, trust company, savings institution, savings bank, savings and loan association, industrial loan association, consumer finance company, credit union, or any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this state.

6. "First-time home buyer" means an individual who resides in this state and has not owned or purchased, either individually or jointly, a single-family residence during the 36 months before the month in which the individual purchases a single-family residence in this state.

7. "Single-family residence" means a residence intended for occupation by a single family unit that is owned and occupied by a beneficiary as his or her principal

residence, including a manufactured home, residential trailer, mobile home, condominium unit, or cooperative.

(b) *Creation of account*. 1. An individual may become an account holder by creating an account at a financial institution to pay or reimburse the eligible costs of a first–time home buyer.

2. The account holder shall designate a beneficiary when the account is created. The account holder may designate himself or herself as the beneficiary. An account holder may change the beneficiary at any time. No account created under this subsection may have more than one beneficiary at any one time.

3. An individual may jointly own an account created under this subsection with his or her spouse.

4. An individual may be the account holder of more than one account created under this subsection, but an account holder may not have more than one account that designates the same beneficiary.

5. An individual may be the beneficiary of more than one account created under this subsection.

6. Only cash and marketable securities may be contributed to an account under this subsection.

7. Persons other than an account holder may contribute to an account created under this subsection, but the subtraction under s. 71.05 (6) (b) 54. may be claimed only by an account holder.

(c) *Account holder rights and responsibilities*. 1. An account holder may withdraw funds from an account created under this subsection to pay eligible costs for the benefit of the beneficiary or to reimburse the beneficiary for eligible costs the beneficiary incurs and has paid.

2. An account holder may not use funds in an account created under this subsection to pay any expenses he or she incurs in administering the account, although a financial institution may deduct a service fee from the account.

3. Annually, an account holder shall submit to the department of revenue with his or her income tax return, on forms prepared by the department, detailed information regarding the account. The information submitted shall include all of the following:

a. A list of transactions in the account during the taxable year to which the account holder's return relates, including the beginning and ending balance of the account.

b. The 1099 form issued by the financial institution that relates to the account.

c. A list of eligible costs, and other costs, for which funds from the account were withdrawn during the taxable year to which the account holder's return relates.

4. An account holder may withdraw funds from the account with no penalty due under s. 71.83 (1) (ch) and no responsibility to make an addition under s. 71.05 (6) (a) 29., if he or she immediately transfers the funds to a different financial institution and deposits the funds into an account created under this subsection at that financial institution.

(d) *Limitations on accounts, dissolution.* 1. An account holder may not claim a subtraction under s. 71.05 (6) (b) 54. for more than a total of $50,000 of deposits into an account for each beneficiary.

2. An account holder shall dissolve an account created under this subsection not later than 120 months after it is created by the account holder.

3. If funds remain in an account when it must be dissolved under subd. 2., the financial institution shall distribute the proceeds in the account to the account holder.

4. If an account holder dies while funds remain in the account, the proceeds shall be distributed to the account holder's estate.

(e) *Department responsibilities.* The department shall:

1. Prepare and distribute any forms that an account holder is required to submit under this subsection, and any other forms that the department believes are necessary to enable it to administer this subsection and the adjustments to income under s. 71.05 (6) (a) 29. and (b) 54.

2. Prepare and distribute to financial institutions and potential home buyers informational materials about the accounts described in this subsection.

SECTION 5. 71.83 (1) (ch) of the statutes is created to read:

71.83 **(1)** (ch) *First-time home buyers savings account withdrawals.* If an account holder, as defined under s. 71.10 (10) (a) 1., or an account holder's estate is required to add any amount to federal adjusted gross income under s. 71.05 (6) (a) 29., the account holder or the account holder's estate shall also pay an amount equal to 10 percent of the amount that was added to income under s. 71.05 (6) (a) 29. The department of revenue shall assess, levy, and collect the penalty under this paragraph as it assesses, levies, and collects taxes under this chapter.

SECTION 9337. Initial applicability; Revenue.

(1) The treatment of ss. 71.05 (6) (a) 29. and (b) 54. and 55., 71.10 (4) (k) and (10), and 71.83 (1) (ch) first applies to taxable years beginning on January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1899/P4
SWB:cjs&amn

DOA:.....Ames, BB0311 - Disproportionate Share Hospital Payment Increases

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Disproportionate share hospital payments

This bill increases the amount that DHS is required to pay to hospitals that serve a disproportionate share of low-income patients and meet certain other criteria, including that 1) the hospital is located in this state; 2) the hospital provides a wide array of services, including services provided through an emergency department; 3) the inpatient days for Medical Assistance recipients at the hospital were at least 6 percent of the total inpatient days at that hospital during the most recent year for which such information is available; and 4) the hospital meets applicable, minimum requirements to be a disproportionate share hospital under federal law.

The bill also increases the maximum amount that DHS may pay a single such hospital in a fiscal year, provided there is no conflict with federal rules, from $4,600,000 to $9,200,000, except that a hospital located in Wisconsin that is a free-standing pediatric teaching hospital that has a Medicaid inpatient utilization rate greater than 50 percent may receive up to $12,000,000 each fiscal year.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (3m) (a) (intro.) of the statutes is amended to read:

49.45 **(3m)** (a) (intro.) Subject to par. (c) and notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (4) (b) and (o), in each fiscal year, the department shall pay to hospitals that serve a disproportionate share of low–income patients an amount equal to the sum of ~~$27,500,000~~ $56,500,000, as the state share of payments, and the matching federal share of payments. The department may make a payment to a hospital under this subsection under the calculation method described in par. (b) if the hospital meets all of the following criteria:

SECTION 2. 49.45 (3m) (b) 3. a. of the statutes is amended to read:

49.45 **(3m)** (b) 3. a. No single hospital receives more than ~~$4,600,000~~ $9,200,000, except that a hospital that is a free–standing pediatric teaching hospital located in Wisconsin that has a percentage calculated under subd. 1. a. greater than 50 percent may receive up to $12,000,000 each fiscal year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1909/P3
EHS:cdc

DOA:.....Bork, BB0305 – Distribution of children and family aids to counties

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. Children and family services

Under current law, DCF must distribute not more than $74,308,000 in each fiscal year to counties for children and family services. This bill increases the maximum amount DCF must distribute to counties for these services to $78,708,100 in fiscal year 2019–20 and $90,478,400 in fiscal year 2020–21.

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

SECTION 1. 48.563 (2) of the statutes is amended to read:

48.563 **(2)** COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department shall distribute not more than ~~$70,211,100~~ $78,708,100 in

fiscal year ~~2017–18~~ 2019–20 and ~~$74,308,000~~ $90,478,400 in fiscal year ~~2018–19~~ 2020–21.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1910/P2
JK:amn

DOA:.....Bork, BB0312 – Automatic voter registration

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

1. Automatic voter registration

This bill requires the Elections Commission to facilitate the registration of all eligible electors of this state and to maintain the registration of all eligible electors for so long as they remain eligible. The bill directs the commission and DOT to enter into an agreement so that DOT may transfer information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission. Once the commission obtains all the information required under current law to complete an elector's registration, the commission adds the elector's name to the statewide registration list.

The bill also directs the Elections Commission to report to the appropriate standing committees of the legislature, no later than July 1, 2020, concerning its progress in implementing the registration system created by the bill. The report must contain an assessment of the feasibility of integrating registration information with information maintained by other agencies.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 5.056 of the statutes is amended to read:

5.056 Matching program with secretary of transportation. The commission administrator shall enter into the agreement with the secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in ~~s.~~ ss. 6.256 (2) and 6.34 (2m) with personally identifiable information maintained by the department of transportation. Subject to s. 343.14 (2p) (b), the agreement shall provide for the electronic transfer of information under s. 6.256 (2) to the commission on a continuous basis, no less often than monthly.

SECTION 2. 6.256 of the statutes is created to read:

6.256 Commission shall facilitate registration of electors. (1) Except as provided for electors specified in sub. (7) and as otherwise expressly provided, the commission shall use all feasible means to facilitate the registration of all eligible electors of this state who are subject to a registration requirement and the maintenance of the registration of all eligible electors for so long as they remain eligible.

(2) Subject to s. 343.14 (2p) (b), for the purpose of carrying out its functions under sub. (1), the commission shall obtain the following information from the department of transportation, to the extent that the department has the information:

(a) The full name of each individual who holds a current operator's license issued to the individual under ch. 343 or a current identification card issued to the individual under s. 343.50, together with the following information pertaining to that individual:

1. The current address of the individual together with any address history and any name history maintained by the department of transportation.

2. The date of birth of the individual.

3. The number of the license or identification card issued to the individual.

4. A copy of the document that the applicant provided as proof of citizenship and a statement from the department of transportation indicating that the department verified the applicant's citizenship. For purposes of this subdivision, the applicant shall provide a document that meets the requirements under 42 USC 1320b-7 (d).

(b) For each item of information specified in this subsection, the most recent date that the item of information was provided or obtained by the department of transportation.

(3) The commission shall compare the information obtained under sub. (2) with the information in the registration list under s. 6.36 (1) (a). If the commission finds discrepancies between the information obtained under sub. (2) regarding an elector and the information in the registration list under s. 6.36 (1) (a) regarding that same elector, the commission shall contact the elector by mail or telephone or in person to resolve the discrepancies. If the commission is able to resolve the discrepancies after contacting the elector, the commission shall update the information on the registration list. If the commission is unable to contact the elector, the commission shall resolve any discrepancies in favor of the information in the registration list.

(4) Except as provided in this subsection and sub. (7), if the commission concludes that an individual appears eligible to vote in this state but is not registered, and the commission has obtained from reliable sources all the information required under s. 6.33 (1) to complete the individual's registration, the commission shall enter the individual's name on the registration list. If the commission has not obtained from reliable sources all the information pertaining to an individual that is required under s. 6.33 (1), the commission shall attempt to obtain from reliable sources the necessary information under s. 6.33 (1) that is required to complete the individual's registration. If a municipality has changed the status of an elector from eligible to ineligible under s. 6.50 (1) and the elector's eligibility, name, or residence has not changed, the commission may not change the individual's name to eligible status unless the commission first verifies that the individual is eligible and wishes to change his or her status to eligible.

(5) The commission shall attempt to contact individuals described in sub. (4) if necessary to obtain all the information specified in s. 6.33 (1) pertaining to the individual that is required to complete the individual's registration.

(6) If the commission is able to obtain all the required information specified in s. 6.33 (1) pertaining to an individual, the commission shall enter the name of the individual on the registration list maintained under s. 6.36 (1) (a).

(7) Any individual may file a request with the commission to exclude his or her name from the registration list. Any individual whose name is added to the registration list by the commission may file a request with the commission or a municipal clerk to have his or her name deleted from the list. A request for exclusion or deletion shall be filed in the manner prescribed by the commission. An individual who files an exclusion or deletion request under this subsection may revoke his or

her request by the same means that an individual may request an exclusion or deletion. The commission shall ensure that the name of any individual who has filed an exclusion or deletion request under this subsection is excluded from the registration list or if the individual's name appears on the list, is removed from the registration list and is not added to the list at any subsequent time unless the individual files a revocation of his or her request under this subsection.

(8) If the commission removes from the registration list the name of an elector who does not request that his or her name be deleted, other than to correct an entry that the commission positively determines to be a duplication or to change the name of an individual who is verified to be deceased to ineligible status, the commission shall mail the individual a notice of the removal or change in status by 1st class postcard at the individual's last-known address. The notice shall provide that the individual may apply to have his or her status changed to eligible if he or she is a qualified elector.

(9) The commission shall attempt to facilitate the initial registration of all eligible electors, except as otherwise provided in this section, as soon as practicable.

(10) The commission shall maintain the confidentiality of all information obtained from the department of transportation under sub. (2) and may use this information only for the purpose of carrying out its functions under sub. (1) and s. 6.34 (2m) and in accordance with the agreement under s. 85.61 (1).

SECTION 3. 6.29 (2) (e) of the statutes is created to read:

6.29 **(2)** (e) The municipal clerk or clerk's agent shall promptly add the names of qualified electors who register and vote under this section to the registration list. The clerk or clerk's agent shall add the names of qualified electors who vote at their polling places in the manner prescribed in s. 6.33 (5) (a).

SECTION 4. 6.33 (2) (a) of the statutes is amended to read:

6.33 **(2)** (a) All information may be recorded by any person, except that the clerk shall record the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail, and the type of identifying document submitted by the elector as proof of residence under s. 6.34 or the indication of verification of information in lieu of proof of residence under s. 6.34 (2m). Except as provided in s. 6.30 (5), each elector shall sign his or her own name unless the elector is unable to sign his or her name due to physical disability. In such case, the elector may authorize another elector to sign the form on his or her behalf. If the elector so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

SECTION 5. 6.35 (3) of the statutes is amended to read:

6.35 **(3)** ~~Original~~ Except for electronic registrations, original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times. The commission shall maintain electronic registration forms and make such forms available for inspection by the municipal clerk, the clerk's designated agent, or the board of election commissioners.

SECTION 6. 6.86 (3) (c) of the statutes is amended to read:

6.86 **(3)** (c) An application under par. (a) 1. may be made and a registration form under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day of the election. A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used to check that the electors vote only once, and by absentee ballot. ~~If~~ Except as provided in s. 6.34 (2m), if the elector is registering for

the election after the close of registration or if the elector registered by mail or by electronic application and has not voted in an election in this state, the municipal clerk shall inform the agent that proof of residence under s. 6.34 is required and the elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot. The clerk shall verify that the name on any required proof of identification presented by the agent conforms to the name on the elector's application. The clerk shall then enter his or her initials on the carrier envelope indicating that the agent presented proof of identification to the clerk. The agent is not required to enter a signature on the registration list. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery to the polling place serving the hospitalized elector's residence before the closing hour or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

SECTION 7. 85.61 (1) of the statutes is amended to read:

85.61 **(1)** The secretary of transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in ~~s.~~ ss. 6.256 (2) and 6.34 (2m) with personally identifiable information in the operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration. Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s. 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information

under s. 6.256 (2) to the commission on a continuous basis, no less often than monthly.

SECTION 8. 343.14 (2p) of the statutes is created to read:

343.14 **(2p)** (a) The forms for application for a license or identification card or for renewal thereof shall inform the applicant of the department's duty to make available to the elections commission the information described in s. 6.256 (2) for the purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an opportunity to elect not to have this information made available for these purposes.

(b) If the applicant elects not to have the information described in s. 6.256 (2) made available for the purposes specified in s. 6.256 (1) and (3), the department shall not make this information available for these purposes. This paragraph does not preclude the department from making available to the elections commission information for the purposes specified in s. 6.34 (2m) or for any purpose other than those specified in s. 6.256 (1) and (3).

SECTION 9112. Nonstatutory provisions; Elections Commission.

(1) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July 1, 2020, the elections commission shall report to the appropriate standing committees of the legislature, in the manner specified in s. 13.172 (3), concerning its progress in initially implementing a system to ensure the complete and continuous registration of all eligible electors in this state, specifically including the operability and utility of information integration with the department of transportation and the feasibility and desirability of integrating public information maintained by other state agencies and by technical colleges with the commission's registration information to enhance the completeness and accuracy of the information. At a minimum, the report shall contain an assessment of the feasibility and desirability

of the integration of registration information with information maintained by the departments of health services, children and families, workforce development, revenue, safety and professional services, and natural resources; the University of Wisconsin System; and the technical college system board, as well as the technical colleges within each technical college district.

SECTION 9144. Nonstatutory provisions; Transportation.

(1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall enter into and begin transferring information under a revised agreement with the elections commission administrator pursuant to s. 85.61 (1), no later than the first day of the 4th month beginning after the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1915/P2
TJD:amn

DOA:.....Ames, BB0310 – Hospital access payments

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Hospital assessment

Currently, each hospital, including each critical access hospital, must pay an assessment for the privilege of doing business in Wisconsin. The percentage of gross patient revenues that each hospital must pay is adjusted so that the total amount of assessments collected for all hospitals that are not critical access hospitals totals $414,507,300 in each state fiscal year. The same percentage of gross patient revenues is also assessed on critical access hospitals, though the amount is collected separately from and deposited into a separate fund from that of other hospitals. Current law requires DHS to use a portion of this total to pay for services provided by hospitals under the Medical Assistance program, including the federal and state share of Medical Assistance, in a total amount that equals the amount collected from hospitals divided by 61.68 percent. Similarly, current law requires DHS to use a portion of the amount collected from critical access hospitals to make payments to critical access hospitals for Medical Assistance services in a total amount that equals the amount collected from critical access hospitals divided by 61.68 percent. This bill decreases the 61.68 percent to 53.69 percent, thus increasing the amount of payments that must be made to critical access hospitals and other hospitals under the Medical Assistance program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (3) (e) 11. of the statutes is amended to read:

49.45 **(3)** (e) 11. The department shall use a portion of the moneys collected under s. 50.38 (2) (a) to pay for services provided by eligible hospitals, as defined in s. 50.38 (1), other than critical access hospitals, under the Medical Assistance Program under this subchapter, including services reimbursed on a fee–for–service basis and services provided under a managed care system. For state fiscal year 2008–09, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) (a) for fiscal year 2008–09 divided by 57.75 percent. For each state fiscal year after state fiscal year 2008–09, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) (a) for the fiscal year divided by ~~61.68~~ 53.69 percent.

SECTION 2. 49.45 (3) (e) 12. of the statutes is amended to read:

49.45 **(3)** (e) 12. The department shall use a portion of the moneys collected under s. 50.38 (2) (b) to pay for services provided by critical access hospitals under the Medical Assistance Program under this subchapter, including services reimbursed on a fee–for–service basis and services provided under a managed care system. For each state fiscal year, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the

amount collected under s. 50.38 (2) (b) for the fiscal year divided by ~~61.68~~ 53.69 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1918/P1
MDK:amn

DOA:.....Mott, BB0302 – Fellowship and loan forgiveness program for nurse educators

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Nurse educators

The bill requires the Board of Regents of the UW System to establish a program that provides 1) fellowships to students who enroll in certain advanced nursing degree programs; 2) postdoctoral fellowships to recruit faculty for UW System nursing programs; and 3) educational loan repayment assistance to recruit and retain faculty for UW System nursing programs. In addition, the program must require individuals who receive fellowships or educational assistance to make a three–year commitment to teaching in a UW System nursing program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.285 (1) (f) of the statutes is created to read:

20.285 **(1)** (f) *Nurse educators*. As a continuing appropriation, the amounts in the schedule to fund the costs of the program established under s. 36.615 (1).

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

SECTION 2. 36.615 of the statutes is created to read:

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

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

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

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

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

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1919/P2
MCP:cdc

DOA:.....Potts, BB0314 – Well Compensation Grant

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Well compensation grant program

This bill makes changes to the well compensation grant program currently administered by DNR.

Under current law, an individual owner or renter of a contaminated private well may apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. To be eligible for a grant the well owner's or renter's annual family income may not exceed $65,000. A grant awarded under the program may not cover any portion of a project's eligible costs in excess of $16,000 and, of those costs, may not exceed 75 percent of a project's eligible costs, meaning that a grant may not exceed $12,000. In addition, if the well owner's or renter's annual family income exceeds $45,000, the amount of the award is reduced by 30 percent of the amount by which the annual family income exceeds $45,000.

The bill increases the family income limit to $100,000. In addition, under the bill, a well owner or renter whose family income is below the state's median income may receive a grant of up to 100 percent of a project's eligible costs, not to exceed $16,000. The bill also eliminates the requirement to reduce an award by 30 percent if the well owner's or renter's family income exceeds $45,000.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates these restrictions.

Under current law, DNR must issue grants in the order in which completed claims are received. Under the bill, if there are insufficient funds to pay claims, DNR may, for claims based on nitrate contamination, prioritize claims that are based on higher levels of nitrate contamination.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 281.75 (1) (b) (intro.), 1. and 2. of the statutes are amended to read:

281.75 **(1)** (b) (intro.) "Contaminated well" or "contaminated private water supply" means a well or private water supply which does any of the following:

1. Produces water containing one or more substances of public health concern in excess of a primary maximum contaminant level promulgated in the national drinking water standards in 40 CFR 141 and 143~~;~~.

2. Produces water containing one or more substances of public health concern in excess of an enforcement standard under ch. 160~~; or~~.

SECTION 2. 281.75 (1) (b) 4. of the statutes is created to read:

281.75 **(1)** (b) 4. Produces water containing at least 10 parts per billion of arsenic or at least 10 parts per million of nitrate nitrogen.

SECTION 3. 281.75 (4m) (a) of the statutes is amended to read:

281.75 **(4m)** (a) In order to be eligible for an award under this section, the annual family income of the landowner or lessee of property on which is located a contaminated water supply or a well subject to abandonment may not exceed ~~$65,000~~ $100,000.

SECTION 4. 281.75 (5) (f) of the statutes is amended to read:

281.75 **(5)** (f) ~~The~~ Except as provided in par. (g), the department shall allocate money for the payment of claims according to the order in which completed claims are received. The department may conditionally approve a completed claim even if the appropriation under s. 20.370 (6) (cr) is insufficient to pay the claim. The department shall allocate money for the payment of a claim which is conditionally approved as soon as funds become available.

SECTION 5. 281.75 (5) (g) of the statutes is created to read:

281.75 **(5)** (g) If the appropriation under s. 20.370 (6) (cr) is insufficient to pay claims, the department may, for claims based on nitrate levels, allocate money for the payment of those claims in the following order of priority:

1. Claims based on water containing more than 40 parts per million nitrate nitrogen.

2. Claims based on water containing more than 30 but not more than 40 parts per million nitrate nitrogen.

3. Claims based on water containing more than 25 but not more than 30 parts per million nitrate nitrogen.

4. Claims based on water containing more than 20 but not more than 25 parts per million nitrate nitrogen.

5. Claims based on water containing more than 10 but not more than 20 parts per million nitrate nitrogen.

SECTION 6. 281.75 (7) (a) of the statutes is amended to read:

281.75 **(7)** (a) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated or that the well is a well subject to abandonment, the department shall issue an award. ~~The~~ Except as provided under

par. (am), the award may not pay more than 75 percent of the eligible costs. The award may not pay any portion of eligible costs in excess of $16,000.

SECTION 7. 281.75 (7) (am) of the statutes is created to read:

281.75 **(7)** (am) An award under this subsection may pay up to 100 percent of the eligible costs if the annual family income of the claimant is below the median family income for the state, as determined by U.S. Bureau of the Census.

SECTION 8. 281.75 (7) (b) of the statutes is repealed.

SECTION 9. 281.75 (9) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1922/P2
EAW:kjf

DOA:.....Bork, BB0313 – Tribal Family Services Grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Tribal family services grants

This bill requires tribal family services grants, administered by DCF, to be funded using Indian gaming receipts.

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

2 **SECTION 1.** 20.437 (1) (bd) of the statutes is renumbered 20.437 (1) (js) and
3 amended to read:

4 20.437 **(1)** (js) *Tribal family services grants.* The amounts in the schedule for
5 tribal family services grants under s. 48.487. <u>All moneys transferred from the</u>
6 <u>appropriation account under s. 20.505 (8) (hm) 12. shall be credited to this</u>

appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd–numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 2. 20.505 (8) (hm) 12. of the statutes is created to read:

20.505 **(8)** (hm) 12. The amount transferred to s. 20.437 (1) (js) shall be the amount in the schedule under s. 20.437 (1) (js).

SECTION 3. 48.487 (1m) of the statutes is amended to read:

48.487 **(1m)** TRIBAL FAMILY SERVICES GRANTS. From the appropriation account under s. 20.437 (1) ~~(bd)~~ (js), the department may distribute tribal family services grants to the elected governing bodies of the Indian tribes in this state. An elected governing body that receives a grant under this subsection may expend the grant moneys received for any of the purposes specified in subs. (2), (3) (b), (4m) (b), (5) (b), (6), and (7) as determined by that body.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1927/P4
SWB:kjf

DOA:.....Bollhorst, BB0319 – MA reimbursement for doula services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medical Assistance reimbursement for doula services

This bill requires DHS to request any necessary federal approval to allow Medical Assistance program reimbursement for doula services. Under current law, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited resources. DHS is required to pay allowable charges to certified providers for Medical Assistance on behalf of eligible recipients for certain federally mandated benefits and other additional services. Subject to any required federal approval, the bill establishes a pilot program to provide reimbursement for services provided for pregnant women enrolled in the Medical Assistance program who reside in the counties of Brown, Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by DHS.

Under this bill, doula services are added as one of the benefits covered under the Medical Assistance program, subject to any necessary federal approval. Under the bill, doula services include continuous emotional and physical support during labor and birth of a child and intermittent services during the prenatal and postpartum periods.

The bill also requires DHS to award in fiscal year 2019-20 grants totaling $192,000 to public or private entities, American Indian tribes or tribal organizations, or community-based organizations for community-based doulas. The recipients must use the grants to identify and train local community workers to mentor pregnant women.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (30y) of the statutes is created to read:

49.45 **(30y)** CERTIFIED DOULA SERVICES; PILOT PROJECT. (a) In this subsection, "certified doula" means an individual who has received certification from a doula certifying organization recognized by the department.

(b) For purposes of this subsection, services provided by certified doulas include continuous emotional and physical support during labor and birth of a child and intermittent services during the prenatal and postpartum periods.

(c) Subject to par. (d), the department shall reimburse under the Medical Assistance program benefits as provided under this subsection for pregnant women enrolled in the Medical Assistance program who reside in the counties of Brown, Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by the department.

(d) The department shall request from the secretary of the federal department of health and human services any approval necessary to allow reimbursement under the Medical Assistance program for services provided by a certified doula. The department may not pay reimbursement unless federal approval is not required or any required federal approval allowing reimbursement under s. 49.46 (2) (b) 12p. is approved and in effect.

****NOTE: This is reconciled s. 49.45 (30y) (d). This SECTION has been affected by drafts with the following LRB numbers: -1927/P3, -1566/P1, and -1569/P1.

SECTION 2. 49.46 (2) (b) 12p. of the statutes is created to read:

49.46 **(2)** (b) 12p. Subject to the limitations under s. 49.45 (30y), services provided by a certified doula.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4) (bm), the department of health services shall in fiscal year 2019-20 allocate $192,000 to public or private entities, American Indian tribes or tribal organizations, or community-based organizations for grants for community-based doulas. The recipients of the grants shall use the moneys to identify and train local community workers to mentor pregnant women.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1929/P3
JK:amn/wlj/cjs

DOA:.....Quinn, BB0322 – Deduction for expenses for moving out–of–state or out of the U.S.

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Moving expense deduction

Under current law, a business may deduct from its income or franchise tax liability all expenses that the business paid to move its operations from one location to another, including expenses paid to relocate outside the state. Under this bill, a business may not deduct expenses paid to move outside the state or outside the United States.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 71.01 (8j) of the statutes is created to read:

71.01 **(8j)** For purposes of ss. 71.05 (6) (a) 30., 71.21 (7), 71.26 (3) (e) 4., 71.34 (1k) (o), and 71.45 (2) (a) 20., "moving expenses" means expenses incurred to move the operation of a business, including all of the following:

(a) Vehicle rentals.

(b) Storage rentals.

(c) Moving company expenses for packing, unpacking, and transportation.

(d) Consulting fees and surveys.

(e) Brokerage commissions or fees.

(f) Architecture, design, and remodeling expenses.

(g) Expenses paid or incurred to sell property in this state.

(h) Loss on the sale of property in this state.

(i) Lease cancellation fees.

(j) Expenses paid or incurred for professional services, including legal services.

(k) Utility fees.

(L) Employee wages.

(m) Reimbursement of an employee's expenses.

(n) The cost of meals, lodging, and fuel.

(o) Mileage deductions for vehicle use.

SECTION 2. 71.05 (6) (a) 30. of the statutes is created to read:

71.05 **(6)** (a) 30. The amount deducted under the Internal Revenue Code as moving expenses, as defined in s. 71.01 (8j), paid or incurred during the taxable year to move the taxpayer's Wisconsin business operation, in whole or in part, to a location outside the state or to move the taxpayer's business operation outside the United States.

****NOTE: This is reconciled s. 71.05 (6) (a) 30. This section has been affected by drafts with the following LRB numbers: –1929/p1 and –1898/p3.

SECTION 3. 71.21 (7) of the statutes is created to read:

71.21 **(7)** A deduction under the Internal Revenue Code for moving expenses, as defined in s. 71.01 (8j), paid or incurred during the taxable year to move the taxpayer's Wisconsin business operation, in whole or in part, to a location outside the state or to move the taxpayer's business operation outside the United States is not allowed.

SECTION 4. 71.26 (3) (e) 4. of the statutes is created to read:

71.26 **(3)** (e) 4. So that moving expenses, as defined in s. 71.01 (8j), paid or incurred during the taxable year to move the taxpayer's Wisconsin business operation, in whole or in part, to a location outside the state or to move the taxpayer's business operation outside the United States may not be deducted as provided under the Internal Revenue Code.

SECTION 5. 71.34 (1k) (o) of the statutes is created to read:

71.34 **(1k)** (o) An addition shall be made for any amount deducted under the Internal Revenue Code as moving expenses, as defined in s. 71.01 (8j), paid or incurred during the taxable year to move the taxpayer's Wisconsin business operation, in whole or in part, to a location outside the state or to move the taxpayer's business operation outside the United States.

SECTION 6. 71.45 (2) (a) 20. of the statutes is created to read:

71.45 **(2)** (a) 20. By adding to federal taxable income any amount deducted under the Internal Revenue Code as moving expenses, as defined in s. 71.01 (8j), paid or incurred during the taxable year to move the taxpayer's Wisconsin business

operation, in whole or in part, to a location outside the state or to move the taxpayer's business operation outside the United States.

SECTION 9337. Initial applicability; Revenue.

(1) MOVING EXPENSES DEDUCTION. The treatment of ss. 71.01 (8j), 71.05 (6) (a) 30., 71.21 (7), 71.26 (3) (e) 4., 71.34 (1k) (o), and 71.45 (2) (a) 20. first applies to taxable years beginning on January 1, 2019.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1931/P1
MIM:kjf

DOA:.....Hynek, BB0315 – Attach Labor and Industry Review Commission to the Department of Workforce Development

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Labor and Industry Review Commission

This bill attaches the Labor and Industry Review Commission (LIRC) to DWD. Under current law, LIRC is attached to DOA. LIRC's primary responsibility is to decide appeals of cases from administrative law judges in the areas of unemployment insurance benefits, worker's compensation, and equal rights.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.105 (15) of the statutes is renumbered 15.225 (1) and amended to read:

15.225 **(1)** LABOR AND INDUSTRY REVIEW COMMISSION. There is created a labor and industry review commission which is attached to the department of ~~administration~~

workforce development under s. 15.03, except the budget of the labor and industry review commission shall be transmitted by the department to the governor without change or modification by the department, unless agreed to by the labor and industry review commission. The governor shall appoint an individual to serve at the pleasure of the governor as general counsel for the commission.

SECTION 2. 15.225 (title) of the statutes is amended to read:

15.225 (title) **Same; attached boards and ~~commission~~ commissions.**

SECTION 3. 20.923 (4) (e) 4. of the statutes is amended to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1932/P3
EKL:wlj&kjf

DOA:.....Gilchrist, BB0317 – Technical changes to improve clarity and scope of TRIP and debt collection statutes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Modifications to state debt collection programs

This bill modifies the programs under which DOR is authorized to collect debt owed to state agencies, municipalities, and counties by offsetting tax refunds and other state payments due the debtor. The bill consolidates provisions under which a state agency, municipality, or county refers a debt to DOR for collection and includes the State of Wisconsin in the definition of "state agency" for purposes of the debt collection programs. Under the bill, any legal action contesting the validity of a debt must be brought against the unit of government that referred the debt. The bill repeals the requirement that DOR provide quarterly status updates to a state agency, municipality, or county regarding the debt collection. Under the bill, DOR may provide, upon request, information to a state agency, municipality, or county about each debt's status and may provide weekly reports of the amounts collected and payments disbursed. The bill replaces the current requirement that DOR charge debtors for administration expenses with a requirement that debtors pay a collection fee, and repeals the requirement that DOR annually review its prior year's administrative costs and adjust the charges accordingly.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 59.40 (4) of the statutes is amended to read:

59.40 **(4)** CLERK OF CIRCUIT COURT; DEBT COLLECTOR CONTRACT. If authorized by the board under s. 59.52 (28), the clerk of circuit court may contract with a debt collector, as defined in s. 427.103 (3), or enter into an agreement with the department of revenue under s. 71.93 (8) for the collection of debt. Any contract entered into with a debt collector shall provide that the debt collector shall be paid from the proceeds recovered by the debt collector. Any contract entered into with the department shall provide that the department shall charge a collection fee, as provided under s. 71.93 (8) ~~(b) 1.~~ (am). The net proceeds received by the clerk of circuit court after the payment to the debt collector shall be considered the amount of debt collected for purposes of distribution to the state and county under sub. (2) (m).

SECTION 2. 71.93 (title) of the statutes is amended to read:

71.93 (title) **Setoffs for ~~other~~ state agencies and debt collection for state agencies, municipalities, and counties.**

SECTION 3. 71.93 (1) (a) 3. of the statutes is repealed.

SECTION 4. 71.93 (1) (a) 4. of the statutes is repealed.

SECTION 5. 71.93 (1) (a) 5. of the statutes is repealed.

SECTION 6. 71.93 (1) (a) 6. of the statutes is repealed.

SECTION 7. 71.93 (1) (a) 7m. of the statutes is repealed.

SECTION 8. 71.93 (1) (a) 8. of the statutes is repealed.

SECTION 9. 71.93 (1) (a) 9. of the statutes is created to read:

71.93 **(1)** (a) 9. A delinquent child support or spousal support obligation that is certified under s. 49.855 and is owed to, or may be recovered by the department of children and families on behalf of, a custodial parent, former spouse, or other person.

SECTION 10. 71.93 (1) (a) 10. of the statutes is created to read:

71.93 **(1)** (a) 10. Restitution owed pursuant to an order or judgment under s. 973.09 (3) (b) or 973.20 (1r) that may be owed to, paid to, or recovered by the victim, the department of corrections, a court, or a clerk of court.

SECTION 11. 71.93 (1) (b) of the statutes is amended to read:

71.93 **(1)** (b) "Debtor" means any person owing a debt ~~to a state agency and any person who owes a delinquent child support or spousal support obligation to an agency of another state~~.

SECTION 12. 71.93 (1) (e) of the statutes is renumbered 71.93 (1) (e) (intro.) and amended to read:

71.93 **(1)** (e) (intro.) "State agency" ~~has the meaning set forth under s. 20.001 (1).~~ <u>means any of the following:</u>

SECTION 13. 71.93 (1) (e) 1. of the statutes is created to read:

71.93 **(1)** (e) 1. An office, department, or independent agency in the executive branch of the Wisconsin state government, the legislature, or the courts.

SECTION 14. 71.93 (1) (e) 2. of the statutes is created to read:

71.93 **(1)** (e) 2. The State of Wisconsin.

SECTION 15. 71.93 (2) (title) of the statutes is amended to read:

71.93 **(2)** (title) CERTIFICATION <u>OF STATE AGENCY DEBTS</u>.

SECTION 16. 71.93 (2) of the statutes is renumbered 71.93 (2) (a) and amended to read:

71.93 **(2)** (a) A state agency may certify to the department any properly identified debt exceeding $20 so that the department may set off the amount of the debt against a refund to the debtor or so that the department of administration may reduce a disbursement to the debtor by the amount of the debt. At least 30 days prior to certification each debtor shall be sent a notice by the state agency of its intent to certify the debt to the department for setoff or reduction and of the debtor's right of appeal. At the time of certification, the certifying state agency shall furnish the social security number or operator's license number of individual debtors and the federal employer identification number of other debtors.

SECTION 17. 71.93 (2) (b) of the statutes is created to read:

71.93 **(2)** (b) A state agency wishing to certify a debt to the department shall enter into a written agreement with the department prior to any certification under par. (a). A certification of debt by a state agency, or changes to a certification, shall be in a manner and form prescribed by the department. The secretary of revenue shall be the final authority in the resolution of an interagency dispute regarding the certification of a debt. If a refund or disbursement is adjusted after a setoff or reduction, the department may readjust any erroneous settlement with the certifying state agency.

SECTION 18. 71.93 (3) (title) of the statutes is repealed and recreated to read:

71.93 **(3)** (title) SETOFF.

SECTION 19. 71.93 (3) (a) (intro.) of the statutes is amended to read:

71.93 **(3)** (a) (intro.) The department of revenue shall ~~setoff~~ set off any debt or other amount owed to the department, regardless of the origin of the debt or of the amount, its nature or its date~~. The department's setoff shall include the use of unclaimed property owed to the debtor under s. 177.24~~, against a refund owed to the

debtor. If after the setoff there remains a refund in excess of $10, the department shall set off the remaining refund against certified debts ~~of other entities~~ in the following order:

****NOTE: This is reconciled s. 71.93 (3) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: –1932/P2 and –1933/P2.

SECTION 20. 71.93 (3) (a) 1. of the statutes is amended to read:

71.93 **(3)** (a) 1. Debt under s. 49.855 (1), certified by the department of children and families under sub. (2) (a).

SECTION 21. 71.93 (3) (a) 1m. of the statutes is amended to read:

71.93 **(3)** (a) 1m. ~~Debt certified~~ Restitution under ~~s. 973.20 (10) (b)~~ sub. (1) (a) 10. that is certified by the department of corrections, a court, or a clerk of court.

SECTION 22. 71.93 (3) (a) 3. of the statutes is amended to read:

71.93 **(3)** (a) 3. Debt under s. 71.935 owed to ~~local units of government~~ a municipality or county and collected pursuant to an agreement under sub. (8).

SECTION 23. 71.93 (3) (a) 4. of the statutes is amended to read:

71.93 **(3)** (a) 4. Debt certified under sub. (2) (a), other than child support debt certified by the department of children and families.

SECTION 24. 71.93 (3) (a) 7. of the statutes is amended to read:

71.93 **(3)** (a) 7. Federal ~~tax~~ obligations collected pursuant to an agreement under s. 73.03 (52) (a) or (b).

SECTION 25. 71.93 (3) (b) of the statutes is amended to read:

71.93 **(3)** (b) The department shall provide the information obtained under sub. (2) (a) to the department of administration. Before reducing any disbursement as provided under this paragraph, the department of administration shall contact the department to verify whether a certified debt that is the basis of the reduction has

been collected by other means. If the certified debt remains uncollected, the department of administration shall reduce the disbursement by the amount of the debtor's certified debt under sub. (2) (a), notify the department of such reduction and disbursement, and remit the amount of the reduction to the department in the manner prescribed by the department. If more than one certified debt exists for any debtor, the disbursement shall be reduced first by any debts certified under s. 73.12 then by the earliest debt certified. Any legal action contesting a reduction under this paragraph shall be brought against the state agency that certified the debt under sub. (2) (a).

SECTION 26. 71.93 (3) (d) of the statutes is created to read:

71.93 **(3)** (d) The department may provide, upon request by a state agency, a report that details each active debt subject to this section of the state agency, including the ending balance. The department may provide a weekly report to a state agency of amounts collected and payments through electronic funds transfer or state account system general ledger transfer.

SECTION 27. 71.93 (4) of the statutes is repealed.

SECTION 28. 71.93 (5) of the statutes is renumbered 71.93 (3) (e) and amended to read:

71.93 **(3)** (e) ~~*Debtor charged for costs.*~~ Each debtor shall be charged ~~for administration expenses~~ a collection fee, and the amounts charged shall be credited to the department's appropriation under s. 20.566 (1) (h). The department may set off amounts charged to the debtor under this subsection against any refund owed to the debtor, in the manner provided in sub. (3). ~~Annually on or before November 1, the department shall review its costs incurred during the previous fiscal year in~~

~~administering state agency setoffs and reductions and shall adjust its subsequent charges to each debtor to reflect that experience.~~

SECTION 29. 71.93 (6) of the statutes is repealed.

SECTION 30. 71.93 (7) (title) of the statutes is repealed.

SECTION 31. 71.93 (7) of the statutes is renumbered 71.93 (3) (f).

SECTION 32. 71.93 (8) (title) of the statutes is amended to read:

71.93 **(8)** (title) ~~STATE AGENCY DEBT~~ DEBT COLLECTION AGREEMENTS.

SECTION 33. 71.93 (8) (a) of the statutes is repealed.

SECTION 34. 71.93 (8) (b) 1. of the statutes is renumbered 71.93 (8) (am) and amended to read:

71.93 **(8)** (am) Except for debts under sub. (1) (a) 2. and 9. and except as provided in ~~subd. 2.~~ par. (bm), a state agency and the department of revenue shall enter into a written agreement to have the department collect ~~any amount owed to the state agency~~ a debt that is more than 90 days past due, unless negotiations between the agency and debtor are actively ongoing, the debt is the subject of legal action or administrative proceedings, or the agency determines that the debtor is adhering to an acceptable payment arrangement. At least 30 days before the department pursues the collection of any debt referred by a state agency, either the department or the agency shall provide the debtor with a written notice that the debt will be referred to the department for collection. Any legal action contesting the validity of a debt shall be brought against the state agency that referred the debt. The department may collect amounts owed, pursuant to the written agreement, from the debtor in addition to offsetting the amounts as provided under sub. (3). The department shall charge each debtor whose debt is subject to collection under this

paragraph a collection fee and that amount shall be credited to the appropriation under s. 20.566 (1) (h).

SECTION 35. 71.93 (8) (b) 2. of the statutes is renumbered 71.93 (8) (bm) and amended to read:

71.93 **(8)** (bm) The department may enter into agreements described under ~~subd. 1.~~ par. (am) with the courts, the legislature, authorities, as defined in s. 16.41 (4), and ~~local units of government~~, to collect debt under s. 71.935, municipalities and counties. Any legal action contesting the validity of a debt shall be brought against the unit of government that referred the debt to the department.

SECTION 36. 71.93 (8) (b) 3. of the statutes is repealed.

SECTION 37. 71.93 (8) (b) 4. of the statutes is renumbered 71.93 (8) (c).

SECTION 38. 71.93 (8) (b) 5. of the statutes is renumbered 71.93 (8) (d).

SECTION 39. 71.93 (8) (b) 6. of the statutes is renumbered 71.93 (8) (e).

SECTION 40. 71.935 (1) (a) of the statutes is amended to read:

71.935 **(1)** (a) "Debt" means a parking citation of at least $20 that is unpaid and for which there has been no court appearance by the date specified in the citation or, if no date is specified, that is unpaid for at least 28 days; an unpaid fine, fee, restitution or forfeiture of at least $20; delinquent general property taxes, as defined in s. 74.01 (1), or a delinquent special assessment, as defined in s. 74.01 (3), special charge, as defined in s. 74.01 (4), or special tax, as defined in s. 74.01 (5), and any interest or penalty charged due to the delinquency; and any other debt that is at least $20, including debt related to property taxes, if the debt has been reduced to a judgment or the municipality or county to which the debt is owed has provided the debtor reasonable notice and an opportunity to be heard with regard to the debt. For purposes of this subsection, a debt owed to an ambulance service provider operating

pursuant to a contract with a municipality or county under s. 59.54 (1), 60.565, 61.64, or 62.133, is considered a debt owed to the municipality or county, if the debt relates to providing ambulance services to individuals in that municipality or county as a result of responding to requests that originate from a government–operated 911 call center.

SECTION 41. 71.935 (1) (am) of the statutes is repealed.

SECTION 42. 71.935 (1) (ar) of the statutes is repealed.

SECTION 43. 71.935 (1) (b) of the statutes is amended to read:

71.935 **(1)** (b) "Debtor" means a person who owes a debt ~~related to victim restitution or who owes a debt~~ to a municipality or county.

SECTION 44. 71.935 (4) (a) of the statutes is repealed and recreated to read:

71.935 **(4)** (a) The department may provide, upon request by a municipality or county, a report that details each active debt subject to this section of the municipality or county, including the ending balance. The department may provide a weekly report to a municipality or county of amounts collected and payments disbursed through electronic funds transfer or state account system general ledger transfer.

SECTION 45. 71.935 (5) of the statutes is amended to read:

71.935 **(5)** Each debtor shall be charged ~~for administration expenses~~ <u>a collection fee</u>, and the amounts charged shall be credited to the appropriation account under s. 20.566 (1) (h). The department may set off amounts charged to the debtor under this subsection against any refund owed to the debtor, in the manner provided in sub. (3). ~~Annually on or before November 1, the department shall review its costs incurred during the previous fiscal year in administering setoffs and~~

~~reductions under this section and shall adjust its subsequent charges to each debtor to reflect that experience.~~

SECTION 46. 73.03 (67) of the statutes is amended to read:

73.03 **(67)** To submit a request for a supplement under s. 16.515 for administering the debt collection program under s. 71.93 (8) ~~(b)~~ that includes a detailed plan for implementing the program, a listing of agencies and other entities that would participate in the program, an estimate of the amount of debt collections under the program, and the fees that the debtors would pay under the program.

SECTION 47. 77.59 (5) of the statutes is amended to read:

77.59 **(5)** The department may offset the amount of any refund for a period, together with interest on the refund, against deficiencies for another period, and against penalties and interest on the deficiencies, or against any amount of whatever kind, due and owing on the books of the department from the person who is entitled to the refund. If the refund is to be paid to a buyer, the department may also set off amounts in the manner in which it sets off income tax and franchise tax refunds under s. 71.93 and may set off amounts for child support or maintenance or both in the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3)~~, (6) and (7)~~. No person has any right to, or interest in, any refund under this chapter until setoff under ss. 49.855, 71.93, and 71.935 has been completed.

SECTION 48. 806.11 (1) (intro.) of the statutes is amended to read:

806.11 **(1)** (intro.) At the time of filing the warrant provided by s. 71.74 (14), 71.91 (5), or 71.93 (8) ~~(b) 5.~~ (d), the clerk of circuit court shall enter the warrant in the judgment and lien docket, including:

SECTION 49. 806.11 (2) of the statutes is amended to read:

806.11 **(2)** If a warrant provided by s. 71.74 (14), 71.91 (5), or 71.93 (8) ~~(b) 5.~~ (d) is against several persons, the warrant shall be entered, in accordance with the procedure under sub. (1), in the judgment and lien docket under the name of each person against whom the warrant was issued.

SECTION 50. 806.115 of the statutes is amended to read:

806.115 Filing of duplicate copy of warrant. The department of revenue may file in any county a duplicate copy of a warrant filed under s. 71.74 (14), 71.91 (5), or 71.93 (8) ~~(b) 5.~~ (d) and the clerk of circuit court shall enter the duplicate copy on the judgment and lien docket as provided in s. 806.11. When so entered, the duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

SECTION 51. 973.20 (1r) of the statutes is amended to read:

973.20 **(1r)** When imposing sentence or ordering probation for any crime, other than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. When imposing sentence or ordering probation for a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) for which the defendant was convicted or that was considered at sentencing, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime or, if the victim is deceased, to his or her estate, unless the court finds that imposing full or partial restitution will create an undue hardship on the defendant or victim and describes the undue

hardship on the record. Restitution ordered under this section is a condition of probation, extended supervision, or parole served by the defendant for a crime for which the defendant was convicted. After the termination of probation, extended supervision, or parole, or if the defendant is not placed on probation, extended supervision, or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785<u>, and the department or clerk of court may certify the restitution to the department of revenue in accordance with s. 71.93</u>.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1933/P3
EKL:amn&kjf

DOA:.....Gilchrist, BB0318 – Changes to improve debt collection through lottery operations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Offsetting lottery payments for debt owed to state

This bill modifies the program under which DOR is authorized to collect debt owed to state agencies by offsetting tax refunds and other state payments due to the debtor. The bill provides that lottery prizes of at least $600 and compensation or payments owed to lottery retailers are offsettable refunds for purposes of the debt collection program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 71.93 (1) (d) 3. of the statutes is created to read:

71.93 **(1)** (d) 3. A lottery prize equal to at least $600 that exceeds a debtor's Wisconsin tax liability or other liability owed to the department.

SECTION 2. 71.93 (1) (d) 4. of the statutes is created to read:

71.93 **(1)** (d) 4. Compensation or payment owed to a lottery retailer under ch. 565, whether owed by statute, rule, or contract, that exceeds a debtor's Wisconsin tax liability or liability owed to the department.

SECTION 3. 565.10 (17) of the statutes is created to read:

565.10 **(17)** SETOFF AGAINST RETAILER COMPENSATION. The department shall setoff any debt or other amount owed to the department, regardless of the origin, nature, or date of the debt or amount, against any compensation or payment owed to a lottery retailer under this chapter, whether owed by statute, rule, or contract. If, after the setoff, additional compensation or payment is due, the department shall setoff the remaining amount against all certified debts owed by the lottery retailer under ss. 71.93 and 71.935.

SECTION 4. 565.12 (1) (intro.) of the statutes is amended to read:

565.12 **(1)** (intro.) A lottery retailer contract entered into under s. 565.10 may be terminated or suspended for a specified period if the department finds that the retailer has done any of the following <u>before or after the contract was entered into</u>:

SECTION 5. 565.30 (5) of the statutes is amended to read:

565.30 **(5)** WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE. The administrator shall report the name, address and social security number or federal income tax number of each winner of a lottery prize equal to or greater than $600 and the name, address and social security number or federal income tax number of each person to whom a lottery prize equal to or greater than $600 has been assigned to the department of revenue to determine whether the payee or assignee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or, if applicable, in the court-ordered payment of child

support or has a debt ~~owing to the state~~ under s. 71.93 or 71.935. Upon receipt of a report under this subsection, the department of revenue shall ~~first~~ ascertain ~~based on certifications by the department of children and families or its designee under s. 49.855 (1) whether any person named in the report is currently delinquent in court–ordered payment of child support,~~ and shall ~~next~~ certify to the administrator, whether any person named in the report is delinquent in court–ordered payment of child support ~~or~~ based on certifications by the department of children and families under s. 49.855 (1), is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139, or has a debt under s. 71.93 or 71.935. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. The department of revenue shall charge the winner or assignee of the lottery prize ~~for the department of revenue's administrative expenses associated with withholding and remitting debt owed to a state agency~~ a collection fee and may withhold the amount of the ~~administrative expenses~~ collection fee from the prize payment. The ~~administrative expenses~~ collection fee received or withheld by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee or assignee of the prize is delinquent both in payments for state taxes and in court–ordered payments of child support, or is delinquent in one or both of these payments and has a debt ~~owing to the state~~ under s. 71.93 or 71.935, the amount remitted to the appropriate agency or person shall be ~~in proportion to the prize amount as is the delinquency or debt owed by the payee or assignee~~ setoff under s. 71.93 (3) (a).

SECTION 9437. Effective dates; Revenue.

(1) STATE DEBT COLLECTION; LOTTERY PAYMENTS. The treatment of ss. 71.93 (1) (d) 3. and 4., 565.10 (17), 565.12 (1) (intro.), and 565.30 (5) takes effect on the first day of the 7th month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1934/P1
EAW:kjf

DOA:.....Rice, BB0329 – TANF reallocation approval

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. TANF reallocations

Under current law, DCF is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs (commonly known as the TANF schedule). Under current law, DCF may reallocate funds that are allocated for one purpose in the TANF schedule for any other purpose in the TANF schedule through passive review by JCF. Also under current law, if the TANF moneys received from the federal government are less than the amounts appropriated for the purposes under the TANF schedule, DCF is required to create a plan for reducing the amounts of moneys allocated under the TANF schedule and to carry it out subject to passive review by JCF. This bill replaces passive review by JCF with a requirement that the secretary of administration approve a reallocation or a plan to reduce the moneys allocated under TANF.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.175 (2) (a) of the statutes is amended to read:

49.175 **(2)** (a) The department may ~~not~~ reallocate funds that are allocated under a paragraph under sub. (1) for any purpose specified in a paragraph under sub. (1) ~~unless the department first notifies the joint committee on finance in writing of the proposed reallocation. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed reallocation, the department may make the proposed reallocation. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed reallocation, the department may make the proposed reallocation only upon approval of the committee~~ if the secretary of administration approves the reallocation.

SECTION 2. 49.175 (2) (c) of the statutes is amended to read:

49.175 **(2)** (c) If the amounts of federal block grant moneys that are required to be credited to the appropriation accounts under s. 20.437 (2) (mc) and (md) are less than the amounts appropriated under s. 20.437 (2) (mc) and (md), the department shall submit a plan to the ~~joint committee on finance~~ secretary of administration for reducing the amounts of moneys allocated under sub. (1). ~~If the cochairpersons of the committee do not notify the department within 14 working days after the date the department submits the plan that the committee has scheduled a meeting to review the proposed reduction plan,~~ If the secretary of administration approves the plan, the amounts of moneys required to be allocated under sub. (1) may be reduced as proposed by the department and the department shall allocate the moneys as specified in the plan. ~~If, within 14 working days after the date the department~~

~~submits the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed reduction plan, the department may allocate the moneys as specified in the plan only upon approval of the committee.~~

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1936/P3
EAW:cdc

DOA:.....Rice, BB0324 - W-2 Education and training limit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. Work experience program: educational and training component

Under current law, the W-2 program provides, among other things, work experience and benefits for low-income custodial parents who are at least 18 years old. The work experience programs under W-2 currently include educational and training components, not to exceed ten hours per week in the community service job program or 12 hours per week in the transitional placement program. This bill removes the time limitations on educational and training components of a W-2 program. Also under current law, a person may participate in a technical college education program under W-2, as long as the person works in a community service job or transitional placement for 25 hours per week in addition to participating in the technical college educational program. This bill removes the 25-hour requirement of the work component for participation in the technical college education program under W-2.

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

SECTION 1. 49.147 (4) (as) of the statutes is amended to read:

49.147 **(4)** (as) *Required hours.* Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin Works agency to be appropriate for the participant at the time of application or review ~~and may require a participant to participate in education or training activities for not more than 10 hours per week~~, except that the Wisconsin Works agency may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection.

SECTION 2. 49.147 (5) (bs) of the statutes is amended to read:

49.147 **(5)** (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m), a Wisconsin Works agency may require a participant placed in a transitional placement to participate in education or training activities ~~for not more than 12 hours per week~~ and to engage in activities under par. (b) ~~1.~~, but may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection.

****NOTE: This is reconciled s. 49.147 (5) (bs). This SECTION has been affected by drafts with the following LRB numbers: –1936/P2 and –1935/P2.

SECTION 3. 49.147 (5m) (a) 4. of the statutes is amended to read:

49.147 **(5m)** (a) 4. The participant is employed or engages in work under a community service job or transitional placement ~~for 25 hours per week~~ in addition to participation under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1939/P2
EHS:ahe

DOA:.....Rice, BB0331 – W–2 Internet assistance program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. Internet service provider subscriptions

This bill allows a person who meets the eligibility requirements for Wisconsin Works (W–2) to apply for and receive from DCF a monthly amount sufficient to pay the cost of an Internet service provider subscription or $57, whichever is lower.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.148 (2) of the statutes is created to read:

3 49.148 **(2)** INTERNET SERVICE PROVIDER SUBSCRIPTIONS. A person who meets the
4 eligibility requirements under s. 49.145 (2) and (3) may apply to the department for
5 a monthly amount sufficient to pay the cost of an Internet service provider

subscription or $57, whichever is lower. An application submitted under this subsection shall include documentation of the Internet service provider and the monthly cost of the subscription. If the department determines that an applicant is eligible, the department shall coordinate with a Wisconsin Works agency to make payments on behalf of the person to the appropriate Internet service provider. The department may promulgate rules to administer this subsection.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) WISCONSIN WORKS; INTERNET SERVICE PROVIDER SUBSCRIPTIONS. Using the procedure under s. 227.24, the department of children and families may promulgate the rules authorized under s. 49.148 (2) as emergency rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and families is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1940/P1
EHS:kjf

DOA:.....Rice, BB0327 – Caretaker of an infant program time limit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

1. Program time limit for caretaker of an infant

Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W–2) program and who is the custodial parent of a child who is eight weeks old or less may receive monthly grants of $673 and may not be required to work in a W–2 employment position during that time, unless another adult member of the custodial parent's W–2 group is participating in, or is eligible to participate in, a W–2 employment position or is employed in unsubsidized employment. This bill extends these monthly benefits to the custodial parent of a child who is 12 weeks old or less.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.148 (1m) (a) 1. of the statutes is amended to read:

49.148 **(1m)** (a) 1. A custodial parent of a child ~~8~~ 12 weeks old or less who meets the eligibility requirements under s. 49.145 (2) and (3), unless another adult member of the custodial parent's Wisconsin Works group is participating in, or is eligible to participate in, a Wisconsin Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1941/P1
MPG:wlj

DOA:.....Rice, BB0330 – Eliminate sunset for diesel truck idling reduction grant program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

1. Diesel truck idling reduction grants

This bill eliminates the December 31, 2021, sunset for the diesel truck idling reduction grant program, under which DOA makes grants to cover a portion of a grant recipient's cost to purchase and field test devices that reduce the long–duration idling of diesel trucks.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 16.956 (2) of the statutes is amended to read:

16.956 **(2)** AUTHORITY. ~~Beginning on July 1, 2006, and ending on June 30, 2020, the~~ The department may award a grant to an eligible applicant for the purchase and field testing of one or more idling reduction units as provided in subs. (3) and (4).

SECTION 2. 16.956 (4) (cm) of the statutes is amended to read:

16.956 **(4)** (cm) Subject to par. (d), the department may make grants under this section ~~from July 1, 2009 to June 30, 2020,~~ of 50 percent of the eligible costs for an idling reduction unit installed on a truck tractor, unless the department has previously awarded a grant under this section for an idling reduction unit installed on the truck tractor.

SECTION 3. 16.956 (6) of the statutes is repealed.

SECTION 4. 20.505 (1) (s) of the statutes is amended to read:

20.505 **(1)** (s) *Diesel truck idling reduction grant administration.* From the petroleum inspection fund, the amounts in the schedule for administering the Diesel Truck Idling Reduction Grant Program under s. 16.956. ~~No funds may be encumbered under this paragraph after December 31, 2021.~~

SECTION 5. 20.505 (1) (sa) of the statutes is amended to read:

20.505 **(1)** (sa) *Diesel truck idling reduction grants.* From the petroleum inspection fund, the amounts in the schedule for diesel truck idling reduction grants under s. 16.956. ~~No funds may be encumbered under this paragraph after June 30, 2020.~~

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1944/P3
EVM:cdc

DOA:.....Sherwin, BB0325 – Municipal broadband service

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Municipality construction, ownership, or operation of broadband facilities

Current law prohibits, with several exceptions, a municipality from constructing, owning, or operating a facility for providing video service, telecommunications service, or broadband service to the public unless 1) the municipality holds a public hearing on the proposed action, 2) notice of the public hearing is given, and 3) the municipality prepares and makes available for public inspection a report estimating the total costs of, and revenues derived from, constructing, owning, or operating the facility for a period of at least three years. Current law specifies the costs that must be estimated under item 3. This bill eliminates that specification of costs when the facility is a broadband facility intended to serve an underserved or unserved area.

Currently, under one of the exceptions, the public hearing and cost report do not apply to a facility for providing broadband service if 1) the municipality offers use of the facility on a nondiscriminatory basis to persons who provide broadband service to end users of the service, 2) the municipality itself does not use the facility to provide broadband service to end users, and 3) the municipality determines that, at the time of authorization, the facility does not compete with more than one provider of broadband service. This bill eliminates the requirements under items 2 and 3 for

facilities that are intended to serve an underserved or unserved area. That is, under the bill, for facilities that are intended to serve an underserved or unserved area, the public hearing and cost report do not apply to a facility for providing broadband service if the municipality offers use of the facility on a nondiscriminatory basis to persons who provide broadband service to end users of the service.

Currently, under another of the exceptions, the public hearing and cost report do not apply to a facility for providing broadband service to an area within the boundaries of a municipality if the municipality asks, in writing, each person that provides broadband service within the boundaries of the municipality whether the person currently provides broadband service to the area or intends to provide broadband service to the area within nine months and 1) does not receive an affirmative response within 60 days, 2) the municipality determines that a person who responded does not currently provide broadband service to the area, and no other person makes the response to the municipality, or 3) the municipality determines that a person who responded that the person intended to provide broadband service to the area within nine months did not actually provide the service within nine months and no other person makes the response to the municipality.

Under the bill, for this exception in the case of an underserved or unserved area, rather than asking whether a person plans to provide broadband service to the area within nine months, the municipality must ask whether the person intends or actively plans to provide broadband service to the area within the relevant time period.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0422 (1) (e) of the statutes is created to read:

2 66.0422 **(1)** (e) "Underserved area" means an area of this state in which
3 households or businesses lack access to broadband service of at least 25 megabits per
4 second download speed and 3 megabits per second upload speed.

5 **SECTION 2.** 66.0422 (1) (f) of the statutes is created to read:

6 66.0422 **(1)** (f) "Unserved area" means an area of this state in which households
7 or businesses lack access to broadband service of at least 10 megabits per second
8 download speed and one megabit per second upload speed.

9 **SECTION 3.** 66.0422 (2) (c) of the statutes is amended to read:

66.0422 **(2)** (c) No less than 30 days before the public hearing, the local government prepares and makes available for public inspection a report estimating the total costs of, and revenues derived from, constructing, owning, or operating the facility and including a cost–benefit analysis of the facility for a period of at least 3 years. ~~The~~ If the facility is other than a broadband facility that is intended to serve an underserved or unserved area, the costs that are subject to this paragraph include personnel costs and costs of acquiring, installing, maintaining, repairing, or operating any plant or equipment, and include an appropriate allocated portion of costs of personnel, plant, or equipment that are used to provide jointly both telecommunications services and other services.

SECTION 4. 66.0422 (3d) (intro.) of the statutes is amended to read:

66.0422 **(3d)** (intro.) Subsection (2) does not apply to a facility for providing broadband service to an area within the boundaries of a local government if the local government asks, in writing, each person that provides broadband service within the boundaries of the local government whether the person currently provides broadband service to the area and, if the area is not an underserved or unserved area, whether the person intends to provide broadband service to the area within 9 months, or, if the area is an underserved or unserved area, whether the person actively plans to provide broadband service to the area within 3 months and any of the following are satisfied:

SECTION 5. 66.0422 (3d) (a) of the statutes is amended to read:

66.0422 **(3d)** (a) ~~The local government asks, in writing, each person that provides broadband service within the boundaries of the local government whether the person currently provides broadband service to the area or intends to provide broadband service within 9 months to the area and within 60 days after receiving the~~

~~written request no person responds in writing to the~~ The local government does not receive a response in writing that ~~the~~ a person currently provides broadband service to the area or intends or actively plans to provide broadband service to the area within ~~9 months~~ the relevant time period.

SECTION 6. 66.0422 (3d) (b) of the statutes is amended to read:

66.0422 **(3d)** (b) The local government determines that a person who responded ~~to a written request under par. (a)~~ that the person currently provides broadband service to the area did not actually provide broadband service to the area and no other person ~~makes the response~~ responds to the local government ~~described in par. (a)~~.

SECTION 7. 66.0422 (3d) (c) of the statutes is amended to read:

66.0422 **(3d)** (c) The local government determines that a person who responded ~~to a written request under par. (a)~~ that the person intended or actively planned to provide broadband service to the area within ~~9 months~~ the relevant time period did not actually provide broadband service to the area within ~~9 months~~ the relevant time period and no other person ~~makes the response~~ responds to the local government ~~described in par. (a)~~.

SECTION 8. 66.0422 (3m) (b) of the statutes is amended to read:

66.0422 **(3m)** (b) The municipality itself does not use the facility to provide broadband service to end users. This paragraph does not apply to a facility that is intended to serve an underserved or unserved area.

SECTION 9. 66.0422 (3m) (c) of the statutes is amended to read:

66.0422 **(3m)** (c) The municipality determines that, at the time that the municipality authorizes the construction, ownership, or operation of the facility, whichever occurs first, the facility does not compete with more than one provider of

1 broadband service. This paragraph does not apply to a facility that is intended to
2 serve an underserved or unserved area.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1948/P1
EHS:amn

DOA:.....Hamer, BB0320 – Option to automatically purchase hunting, fishing, or trapping approval for subsequent year

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

1. Hunting, fishing, and trapping approvals

This bill authorizes DNR to develop a system under which, when a person purchases an approval, the person may opt to automatically purchase the same approval for subsequent years. Under current law, "approval" is defined as any type of hunting, fishing, or trapping approval, privilege, or authorization issued or conferred by DNR, including any license, permit, certificate, card, stamp, preference point, or tag, but not including a conservation card. Under the bill, DNR may contract with a third party to store customer information in order to carry out this system.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 29.024 (11) of the statutes is created to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1949/P2
MDK:klm

DOA:.....Sherwin, BB0338 – State carbon neutrality

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. Carbon-free electricity.

The bill specifies a state goal that all electricity produced within the state is 100 percent carbon–free by January 1, 2050.

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

SECTION 1. 1.12 (3) (d) of the statutes is created to read:

1.12 **(3)** (d) *Carbon-free electricity.* It is the goal of the state that all electricity produced within the state is 100 percent carbon–free by January 1, 2050.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1950/P4
MDK:kjf

DOA:.....Sherwin, BB0335 – E–rate transfer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. Broadband expansion grants

This bill provides additional funding for the broadband expansion grant program administered by the PSC by making transfers from moneys received under a federal program for assisting schools and libraries in obtaining telecommunications services and Internet access, which is commonly known as the federal e–rate program. The bill transfers $6,900,000 in fiscal year 2019–20 and $17,300,000 in fiscal year 2020–21. The bill also appropriates general purpose revenue for the broadband expansion grant program.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.155 (3) (a) of the statutes is created to read:

20.155 **(3)** (a) *Broadband expansion grants; general purpose revenue.* Biennially, the amounts in the schedule for broadband expansion grants under s. 196.504.

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

****NOTE: This is reconciled s. 20.155 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: –1950/P1 and –2068/P1.

SECTION 2. 20.155 (3) (r) of the statutes is amended to read:

20.155 **(3)** (r) *Broadband expansion grants; transfers*. From the universal service fund, all moneys transferred under s. 196.218 (3) (a) 2s. a., 2015 Wisconsin Act 55, section 9236 (1v), ~~and~~ 2017 Wisconsin Act 59, section 9237 (1) and (2) (a), and 2019 Wisconsin Act .... (this act), section 9201 (1), for broadband expansion grants under s. 196.504.

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

****NOTE: This is reconciled s. 20.155 (3) (r). This SECTION has been affected by drafts with the following LRB numbers: –1950/P1 and –2068/P1.

SECTION 3. 196.504 (2) (a) of the statutes is amended to read:

196.504 **(2)** (a) To make broadband expansion grants to eligible applicants for the purpose of constructing broadband infrastructure in underserved areas designated under par. (d). Grants awarded under this section shall be paid from the appropriations under s. 20.155 (3) (a), (r), and (rm).

****NOTE: This is reconciled s. 196.504 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: –1950/P1 and –2068/P1.

SECTION 9201. Fiscal changes; Administration.

(1) FEDERAL E-RATE TRANSFERS. There is transferred from the appropriation account under s. 20.505 (4) (mp) to the universal service fund $6,900,000 in fiscal year 2019–20 and $17,300,000 in fiscal year 2020–21.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1951/P3
MDK:cdc

DOA:.....Sherwin, BB0334 – Broadband report

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. Broadband report

This bill requires the PSC and DOA to jointly submit a report to the governor and the legislature no later than June 30, 2020, that provides 1) updates on emerging broadband technologies, 2) recommendations for incentives to broadband providers to serve unserved or underserved areas of the state, and 3) proposals for leveraging existing state agency technology, resources, or a combination of technology and resources to serve those areas of the state.

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

2 **SECTION 9136. Nonstatutory provisions; Public Service Commission.**

3 (1) BROADBAND REPORT.

4 (a) In this subsection:

1. "Underserved" has the meaning given in s. 196.504 (1) (b).

2. "Unserved" has the meaning given in s. 196.504 (1) (c).

(b) No later than June 30, 2020, the public service commission and the department of administration shall jointly submit a report to the legislature in the manner provided under s. 13.172 (3) and to the governor that provides all of the following:

1. Updates on emerging broadband technologies and how they can be used to provide broadband service to state residents.

2. Recommendations on how to provide incentives to broadband providers to serve underserved or unserved areas of the state.

3. Proposals on how existing state agency technology, resources, or a combination of technology and resources can be leveraged to serve underserved or unserved areas of the state.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1952/P2
MDK:amn

DOA:.....Sherwin, BB0332 – Focus on energy spending

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. Focus on energy spending

This bill allows the PSC to require investor-owned electric and natural gas public utilities to spend more than 1.2 percent of their annual operating revenues on certain energy efficiency, conservation, and renewable resource programs, which are commonly referred to as Focus on Energy programs. Current law limits the PSC's authority by capping the required spending at 1.2 percent of the revenues on those programs. The bill requires the PSC to submit to JCF a proposal for requiring the spending of a greater percentage on the programs. If the cochairpersons of JCF do not notify the PSC within ten working days after submission of such a proposal that JCF has scheduled a meeting to review the proposal, the PSC may require that the utilities spend the greater percentage. If the cochairpersons of JCF do notify the PSC within ten working days after submission of such a proposal that JCF has scheduled a meeting to review the proposal, and JCF either approves or does not object to the proposal within 90 days of providing the notification to the PSC, the PSC may require that the utilities spend the greater percentage. However, if JCF objects to the

proposal within the 90-day period, the PSC may not require that the utilities spend the greater percentage.

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

SECTION 1. 196.374 (3) (b) 2. of the statutes is amended to read:

196.374 **(3)** (b) 2. The commission shall require each energy utility to spend 1.2 percent of its annual operating revenues derived from retail sales to fund the utility's programs under sub. (2) (b) 1., the utility's ordered programs, the utility's share of the statewide energy efficiency and renewable resource programs under sub. (2) (a) 1., and the utility's share, as determined by the commission under subd. 4., of the costs incurred by the commission in administering this section. Subject to subd. 3., the commission may require each energy utility to spend more than 1.2 percent of its annual operating revenues to fund these programs and costs.

SECTION 2. 196.374 (3) (b) 3. of the statutes is created to read:

196.374 **(3)** (b) 3. The commission shall submit to the joint committee on finance any proposal to require each energy utility to spend more than 1.2 percent of its annual operating revenues to fund the programs specified in subd. 2. If the cochairpersons of the committee do not notify the commission within 10 working days after the commission submits such a proposal that the committee has scheduled a meeting to review the proposal, the commission may require each energy utility to spend the percentage specified in the proposal. If, within 10 working days after the commission submits a proposal, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting to review the proposal, and, within 90 days of providing the notice, the committee either approves or does not object to the proposal, the commission may require each energy utility to spend the

percentage specified in the proposal. If, within 90 days after providing the notice, the committee objects to the proposal, the commission may not require each energy utility to spend the percentage specified in the proposal.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1956/P1
KRP:wlj

DOA:.....Mott, BB0336 – Eliminate sunset of the POWTS program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

1. ***Private on-site wastewater treatment systems***

2017 Wisconsin Act 59, the 2017 biennial budget act, repealed, effective June 30, 2021, a grant program DSPS administers to provide grants to individuals and businesses that are served by failing private on–site wastewater treatment systems (POWTS). This bill restores the POWTS grant program.

The bill also modifies certain obligations of governmental units responsible for the regulation of POWTS. Under current law, a governmental unit responsible for the regulation of POWTS must 1) adopt and begin administration of a maintenance program established by DSPS for POWTS before October 1, 2019; 2) as part of adopting and administering the maintenance program, conduct and maintain an inventory of all POWTS located in the governmental unit; and 3) complete the initial inventory of POWTS located in the governmental unit before October 1, 2017. Current law also provides that, in order to be eligible for the POWTS grant program, the governmental unit must comply with those deadlines.

The bill extends the deadline for a governmental unit to adopt and begin administration of a maintenance program from October 1, 2019, to October 1, 2024. The bill also eliminates the deadline for completing the initial inventory of POWTS

but specifies that the governmental unit is not eligible for POWTS grant funding until the governmental unit completes the initial inventory.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 145.20 (5) (am) of the statutes is amended to read:

145.20 **(5)** (am) Each governmental unit responsible for the regulation of private on–site wastewater treatment systems shall adopt and begin the administration of the program established under par. (a) before October 1, ~~2019~~ 2024. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private on–site wastewater treatment systems located in the governmental unit ~~and shall complete the initial inventory before October 1, 2017. In order to be~~. The governmental unit is not eligible for grant funding under s. 145.245~~, a governmental unit must comply with these deadlines~~ until the governmental unit completes the initial inventory.

SECTION 2. 2017 Wisconsin Act 59, sections 202e, 202g, 1646t to 1646y, 1655g to 1655j, 1806f and 9439 (4t) are repealed.

****NOTE: 2017 Wisconsin Act 59 also repealed the loan program under s. 145.245 (12m), 2015 stats., on the effective date of the act. This bill, as currently drafted, does not restore that loan program. Let me know if that is not consistent with your intent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1957/P1
MDK:ahe

DOA:.....Sherwin, BB0323 – Broadband definitions

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill makes changes to the broadband expansion program administered by the PSC. Under current law, the PSC makes grants for constructing broadband infrastructure in "underserved" areas, which are defined as areas of the state served by fewer than two broadband service providers. The bill revises the definition of underserved so that it refers instead to an area of the state in which households or businesses lack access to broadband service of at least 25 megabits per second download speed and 3 megabits per second upload speed. Current law also specifies various criteria for the PSC to prioritize grants for certain types of projects. One of the criteria is to prioritize grants for projects that affect "unserved" areas, which are defined, in part, as areas with Internet service that does not exceed minimum speeds based on speeds designated by the Federal Communications Commission. The bill revises the definition of "unserved" so that it refers instead to areas in which households or businesses lack access to broadband service of at least 10 megabits per second download speed and 1 megabit per second upload speed.

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

SECTION 1. 196.504 (1) (b) of the statutes is amended to read:

196.504 **(1)** (b) "Underserved" means ~~served by fewer than 2 broadband service providers~~ an area of this state in which households or businesses lack access to broadband service of at least 25 megabits per second download speed and 3 megabits per second upload speed.

SECTION 2. 196.504 (1) (c) (intro.) of the statutes is renumbered 196.504 (1) (c) and amended to read:

196.504 **(1)** (c) "Unserved area" means an area of this state ~~that is not served by an Internet service provider offering Internet service that is all of the following:~~ in which households or businesses lack access to broadband service of at least 10 megabits per second download speed and one megabit per second upload speed.

SECTION 3. 196.504 (1) (c) 1. and 2. of the statutes are repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1958/P1
MDK:kjf

DOA:.....Sherwin, BB0321 – Statutory broadband goals

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill creates a state goal that, no later than January 1, 2025, all businesses and homes in the state have access to high-speed broadband that provides minimum download speeds of at least 25 megabits per second and minimum upload speeds of at least 3 megabits per second.

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

SECTION 1. 196.504 (title) of the statutes is amended to read:

196.504 (title) **Broadband ~~expansion grant program; Broadband Forward! community certification~~ <u>service</u>.**

SECTION 2. 196.504 (1m) of the statutes is created to read:

196.504 **(1m)** It is the goal of the state to ensure that no later than January 1, 2025, all businesses and homes in this state have access to high-speed broadband

that provides minimum download speeds of at least 25 megabits per second and minimum upload speeds of at least 3 megabits per second.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1963/P2
SWB:ahe&kjf

DOA:.....Rice, BB0328 – Eliminate birth cost recovery

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

1. Elimination of birth cost recovery

This bill eliminates the requirement that a court include in a judgment or order relating to paternity an order for a father to pay for a portion of pregnancy and birth expenses. Under current law, a court is required to include in a paternity order an order for the father to repay a portion of pregnancy and birth expenses, taking into account the father's income and ability to pay. This bill eliminates orders relating to pregnancy and birth expenses. The bill also expressly prohibits the state from seeking recovery of birth expenses. Under current law, if the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under the Medical Assistance program at the time of the child's birth, the state could seek to recover from the father the birth expenses incurred by the health maintenance organization or other prepaid health care plan.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (19) (a) of the statutes is amended to read:

49.45 **(19)** (a) ~~As~~ Except as provided in par. (c), as a condition of eligibility for medical assistance, a person shall, notwithstanding other provisions of the statutes, be deemed to have assigned to the state, by applying for or receiving medical assistance, any rights to medical support or other payment of medical expenses from any other person, including rights to unpaid amounts accrued at the time of application for medical assistance as well as any rights to support accruing during the time for which medical assistance is paid.

SECTION 2. 49.45 (19) (c) of the statutes is amended to read:

49.45 **(19)** (c) ~~If the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under medical assistance at the time of the child's birth,~~ The state may not seek recovery of birth expenses ~~that may be recovered by the state under this subsection are the birth expenses incurred by the health maintenance organization or other prepaid health care plan~~.

SECTION 3. 49.855 (3) of the statutes is amended to read:

49.855 **(3)** Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3)~~, (6), and (7)~~. When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support~~,~~ or medical expenses~~, or birth expenses~~ under the court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20

days the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or a circuit court commissioner, the department of children and families or its designee, whichever is appropriate, is prohibited from disbursing the obligor's state tax refund or credit. A circuit court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance, except that the obligor's ability to pay shall also be an issue at the hearing if the obligation relates to an order ~~under s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ regarding birth expenses and the order specifies that the court found that the obligor's income was at or below the poverty line established under 42 USC 9902 (2).

****NOTE: This is reconciled s. 49.855 (3). This SECTION has been affected by drafts with the following LRB numbers: –1963/p1 and –1932/p2.

SECTION 4. 49.855 (4m) (b) of the statutes is amended to read:

49.855 **(4m)** (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), (2p), or (2r) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support~~,~~ or medical expenses~~, or birth expenses~~ under the court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order under which the obligation arose. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. A circuit court commissioner may conduct the hearing. Pending further order by the court or circuit court commissioner, the department of children and families or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance, except that the obligor's ability to pay is also an issue at the hearing if the obligation relates to an order ~~under s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ regarding birth expenses and the order specifies that the court found that the obligor's income was at or below the poverty line established under 42 USC 9902 (2).

SECTION 5. 767.805 (4) (d) of the statutes is repealed.

SECTION 6. 767.89 (3) (e) of the statutes is repealed.

SECTION 9319. Initial applicability; Health Services.

(1) ELIMINATION OF BIRTH COST RECOVERY. The treatment of ss. 49.45 (19) (a) and (c), 49.855 (3) (with respect to the elimination of statutory reference to court authority to issue new orders for birth expenses) and (4m) (b), 767.805 (4) (d), and 767.89 (3) (e) first applies to an order or judgment relating to paternity issued on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1966/P1
TJD:kjf

DOA:.....Bollhorst, BB0333 – MA post-partum coverage

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Post-partum eligibility

This bill requires DHS to seek approval from the federal Department of Health and Human Services to extend to women who are eligible for Medical Assistance when pregnant Medical Assistance benefits until the last day of the month in which the 365th day after the last day of the pregnancy falls. Currently, post-partum women are eligible for Medical Assistance benefits until the last day of the month in which the 60th day after the last day of the pregnancy falls.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.46 (1) (a) 1m. of the statutes is amended to read:

3 49.46 **(1)** (a) 1m. Any pregnant woman whose income does not exceed the

4 standard of need under s. 49.19 (11) and whose pregnancy is medically verified.

Eligibility continues to the last day of the month in which the 60th day or, if approved by the federal government, the 365th day after the last day of the pregnancy falls.

SECTION 2. 49.46 (1) (j) of the statutes is amended to read:

49.46 **(1)** (j) An individual determined to be eligible for benefits under par. (a) 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and to the last day of the month in which the 60th day or, if approved by the federal government, the 365th day after the last day of the pregnancy falls without regard to any change in the individual's family income.

SECTION 3. 49.47 (4) (ag) 2. of the statutes is amended to read:

49.47 **(4)** (ag) 2. Pregnant and the woman's pregnancy is medically verified Eligibility continues to the last day of the month in which the 60th day or, if approved by the federal government, the 365th day after the last day of the pregnancy falls.

SECTION 4. 49.471 (6) (b) of the statutes is amended to read:

49.471 **(6)** (b) A pregnant woman who is determined to be eligible for benefits under sub. (4) remains eligible for benefits under sub. (4) for the balance of the pregnancy and to the last day of the month in which the 60th day or, if approved by the federal government, the 365th day after the last day of the pregnancy falls without regard to any change in the woman's family income.

SECTION 5. 49.471 (6) (L) of the statutes is created to read:

49.471 **(6)** (L) The department shall request from the federal department of health and human services approval of a state plan amendment, a waiver of federal Medicaid law, or approval of a demonstration project to maintain eligibility for post–partum women to the last day of the month in which the 365th day after the last day of the pregnancy falls under ss. 49.46 (1) (a) 1m. and 9. and (j), 49.47 (4) (ag) 2., and 49.471 (4) (a) 1g. and 1m., (6) (b), and (7) (b) 1.

SECTION 6. 49.471 (7) (b) 1. of the statutes is amended to read:

49.471 **(7)** (b) 1. A pregnant woman whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's family income and the applicable income limit under sub. (4) (a) is obligated or expended for any member of the pregnant woman's family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision continues without regard to any change in family income for the balance of the pregnancy and to the last day of the month in which the 60th day <u>or, if approved by the federal government, the 365th day</u> after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant woman under this subdivision extends to all pregnant women in the pregnant woman's family.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1969/P2
JK:klm

DOA:.....Rice, BB0339 – New appropriation for U.S. Census activities and preparation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

1. Census activities

This bill creates a general purpose revenue appropriation for DOA for U.S. census activities and preparation.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.505 (1) (en) of the statutes is created to read:

3 20.505 **(1)** (en) *Census activities*. Biennially, the amounts in the schedule for

4 U.S. census activities and preparation.

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

1 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1970/P2
JK:cjs

DOA:.....Bork, BB0337 – Voter ID and in-person absentee voting

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

1. Voter identification

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. This bill eliminates the proof of enrollment requirement and allows the use of a card that expires no later than five years after the issuance date. The bill also eliminates the requirement that the card contain the student's signature. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2019.

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

2. Voting absentee in person

Current law allows an individual to complete an absentee ballot in person no earlier than 14 days preceding the election and no later than the Sunday preceding

the election. The bill eliminates the restriction on how soon a person may complete an absentee ballot in person and provides that a person must complete such a ballot no later than the Friday preceding the election.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 5.02 (6m) (f) of the statutes is amended to read:

5.02 **(6m)** (f) An unexpired student identification card issued by a university or college in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college in this state that is a member of and governed by the technical college system under ch. 38, that contains the date of issuance ~~and signature of the individual to whom it is issued~~ and that contains an expiration date indicating that the card expires no later than ~~2~~ 5 years after the date of issuance ~~if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented~~.

SECTION 2. 6.86 (1) (b) of the statutes is amended to read:

6.86 **(1)** (b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made ~~no earlier than 14 days preceding the election and~~ no later than ~~the Sunday~~ 7 p.m. on the Friday preceding the election. No application may be received on a legal holiday. A municipality shall specify the hours in the notice under s. 10.01 (2) (e). The municipal clerk or an election official shall witness the certificate for any in–person absentee ballot cast. Except as provided in par. (c), if the elector is making written application for an absentee ballot at the partisan primary, the general

election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 3. 343.50 (1) (c) 1. of the statutes is amended to read:

343.50 **(1)** (c) 1. The department may issue a receipt to any applicant for an identification card, and shall issue a receipt to an applicant requesting an identification card under sub. (5) (a) 3., which receipt shall constitute a temporary identification card while the application is being processed and shall be valid for a period not to exceed ~~60~~ <u>180</u> days. If the application for an identification card is processed under the exception specified in s. 343.165 (7) or (8), the receipt shall include the marking specified in sub. (3) (b).

SECTION 9112. Nonstatutory provisions; Elections Commission.

(1) VOTER IDENTIFICATION. No later than August 1, 2019, each technical college in this state that is is a member of and governed by the technical college system under ch. 38 and each University of Wisconsin System institution shall issue student identification cards that qualify as identification under s. 5.02 (6m) (f).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1974/P2
MES:cdc

DOA:.....Quinn, BB0340 – Levy Limit Exclusion for Cross–Municipality Transit Routes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Levy Limit Exclusion for Cross-Municipality Transit Routes

Generally, under current law, local levy limits are applied to the property tax levies imposed by political subdivisions. A political subdivision may not increase its levy above its "valuation factor," which is the greater of 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. Current law contains a number of exceptions to the levy limit, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair.

The bill creates another exception to local levy limits. Under the bill, amounts levied by a political subdivision for costs related to new or enhanced transit services that cross adjacent county or municipal borders do not apply to the limit if the political subdivisions between which the routes operate have entered into an agreement to provide for the services and if the agreement is approved in a referendum.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0602 (3) (n) of the statutes is created to read:

2 66.0602 **(3)** (n) 1. Subject to subd. 2., the limit otherwise applicable under this
3 section does not apply to the amount that a political subdivision levies in that year
4 for operating and capital costs directly related to the provision of new or enhanced
5 transit services across adjacent county borders or across adjacent municipal borders.
6 For costs to be eligible for the exception under this paragraph, the starting date for
7 the new or enhanced transit services must be on or after the effective date of this
8 subdivision .... [LRB inserts date], and the costs to which the levy applies must be
9 described in the agreement under subd. 2.

10 2. A political subdivision may not use the exception under this paragraph
11 unless all of the following apply:

12 a. The political subdivisions between which the new or enhanced transit routes
13 operate have entered into an intergovernmental cooperation agreement under s.
14 66.0301 to provide for the new or enhanced transit services. The agreement shall
15 describe the services and the amounts that must be levied to pay for those services.

16 b. The agreement described in subd. 2. a. is approved in a referendum, by the
17 electors in each political subdivision that is a party to the agreement, to be held at
18 the next succeeding spring primary or election or partisan primary or general
19 election to be held not earlier than 70 days after the adoption of the agreement by

all of the parties to the agreement. The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1980/P2
MIM:wlj&kjf

DOA:.....Hynek, BB0345 – Grants to shipbuilding businesses for employee training

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Fast Forward grants to shipbuilders

This bill requires DWD to allocate $1,000,000 in the 2019-21 fiscal biennium for grants to shipbuilders in Wisconsin for the purpose of training incoming and current staff.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 106.27 (1u) of the statutes is created to read:

106.27 **(1u)** SHIPBUILDERS; TRAINING GRANTS. From the appropriation under s. 20.445 (1) (b), in the 2019-21 fiscal biennium, the department shall allocate $1,000,000 for grants to shipbuilders in this state to train new and current

employees. A shipbuilder that receives a grant under this subsection shall expend all grant moneys before July 1, 2021, for purposes of training new and current employees.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1981/P2
MPG:cjs&cdc

DOA:.....Rice, BB0344 – Restore current law with respect to Act 369's provisions related to certain legislative powers and ch. 227.

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

LEGISLATURE

1. Retention of legal counsel by the legislature

Prior to 2017 Wisconsin Act 369, representatives to the assembly and senators, as well as legislative employees, could receive legal representation from DOJ in most legal proceedings. Assembly and senate policies and practices also allowed legislators and legislative employees to retain outside legal counsel in some instances.

Act 369 provided all of the following:

1. With respect to the assembly, that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties; and that the speaker may obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

2. With respect to the senate, that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside

legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's duties; and that the majority leader may obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

3. That the cochairpersons of the Joint Committee on Legislative Organization may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the employee's duties; and that the cochairpersons may obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

This bill eliminates those provisions, restoring previous law with respect to the legislature's retention of legal counsel.

2. Capitol security

Under Act 369, DOA is required to submit any proposed changes to security at the capitol, including the posting of a firearm restriction, to the JCLO for approval under passive review. This bill eliminates that requirement.

3. Advice and consent of the senate

Under Act 369, any individual nominated by the governor or another state officer or agency, and with the advice and consent of the senate appointed, to any office or position may not hold the office or position, be nominated again for the office or position, or perform any duties of the office or position during the legislative session biennium if the individual's confirmation for the office or position is rejected by the senate. This bill eliminates that restriction.

STATE GOVERNMENT

ADMINISTRATIVE RULES; GUIDANCE DOCUMENTS

4. Deference to agency interpretations of law

Prior to 2017 Wisconsin Act 369, the statutes did not prohibit courts from according deference to agency interpretations of law in most circumstances. Under Act 369, a court may not accord deference to agency interpretations of law and an agency may not seek such deference from a court.

This bill restores the state of the law prior to Act 369 concerning deference to agency interpretations of law.

5. Suspension of administrative rules

Prior to 2017 Wisconsin Act 369, administrative rules that were in effect could be temporarily suspended by the Joint Committee for Review of Administrative Rules. If JCRAR suspended a rule, JCRAR was required to introduce bills in each house of the legislature to make the suspension permanent. If neither bill to support the suspension was ultimately enacted, the rule would remain in effect and JCRAR could not suspend the rule again. Under current law as established in Act 369, JCRAR may suspend a rule multiple times.

This bill restores the prior law limitations on JCRAR's ability to suspend a rule.

6. Agency rule-making authority

Under 2017 Wisconsin Act 369, a settlement agreement, consent decree, or court order does not confer rule–making authority and cannot be used by an agency as authority to promulgate rules. Additionally, no agency may agree to promulgate a rule as a term in any settlement agreement, consent decree, or stipulated order of a court unless the agency has explicit statutory authority to promulgate the rule at the time the settlement agreement, consent decree, or stipulated order of a court is executed.

This bill repeals those limitations on agency rule–making authority.

7. Guidance documents

2017 Wisconsin Act 369 established various requirements with respect to the adoption and use of guidance documents, broadly defined, by state agencies, including requirements that agencies must satisfy in order to adopt guidance documents.

Under Act 369, each agency must submit each proposed guidance document to the Legislative Reference Bureau for publication in the Administrative Register and must provide a period for persons to submit written comments to the agency on the proposed guidance document. The agency must retain all written comments submitted during the public comment period and consider those comments in determining whether to adopt the guidance document as originally proposed, modify the proposed guidance document, or take any other action. Act 369 also requires each adopted guidance document, while valid, to remain available on the agency's Internet site and requires the agency to permit continuing public comment on the guidance document. Each guidance document must be signed by the head of the agency below a statement containing certain certifications.

Also, under Act 369, a guidance document does not have the force of law and does not provide the authority for implementing or enforcing a standard, requirement, or threshold, including as a term or condition of any license. An agency that proposes to rely on a guidance document to the detriment of a person in any proceeding must afford the person an adequate opportunity to contest the legality or wisdom of a position taken in the guidance document, and an agency may not use a guidance document to foreclose consideration of any issue raised in the guidance document.

This bill eliminates those and related requirements established under Act 369 with respect to agency guidance documents.

8. Informational materials

Under 2017 Wisconsin Act 369, a state agency must provide a statutory or administrative rule citation for any statement or interpretation of law that the agency provides in its informational materials. This bill repeals that requirement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 13.124 of the statutes is repealed.

SECTION 2. 13.127 of the statutes is repealed.

SECTION 3. 13.91 (1) (c) of the statutes is amended to read:

13.91 **(1)** (c) Perform the functions prescribed in ~~ch. 227~~ s. 227.15 for the review and resolution of problems relating to administrative rules ~~and guidance documents~~.

SECTION 4. 16.84 (2m) of the statutes is repealed.

SECTION 5. 35.93 (2) (b) 3. im. of the statutes is repealed.

SECTION 6. 227.01 (3m) of the statutes is repealed.

****NOTE: I have omitted any treatment reversing changes to the definition of rule under s. 227.01 (13). The changes in Act 369 were purely technical. MPG

SECTION 7. 227.05 of the statutes, as created by 2017 Wisconsin Act 369, is repealed.

SECTION 8. Subchapter II (title) of chapter 227 [precedes 227.10] of the statutes is amended to read:

CHAPTER 227

SUBCHAPTER II

ADMINISTRATIVE RULES ~~AND GUIDANCE DOCUMENTS~~

SECTION 9. 227.10 (2g) of the statutes is repealed.

SECTION 10. 227.11 (title) of the statutes is amended to read:

227.11 (title) ~~**Agency**~~ **Extent to which chapter confers rule-making authority.**

SECTION 11. 227.11 (3) of the statutes is repealed.

SECTION 12. 227.112 of the statutes is repealed.

SECTION 13. 227.13 of the statutes is amended to read:

227.13 Advisory committees and informal consultations. An agency may use informal conferences and consultations to obtain the viewpoint and advice of interested persons with respect to contemplated rule making. An agency may also appoint a committee of experts, interested persons or representatives of the public to advise it with respect to any contemplated rule making. ~~Such a~~ The committee shall have advisory powers only. ~~Whenever an agency appoints a committee under this section, the agency shall submit a list of the members of the committee to the joint committee for review of administrative rules.~~

SECTION 14. 227.26 (2) (im) of the statutes is repealed.

SECTION 15. 227.40 (1) of the statutes is amended to read:

227.40 **(1)** Except as provided in sub. (2), the exclusive means of judicial review of the validity of a rule ~~or guidance document~~ shall be an action for declaratory judgment as to the validity of the rule ~~or guidance document~~ brought in the circuit court for the county where the party asserting the invalidity of the rule ~~or guidance document~~ resides or has its principal place of business or, if that party is a nonresident or does not have its principal place of business in this state, in the circuit court for the county where the dispute arose. The officer or other agency whose rule ~~or guidance document~~ is involved shall be the party defendant. The summons in the action shall be served as provided in s. 801.11 (3) and by delivering a copy to that officer or, if the agency is composed of more than one person, to the secretary or clerk of the agency or to any member of the agency. The court shall render a declaratory judgment in the action only when it appears from the complaint and the supporting evidence that the rule ~~or guidance document~~ or its threatened application interferes

with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the rule ~~or guidance document~~ in question.

SECTION 16. 227.40 (2) (intro.) of the statutes is amended to read:

227.40 **(2)** (intro.) The validity of a rule ~~or guidance document~~ may be determined in any of the following judicial proceedings when material therein:

SECTION 17. 227.40 (2) (e) of the statutes is amended to read:

227.40 **(2)** (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), 106.50, 106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for review of decisions and orders of administrative agencies if the validity of the rule ~~or guidance document~~ involved was duly challenged in the proceeding before the agency in which the order or decision sought to be reviewed was made or entered.

SECTION 18. 227.40 (3) (ag) of the statutes is amended to read:

227.40 **(3)** (ag) In any judicial proceeding other than one under sub. (1) or (2), in which the invalidity of a rule ~~or guidance document~~ is material to the cause of action or any defense thereto, the assertion of that invalidity shall be set forth in the pleading of the party maintaining the invalidity of the rule ~~or guidance document~~ in that proceeding. The party asserting the invalidity of the rule ~~or guidance document~~ shall, within 30 days after the service of the pleading in which the party sets forth the invalidity, apply to the court in which the proceedings are had for an order suspending the trial of the proceeding until after a determination of the validity of the rule ~~or guidance document~~ in an action for declaratory judgment under sub. (1).

****NOTE: Above and in the treatment of other provisions referencing guidance documents, I have omitted treatment of changes in Act 369 that were purely technical. MPG

SECTION 19. 227.40 (3) (ar) of the statutes is amended to read:

227.40 **(3)** (ar) Upon the hearing of the application, if the court is satisfied that the validity of the rule ~~or guidance document~~ is material to the issues of the case, an order shall be entered staying the trial of said proceeding until the rendition of a final declaratory judgment in proceedings to be instituted forthwith by the party asserting the invalidity of the rule ~~or guidance document~~. If the court finds that the asserted invalidity of the rule ~~or guidance document~~ is not material to the case, an order shall be entered denying the application for stay.

SECTION 20. 227.40 (3) (b) of the statutes is amended to read:

227.40 **(3)** (b) Upon the entry of a final order in the declaratory judgment action, it shall be the duty of the party who asserts the invalidity of the rule ~~or guidance document~~ to formally advise the court of the outcome of the declaratory judgment action so brought as ordered by the court. After the final disposition of the declaratory judgment action the court shall be bound by and apply the judgment so entered in the trial of the proceeding in which the invalidity of the rule ~~or guidance document~~ is asserted.

SECTION 21. 227.40 (3) (c) of the statutes is amended to read:

227.40 **(3)** (c) Failure to set forth the invalidity of a rule ~~or guidance document~~ in a pleading or to commence a declaratory judgment proceeding within a reasonable time pursuant to the order of the court or to prosecute the declaratory judgment action without undue delay shall preclude the party from asserting or maintaining that the rule ~~or guidance document~~ is invalid.

SECTION 22. 227.40 (4) (a) of the statutes is amended to read:

227.40 **(4)** (a) In any proceeding pursuant to this section for judicial review of a rule ~~or guidance document~~, the court shall declare the rule ~~or guidance document~~

invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was promulgated ~~or adopted~~ without compliance with statutory rule–making ~~or adoption~~ procedures.

SECTION 23. 227.40 (6) of the statutes is amended to read:

227.40 **(6)** Upon entry of a final order in a declaratory judgment action under sub. (1) ~~with respect to a rule~~, the court shall send an electronic notice to the legislative reference bureau of the court's determination as to the validity or invalidity of the rule, in a format approved by the legislative reference bureau, and the legislative reference bureau shall publish a notice of that determination in the Wisconsin administrative register under s. 35.93 (2) and insert an annotation of that determination in the Wisconsin administrative code under s. 13.92 (4) (a).

SECTION 24. 227.57 (11) of the statutes is amended to read:

227.57 **(11)** Upon review of an agency action or decision affecting a property owner's use of the property owner's property, the court shall accord no deference to the agency's interpretation of law if the agency action or decision restricts the property owner's free use of the property owner's property.

SECTION 25. 801.50 (3) (b) of the statutes is amended to read:

801.50 **(3)** (b) All actions relating to the validity or invalidly of a rule ~~or guidance document~~ shall be venued as provided in s. 227.40 (1).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1983/P1
KP:amn

DOA:.....Rice, BB0346 – End the employment grants program under s. 20.505(7)(ft)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. End the homeless employment grant program

This bill repeals a grant program under which DOA awards grants of up to $75,000 to a municipality for the purpose of connecting homeless individuals with permanent employment. Under current law, a municipality receiving a grant under the program must itself contribute at least $50,000 for the purpose of the grant. Current law also requires that, in awarding a grant, DOA must give preference to municipalities that place a priority on using the grant moneys to pay the wages of homeless individuals and that obtain an agreement from a nonprofit organization to provide additional employment and support services to homeless individuals participating in the grant program.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.313 of the statutes is repealed.

2 **SECTION 2.** 20.505 (7) (ft) of the statutes is repealed.

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

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1986/P3
MCP:wlj

DOA:.....Potts, BB0342 – Unfair Sales Act

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

1. Minimum markup for motor vehicle fuel

Under current law, the Unfair Sales Act 1) prohibits below–cost sales of any merchandise if the sale is intended to induce the purchase of other merchandise or divert trade unfairly from a competitor; and 2) requires a "minimum markup" (a specified amount over the cost of the merchandise to the seller) to be added to sales of motor vehicle fuel, tobacco products, fermented malt beverages, liquor, or wine. The required minimum markup for motor vehicle fuel is 3, 6, or 9.18 percent of the cost of the fuel to the seller, depending on whether the fuel is sold by a retailer or a wholesaler and whether the fuel is sold from a retail station. This bill exempts sales of motor vehicle fuel from the minimum markup requirement under the Unfair Sales Act.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 100.30 (2) (am) 1m. a., b., c., d. and e. and (c) 1g. and 1r. of the statutes are amended to read:

100.30 **(2)** (am) 1m. a. In the case of the retail sale of motor vehicle fuel by a refiner at a retail station owned or operated either directly or indirectly by the refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner's retail sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel~~, plus a markup of 9.18 percent of that amount to cover a proportionate part of the cost of doing business~~; or the average posted terminal price at the terminal located closest to the retail station ~~plus a markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business~~; whichever is greater.

b. In the case of the retail sale of motor vehicle fuel by a wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or operated either directly or indirectly by the wholesaler of motor vehicle fuel, the invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale, and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or replacement cost of the motor vehicle fuel~~, plus a markup of 9.18 percent of that amount to cover a proportionate part of the cost of doing business~~; or the average posted terminal price at the terminal located closest to the retail station ~~plus a~~

~~markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business~~; whichever is greater.

c. In the case of the retail sale of motor vehicle fuel by a person other than a refiner or a wholesaler of motor vehicle fuel at a retail station, the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel~~, plus a markup of 6 percent of that amount to cover a proportionate part of the cost of doing business~~; or the average posted terminal price at the terminal located closest to the retailer ~~plus a markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business~~; whichever is greater.

d. In the case of a retail sale of motor vehicle fuel by a refiner at a place other than a retail station, the refiner's lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner's retail sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel ~~to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the retailer as set forth in this subd. 1m. d~~.

e. In the case of a retail sale of motor vehicle fuel by a person other than a refiner at a place other than a retail station, the invoice cost of the motor vehicle fuel to the

retailer within 10 days prior to the date of the sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel ~~to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the retailer as set forth in this subd. 1m. e~~.

(c) 1g. With respect to the wholesale sale of motor vehicle fuel by a refiner, "cost to wholesaler" means the refiner's lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner's wholesale sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel~~, to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the wholesaler as set forth in this subdivision~~.

1r. With respect to the wholesale sale of motor vehicle fuel by a person other than a refiner, "cost to wholesaler" means the invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date of the sale or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel ~~to which shall be added a markup to~~

~~cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the wholesaler as set forth in this subdivision~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1987/P2
KP&MPG:wlj&klm

DOA:.....Sherwin, BB0348 – DOA Asset Sales

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. Use of proceeds from the sale or lease of state-owned real property

Currently, with certain exceptions, DOA or the Building Commission may sell or lease state–owned real property. Any sale by DOA is subject to approval of the Building Commission, and any sale by DOA or the Building Commission is subject to approval by JCF. Current law specifies how the net proceeds of the sale or lease of state–owned real property must be used and, in doing so, establishes several steps DOA or the Building Commission must follow in succession.

First, the net proceeds must be used to retire any public debt that was used to finance the acquisition, construction, or improvement of the property that is sold or leased. This bill authorizes DOA or the Building Commission at this step in the process to deposit some or all of the net proceeds into the capital improvement fund for use as a substitute source of funding for a project enumerated under the authorized state building program that is within the same statutory bond purpose, as defined in the bill, as the property that is sold or leased. At this step in the process, DOA or the Building Commission may not deposit more proceeds in the capital improvement fund than would have been used to retire the debt associated with the property.

Next, current law specifies several required uses of the remaining net proceeds. For example, if the sold or leased property was acquired, constructed, or improved with federal financial assistance, DOA or the Building Commission must pay to the federal government any of the net proceeds required by federal law. Once those required payments are satisfied, any remaining net proceeds must be used to pay principal and interest costs on outstanding public debt issued to finance the acquisition, construction, or improvement of property. The bill again authorizes DOA or the Building Commission at this step to deposit some or all of the net proceeds into the capital improvement fund for use as a substitute source of funding for a project enumerated under the authorized state building program that is within the same statutory bond purpose as the property that is sold or leased.

Finally, if net proceeds remain after the first two steps in the process, current law requires that the net proceeds be used to retire other outstanding public debt. The bill authorizes DOA or the Building Commission at this step to deposit some or all of the net proceeds into the capital improvement fund for use as a substitute source of funding for any statutory bond purpose.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 13.48 (14) (a) of the statutes is renumbered 13.48 (14) (a) (intro.)
2 and amended to read:

3 13.48 **(14)** (a) (intro.) In this subsection~~, "agency"~~:

4 1. "Agency" has the meaning given in s. 16.52 (7).

5 **SECTION 2.** 13.48 (14) (a) 2. of the statutes is created to read:

6 13.48 **(14)** (a) 2. "Statutory bond purpose" means a purpose specified in s.
7 20.866 (2) (s) to (zz), but not including any purpose specified in s. 20.866 (2) (s) 1., (z)
8 1m. to 4m., and (zbj) 1. and 2.

9 **SECTION 3.** 13.48 (14) (c) (intro.) of the statutes is amended to read:

10 13.48 **(14)** (c) (intro.) Except as provided in par. (e), if there is any outstanding
11 public debt used to finance the acquisition, construction, or improvement of any
12 property that is sold or leased under par. (am), the building commission shall deposit

a sufficient amount of the net proceeds from the sale or lease of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon ~~refunding~~ redeeming any of that debt, except that the commission may deposit some or all of the net proceeds, not to exceed the amount the commission would have deposited in the bond security and redemption fund, in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em) for a project enumerated under the authorized state building program that is within the same statutory bond purpose as the property sold or leased under par. (am). If there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold or leased under par. (am), the building commission shall then provide a sufficient amount of the net proceeds from the sale or lease of the property for the costs of maintaining federal tax law compliance applicable to the debt. If the property was acquired, constructed, or improved with federal financial assistance, the commission shall pay to the federal government any of the proceeds required by federal law. If the property was acquired by gift or grant or with gift or grant funds, the commission shall adhere to any restriction governing use of the proceeds. Except as required under par. (e) and ss. 20.395 (9) (qd) and 51.06 (6), if there is no such debt outstanding, there are no moneys payable to the federal government, and there is no restriction governing use of the proceeds, and if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this subsection, the building commission shall use the net proceeds or remaining net proceeds to pay principal and interest costs on outstanding public debt issued to finance the acquisition, construction, or improvement of property, except that the commission may deposit some or all of the net proceeds in the capital improvement fund for use as a substitute source of

funding under s. 20.924 (1) (em) for a project enumerated under the authorized state building program that is within the same statutory bond purpose as the property sold or leased under par. (am). If any net proceeds remain thereafter, the commission shall use the proceeds to pay principal and interest costs on other outstanding public debt, except that the commission may deposit some or all of the net proceeds in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em) for any statutory bond purpose. For the purpose of paying principal and interest costs on other outstanding public debt under this paragraph, the commission may cause outstanding bonds to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem bonds at their optional redemption date, or purchase bonds in the open market. For the purpose of using an amount deposited under this paragraph as a substitute source of funding under s. 20.924 (1) (em), the commission shall determine which projects to fund and shall authorize expenditures for those projects. To the extent practical, the commission shall consider all of the following in determining which public debt to redeem, whether to use any net proceeds as a substitute source of funding under s. 20.924 (1) (em), and which projects to fund:

SECTION 4. 13.48 (14) (c) 3. of the statutes is amended to read:

13.48 **(14)** (c) 3. The fiscal benefit of redeeming outstanding debt with higher interest costs and the costs of establishing an escrow needed to redeem the outstanding debt.

SECTION 5. 13.48 (14) (c) 4. of the statutes is amended to read:

13.48 **(14)** (c) 4. The costs of maintaining federal tax law compliance in the selection of general obligation debt to be redeemed or the project to be financed under s. 20.924 (1) (em).

SECTION 6. 13.48 (14) (cf) of the statutes is created to read:

13.48 **(14)** (cf) If, under par. (c), the commission deposits an amount in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em), the amount of public debt that may be contracted under the statutory bond purpose for which the amount deposited under par. (c) is used as a substitute source of funding shall be reduced by the amount used as a substitute source of funding for that statutory bond purpose.

SECTION 7. 13.48 (14) (cm) of the statutes is amended to read:

13.48 **(14)** (cm) If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold or leased under par. (am), the commission shall adhere to any restrictions in the authorizing resolution of the revenue obligations governing the use of the proceeds. To the extent the authorizing resolution does not restrict such use, the commission shall deposit a sufficient amount of the net proceeds from the sale or lease of the property in the respective redemption fund provided under s. 18.561 (5) or 18.562 (3) to repay the principal and pay the interest on the revenue obligations, and any premium due upon ~~refunding~~ redeeming any of the revenue obligations, or shall deposit an amount in the appropriate fund under s. 18.57 or apply the amount for a purpose for which similar revenue obligations may be issued under s. 18.53 (3) or (4). If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold or leased under par. (am), the commission shall then provide a sufficient amount of the net proceeds from the sale or lease of the property for the costs of maintaining federal tax law compliance applicable to the revenue obligations. For the purpose of paying

principal and interest costs on ~~other~~ outstanding revenue obligations, the commission may cause outstanding revenue obligations to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem obligations at their optional redemption date, or purchase bonds on the open market. Except as required under par. (e) and ss. 20.395 (9) (qd) and 51.06 (6), if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this paragraph, the department shall use the net proceeds or the remaining net proceeds to pay principal and interest costs on other similar revenue obligations <u>or for a purpose for which similar revenue obligations may be issued under s. 18.53 (3) or (4)</u>.

SECTION 8. 13.48 (14) (ct) of the statutes is created to read:

13.48 **(14)** (ct) If under par. (cm) the commission deposits net proceeds into an appropriate fund provided in s. 18.57 or applies net proceeds for a purpose for which revenue obligations may be issued, the amount of revenue obligations authorized under s. 18.54 (2) shall be reduced by the amount deposited or applied.

SECTION 9. 16.848 (4) (a) of the statutes is renumbered 16.848 (4) (ag) and amended to read:

16.848 **(4)** (ag) Except as provided in s. 13.48 (14) (e), if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold or leased under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale or lease of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon ~~refunding~~ <u>redeeming</u> any of the debt<u>, except that the department may deposit some or all of the net proceeds, not to exceed the amount the department would have deposited in the bond security and</u>

redemption fund, in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em) for a project enumerated under the authorized state building program that is within the same statutory bond purpose as the property sold or leased under sub. (1). If there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold or leased under sub. (1), the department shall then provide a sufficient amount of the net proceeds from the sale or lease of the property for the costs of maintaining federal tax law compliance applicable to the debt. If the property was acquired, constructed, or improved with federal financial assistance, the department shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the department shall adhere to any restriction governing use of the proceeds. Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if there is no such debt outstanding, there are no moneys payable to the federal government, and there is no restriction governing use of the proceeds, and if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this subsection, the department shall use the net proceeds or remaining net proceeds to pay principal and interest costs on outstanding public debt issued to finance the acquisition, construction, or improvement of property, except that the department may deposit some or all of the net proceeds in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em) for a project enumerated under the authorized state building program that is within the same statutory bond purpose as the property sold or leased under sub. (1). If any net proceeds remain thereafter, the department shall use the proceeds to pay principal and interest costs on other outstanding public debt, except that the department may deposit some or all of the

net proceeds in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em) for any statutory bond purpose.

SECTION 10. 16.848 (4) (ab) of the statutes is created to read:

16.848 **(4)** (ab) In this subsection, "statutory bond purpose" has the meaning given in s. 13.48 (14) (a) 2.

SECTION 11. 16.848 (4) (am) of the statutes is created to read:

16.848 **(4)** (am) If, under par. (ag), the department deposits an amount in the capital improvement fund for use as a substitute source of funding under s. 20.924 (1) (em), the amount of public debt that may be contracted under the statutory bond purpose for which the amount deposited under par. (ag) is used as a substitute source of funding shall be reduced by the amount used as a substitute source of funding for that statutory bond purpose.

SECTION 12. 16.848 (4) (b) (intro.) of the statutes is amended to read:

16.848 **(4)** (b) (intro.) For the purpose of paying principal and interest costs on other outstanding public debt under par. ~~(a)~~ (ag), the secretary may cause outstanding bonds to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem bonds at their optional redemption date, or purchase bonds in the open market. For the purpose of using an amount deposited under par. (ag) as a substitute source of funding under s. 20.924 (1) (em), the department shall determine which projects to fund and shall authorize expenditures for those projects. To the extent practical, the secretary shall consider all of the following in determining which public debt to redeem, whether to use any net proceeds as a substitute source of funding under s. 20.924 (1) (em), and which projects to fund:

SECTION 13. 16.848 (4) (b) 4. of the statutes is amended to read:

16.848 **(4)** (b) 4. The fiscal benefit of redeeming outstanding debt with higher interest costs and the costs of establishing an escrow needed to redeem the outstanding debt.

SECTION 14. 16.848 (4) (b) 5. of the statutes is amended to read:

16.848 **(4)** (b) 5. The costs of maintaining federal tax law compliance in the selection of general obligation debt to be redeemed or the project to be financed under s. 20.924 (1) (em).

SECTION 15. 16.848 (4) (c) of the statutes is amended to read:

16.848 **(4)** (c) If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold or leased under sub. (1), the department shall adhere to any restrictions in the authorizing resolution of the revenue obligations governing the use of the proceeds. To the extent the authorizing resolution does not restrict such use, the department shall deposit a sufficient amount of the net proceeds from the sale or lease of the property in the respective redemption fund provided under s. 18.561 (5) or 18.562 (3) to repay the principal and pay the interest on the revenue obligations, and any premium due upon ~~refunding~~ redeeming any of the revenue obligations, or shall deposit an amount in the appropriate fund under s. 18.57 or apply the amount for a purpose for which similar revenue obligations may be issued under s. 18.53 (3) or (4). If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold or leased under sub. (1), the department shall then provide a sufficient amount of the net proceeds from the sale or lease of the property for the costs of maintaining federal tax law compliance applicable to the revenue obligations. For the purpose of paying principal and interest costs on ~~other~~

outstanding revenue obligations, the secretary may cause outstanding revenue obligations to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem obligations at their optional redemption date, or purchase bonds on the open market. Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this paragraph, the department shall use the net proceeds or remaining net proceeds to pay principal and interest costs on other similar revenue obligations <u>or for a purpose for which similar revenue obligations may be issued under s. 18.53 (3) or (4)</u>.

SECTION 16. 16.848 (4) (d) of the statutes is created to read:

16.848 **(4)** (d) If under par. (c) the department deposits net proceeds into an appropriate fund provided in s. 18.57 or applies net proceeds for a purpose for which revenue obligations may be issued, the amount of revenue obligations authorized under s. 18.54 (2) shall be reduced by the amount deposited or applied.

SECTION 17. 20.924 (1) (em) of the statutes is amended to read:

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1988/1
ARG:ahe&wlj

DOA:.....Mott, BB0349 – Student loan refinancing study

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Student Loan Refinancing Study Committee

This bill creates the Student Loan Refinancing Study Committee consisting of the secretary of financial institutions, the state treasurer, and the executive secretary of HEAB. The committee's purpose is to study the creation and administration of a bonding authority for the refinancing of student loans to ease the student loan debt burden. The committee must submit a report to the governor and the legislature that includes 1) recommendations regarding the corporate and legal structure of the refinancing entity, including governance; 2) a profile of the loan portfolio, projected costs, estimated staffing needs, underwriting requirements, and other information pertinent to the creation of a financing entity that offers interest rate savings to student loan debtors; and 3) an assessment of the feasibility of and options for offering borrower protections similar to those under federal student loan programs.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9151. Nonstatutory provisions; Other.

(1) STUDENT LOAN REFINANCING STUDY COMMITTEE.

(a) There is created the student loan refinancing study committee to study the creation and administration of a bonding authority for the refinancing of student loans in this state in order to ease the burden of student loan debt for this state's residents.

(b) The student loan refinancing study committee shall consist of the following members:

1. The secretary of financial institutions.

2. The state treasurer.

3. The executive secretary of the higher educational aids board.

(c) No later than October 1, 2020, the student loan refinancing study committee shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report that includes all of the following:

1. Recommendations regarding the corporate and legal structure of the refinancing entity, including governance.

2. A profile of the loan portfolio, projected start–up and operational costs, estimated staffing needs, underwriting requirements, and other information pertinent to the creation of a refinancing entity that can offer interest rate savings to this state's student loan debtors.

3. An assessment of the feasibility of and options for offering protections to borrowers refinancing student debt through the refinancing entity that are similar to the protections under federal student loan programs.

(d) The department of financial institutions shall pay the administrative expenses of the student loan refinancing study committee, not exceeding a total of $50,000, from the appropriation account under s. 20.144 (1) (g).

(e) The student loan refinancing study committee terminates upon the submission of the report under par. (c).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1989/P1
MIM:cdc

DOA:.....Kretschmann, BB0353 - Return-to-work for public employees

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

WISCONSIN RETIREMENT SYSTEM

1. WRS annuities for teachers returning to work

Under current law, if a Wisconsin Retirement System annuitant, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position with a WRS-participating employer, or provides employee services to a WRS-participating employer in which he or she is expected to work at least two-thirds of what is considered full-time employment by the DETF, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment.

This bill creates an exception to this requirement for an annuitant who retired from employment as a teacher with a school district who is subsequently rehired or provides employee services as a teacher after retirement if: 1) the participating employer is a school district; 2) at least 30 days have elapsed from the date the person left covered employment with a school district; 3) at the time the person initially retires from a school district, the person does not have an agreement with any school district to return to employment; and 4) the person elects to not become a participating employee at the time the person is rehired as a teacher by a school district or enters into a contract to provide employee services as a teacher after

retirement. In other words, the bill allows a teacher annuitant who retired from a school district to return to work as a teacher for a school district that is a participating employer and elect to not become a participating employee for purposes of the Wisconsin Retirement System, and instead continue to receive his or her annuity.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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

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

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

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

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

SECTION 3. 40.22 (2r) (intro.) of the statutes is amended to read:

40.22 **(2r)** (intro.) ~~An~~ <u>Except as otherwise provided in s. 40.26 (6), an</u> employee who was not a participating employee before July 1, 2011, who is not expected to work at least two–thirds of what is considered full–time employment by the department,

as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

SECTION 4. 40.22 (3) (intro.) of the statutes is amended to read:

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

SECTION 5. 40.26 (6) (intro.), (a) and (b) of the statutes are created to read:

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

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

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

SECTION 9313. Initial applicability; Employee Trust Funds.

(1) WRS TEACHER ANNUITANTS. The treatment of ss. 40.22 (1), (2m) (intro.), (2r) (intro.), and (3) (intro.) and 40.26 (6) first applies to participants under the Wisconsin

1 Retirement System who terminate employment on the effective date of this
2 subsection.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1992/P5
MDK:wlj&amn

DOA:.....Sherwin, BB0347 – State office of sustainability and clean energy

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. The office of sustainability and clean energy

This bill creates the office of sustainability and clean energy in DOA to administer certain energy programs. The office is headed by a director outside the classified service who is appointed by the governor to serve at the governor's pleasure. Under current law, the PSC has established an office of energy innovation to administer various energy-related programs, including utility-funded statewide energy efficiency and renewable resources programs that are commonly referred to as Focus on Energy programs. The bill transfers the administration of those energy-related programs, except for Focus on Energy programs, to the office created in the bill. The bill also transfers to that office certain duties of the PSC regarding state agency energy planning, energy shortage contingency planning, and administering federal energy grants. Also, the bill requires that office to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the office to provide technical assistance to governmental units that is similar to

technical assistance the PSC is allowed to provide under current law, and the bill requires the office and PSC to consult with each other on that assistance. In addition, the bill requires the office to establish a program for making grants from the environmental fund for clean energy production research.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.105 (34) of the statutes is created to read:

15.105 **(34)** OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. There is created in the department of administration an office to be known as the office of sustainability and clean energy. The office shall be under the direction and supervision of a director who shall be appointed by the governor to serve at the governor's pleasure.

SECTION 2. 16.954 of the statutes is created to read:

16.954 Office of sustainability and clean energy. (1) DEFINITIONS. In this section:

(a) "Office" means the office of sustainability and clean energy.

(b) "Public utility" has the meaning given in s. 196.01 (5).

(2) INITIATIVES. The office shall work on initiatives that have the following goals:

(a) Promoting the development and use of clean and renewable energy across this state.

(b) Advancing innovative sustainability solutions in ways that improve this state's economy and environment, including energy initiatives that reduce carbon emissions, accelerate economic growth, and lower customer energy costs.

(c) Diversifying the resources used to reliably meet the energy needs of consumers in this state and generate family–supporting jobs through the expansion of this state's clean energy economy.

(3) OTHER DUTIES. The office shall do all of the following:

(b) Provide advice and support to state agencies in developing or retrofitting sustainable infrastructure to reduce energy use and lessen negative impacts on this state's air and water quality.

(c) Study and report on the status of existing clean and renewable energy efforts by the state, including economic development initiatives, and develop future energy policy opportunities for consideration by the governor and state agencies.

(d) Serve as a single point of contact to assist businesses, local units of government, and nongovernmental organizations that are pursuing clean energy opportunities.

(e) Identify and share information about clean energy funding opportunities for private, and state and local governmental entities.

(f) Perform duties necessary to maintain federal energy funding and any designations required for such funding.

(i) Take other steps necessary to facilitate the implementation of the initiatives and goals specified in sub. (2) and to identify and address barriers to the implementation of those initiatives.

(4) CLEAN ENERGY GRANTS. The office shall establish a program for making grants from the appropriation under s. 20.505 (4) (q) to fund research in support of clean energy production.

(5) TECHNICAL ASSISTANCE. (a) The office may provide technical assistance to units of government other than the state to assist in the planning and

implementation of energy efficiency and renewable resources and may charge for those services. The office may request technical and staff assistance from other state agencies in providing technical assistance to those units of government.

(b) The office may require a public utility to provide energy billing and use data regarding public schools, if the office determines that the data is necessary to provide technical assistance under par. (a) in public schools, including those with the highest energy costs.

(c) The office shall consult with the public service commission in implementing this subsection.

SECTION 3. 20.505 (4) (m) of the statutes is created to read:

20.505 **(4)** (m) *Federal aid; office of sustainability and clean energy.* All moneys received from the federal government as authorized by the governor under s. 16.54 for the purposes of funding programs administered under s. 16.954.

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

SECTION 4. 20.505 (4) (q) of the statutes is created to read:

20.505 **(4)** (q) *Clean energy grants.* From the environmental fund, the amounts in the schedule for grants under s. 16.954 (4).

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

SECTION 5. 20.923 (4) (c) 2m. of the statutes is created to read:

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

SECTION 6. 196.025 (7) (title) and (a) (intro.) of the statutes are repealed.

SECTION 7. 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and amended to read:

16.954 **(3)** (a) In cooperation with the other state agencies, collect, analyze, interpret, and maintain the comprehensive data needed for effective state agency clean and renewable energy planning and effective review of those plans by the governor and the legislature.

SECTION 8. 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

SECTION 9. 196.025 (7) (a) 3. of the statutes is renumbered 16.954 (3) (h) and amended to read:

16.954 **(3)** (h) ~~Prepare~~ In consultation with the public service commission, prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur they can be dealt with quickly and effectively.

SECTION 10. 196.025 (7) (b) of the statutes is renumbered 196.38 (1).

SECTION 11. 196.025 (7) (c) of the statutes is renumbered 196.38 (2) and amended to read:

196.38 **(2)** The commission may require a public utility to provide energy billing and use data regarding public schools, if the commission determines that the data is necessary to provide technical assistance ~~in the planning and implementation of energy efficiency and renewable resources~~ under sub. (1) in public schools, including those with the highest energy costs.

SECTION 12. 196.38 (title) of the statutes is created to read:

196.38 (title) **Technical assistance to governmental units.**

SECTION 13. 196.38 (3) of the statutes is created to read:

196.38 **(3)** The commission shall consult with the office of sustainability and clean energy in implementing this section.

SECTION 14. 230.08 (2) (ya) of the statutes is created to read:

230.08 **(2)** (ya) The director of the office of sustainability and clean energy in the department of administration.

SECTION 9136. Nonstatutory provisions; Public Service Commission.

(1) OFFICE OF ENERGY INNOVATION.

(a) *Definitions.* In this subsection:

1. "Commission" means the public service commission.

2. "Department" means the department of administration.

3. "Focus on energy programs" means the statewide energy efficiency and renewable resource programs established under s. 196.374 (2) (a) 1.

4. "Office" means the office of energy innovation in the commission.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the commission primarily relating to the office, except for assets and liabilities primarily relating to focus on energy programs, as determined by the secretary of administration, become the assets and liabilities of the department.

(c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED positions, and the incumbent employees holding those positions, in the commission who perform duties primarily related to the office, except for duties primarily relating to focus on energy programs, as determined by the secretary of administration, are transferred to the department.

(d) *Employee status.* Employees transferred under par. (c) have all the rights and the same status under ch. 230 in the department that they enjoyed in the commission immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the commission primarily relating to the office, except for property primarily relating to focus on energy programs, as determined by the secretary of administration, becomes the personal property of the department.

(f) *Pending matters.* Any matter pending with the commission primarily relating to the office, except for matters primarily relating to focus on energy programs, as determined by the secretary of administration, on the effective date of this paragraph is transferred to the department. All materials submitted to or actions taken by the commission are considered as having been submitted to or taken by the department.

(g) *Contracts.* All contracts entered into by the commission primarily relating to the office, except for contracts primarily relating to focus on energy programs, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to the department. The department shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

(h) *Rules and orders.* All rules promulgated by the commission under s. 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department. All orders issued by the commission under s. 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department.

SECTION 9401. Effective dates; Administration.

(1) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. The treatment of ss. 15.105 (34), 16.954, 20.505 (4) (m) and (q), 20.923 (4) (c) 2m., 196.025 (7) (title) and (a) (intro.) and 1., 2., and 3., and 230.08 (2) (ya) takes effect on October 1, 2019, or on the day after publication, whichever is later.

SECTION 9436. Effective dates; Public Service Commission.

(1) OFFICE OF ENERGY INNOVATION. SECTION 9136 (1) of this act takes effect on October 1, 2019, or on the day after publication, whichever is later.

(2) TECHNICAL ASSISTANCE. The treatment of ss. 196.025 (7) (b) and (c) and 196.38 (title) and (3) takes effect on October 1, 2019, or on the day after publication, whichever is later.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1994/P3
KRP:cjs

DOA:.....Kretschmann, BB0350 – Transfer to DPI and combine teacher development program grants and grants for teacher training and recruitment

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Teacher development, training, and recruitment grants

Under current law, DWD must award the following grants:

1. Grants to nonprofit organizations that operate programs to recruit and prepare individuals to teach in public or private schools located in low–income or urban school districts in this state.

2. Grants to school boards, governing bodies of private schools, and charter management organizations that have partnered with an educator preparation program approved by DPI and headquartered in this state to design and implement teacher development programs.

This bill combines the grant programs and transfers from DWD to DPI the authority and obligation to award the grants. Under the combined grant program,

DPI may award grants only to school boards, governing bodies of private schools, and charter management organizations.

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

SECTION 1. 20.445 (1) (bm) of the statutes is amended to read:

20.445 **(1)** (bm) *Workforce training; administration.* Biennially, the amounts in the schedule for the administration of the local youth apprenticeship grant program under s. 106.13 (3m), the youth summer jobs program under s. 106.18, the employment transit assistance grant program under s. 106.26, the workforce training program under s. 106.27, ~~the teacher development program grants under s. 106.272, the career and technical education incentive grant program under s. 106.273, the technical education equipment grant program under s. 106.275,~~ and the apprentice programs under subch. I of ch. 106.

****NOTE: This is reconciled s. 20.445 (1) (bm). This SECTION has been affected by drafts with the following LRB numbers: LRB–1301/P2, LRB–1787/P2, and LRB–1994/P2.

SECTION 2. 20.445 (1) (bt) of the statutes is repealed.

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

SECTION 3. 20.445 (1) (dg) of the statutes is renumbered 20.255 (2) (em) and amended to read:

20.255 **(2)** (em) ~~*Teacher*~~ *Grants for teacher development* ~~*program grants*~~, *training, and recruitment*. The amounts in the schedule for ~~the~~ grants for teacher development ~~program grants~~, training, and recruitment under s. ~~106.272~~ 118.196 (4) and (5).

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

SECTION 4. 106.272 (title) of the statutes is repealed.

SECTION 5. 106.272 of the statutes is renumbered 118.196 (4), and 118.196 (4) (a) and (b) (intro.), 1. and 2., as renumbered, are amended to read:

118.196 **(4)** (a) From the appropriation under s. ~~20.445 (1) (dg)~~ 20.255 (2) (em), the department shall award grants to ~~the~~ school ~~board of a school district or to the~~ boards, governing ~~body of a private school, as defined under s. 115.001 (3d), or to a~~ bodies, and charter management ~~organization~~ organizations under sub. (1) (a) that ~~has~~ have partnered with ~~an~~ educator preparation ~~program approved by the department of public instruction and headquartered in this state~~ programs under sub. (1) (a) to design and implement ~~a~~ teacher development ~~program~~ programs.

(b) (intro.) In awarding a grant under this ~~section~~ subsection, the department shall do all of the following:

1. ~~Consult with the department of public instruction to confirm~~ Confirm that the teacher development program satisfies the requirements under ~~s. 118.196~~ sub. (2).

2. Consider the methods by which the school board, governing body, or charter management organization and the educator preparation program under sub. (1) (a) will make the teacher development program affordable to participating employees.

SECTION 6. 106.277 (title), (1) (intro.), (a) and (c), (3) and (4) of the statutes are repealed.

SECTION 7. 106.277 (1) (b) of the statutes is renumbered 118.196 (1) (b) and amended to read:

118.196 **(1)** (b) ~~The organization operates~~ A grant under sub. (5) to operate a program to recruit and prepare individuals to teach in public or private schools located in low–income or urban school districts in this state.

SECTION 8. 106.277 (2) of the statutes is renumbered 118.196 (5), and 118.196 (5) (intro.), as renumbered, is amended to read:

118.196 **(5)** (intro.) From the appropriation under s. 20.255 (2) (em), the department shall award grants to school boards, governing bodies, and charter management organizations under sub. (1) (b). The department shall establish a process for evaluating and assigning a score to each ~~organization eligible to receive~~ applicant for a grant under sub. (1)~~. If the amount appropriated under s. 20.445 (1) (bt) is insufficient to make the payments required under sub. (1), the~~ (b). The department shall give preference in evaluating grants under this ~~section to a nonprofit organization~~ subsection for each of the following:

SECTION 9. 118.196 (title) of the statutes is amended to read:

118.196 (title) ~~**Teacher**~~ **Grants for teacher development ~~program,~~ training, and recruitment.**

SECTION 10. 118.196 (1) of the statutes is renumbered 118.196 (1) (intro.) and amended to read:

118.196 **(1)** (intro.) A school board, governing body of a private school, or ~~a~~ charter management organization may apply to the department ~~of workforce development~~ for ~~a~~ any of the following grants:

(a) A grant under ~~s. 106.272~~ sub. (4) to design and implement a teacher development program that satisfies the requirements under sub. (2) with an educator preparation program approved by the department and headquartered in this state.

SECTION 11. 118.196 (2) (a) of the statutes is amended to read:

118.196 **(2)** (a) The school board, governing body, or charter management organization and the educator preparation program under sub. (1) (a) shall design

the teacher development program to prepare employees of the school district, private school, or charter management organization who work closely with students to successfully complete the requirements for obtaining a permit under s. 118.192 or an initial teaching license under s. 118.19, including any standardized examination prescribed by the state superintendent as a condition for permitting or licensure.

SECTION 12. 118.196 (2) (b) of the statutes is amended to read:

118.196 **(2)** (b) To implement the teacher development program designed under par. (a), the school board, governing body, and charter management organization shall allow employees who are enrolled in the program to satisfy student teaching requirements in a school in the school district, in the private school, or in the charter management organization, and the partnering entity under sub. (1) (a) shall prepare and provide intensive coursework for participating employees.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1996/P3
CMH:cdc&cjs

DOA:.....Potts, BB0355 – Decriminalize less than 25 grams of marijuana

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CRIMES

1. Decriminalizing 25 grams or less of marijuana

Current law prohibits a person from possessing or attempting to possess; possessing with the intent to manufacture, distribute, or deliver; and manufacturing, distributing, or delivering marijuana. The penalties vary based on the amount of marijuana or plants involved or the number of previous controlled-substance convictions the person has. Current law also allows local governments to enact ordinances prohibiting the possession of marijuana.

This bill eliminates 1) the penalty for possession of marijuana if the amount of marijuana involved is no more than 25 grams; 2) the penalty for manufacturing or for possessing with the intent to manufacture, distribute, or deliver if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two; and 3) the penalty for distributing or delivering marijuana if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two. The bill retains the current law penalty for distributing or delivering any amount of marijuana to a minor who is no more than 17 years of age by a person who is at least three years older than the minor. The bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.

The bill also prohibits establishing probable cause that a person is violating the prohibition against possessing more than 25 grams of marijuana by an odor of

marijuana or by the possession of not more than 25 grams of marijuana. Current law requires that, when determining the weight of controlled substances, the weight includes the weight of the controlled substance together with any compound, mixture, or other substance mixed or combined with the controlled substance. Under the bill, when determining the amount of tetrahydrocannabinols, only the weight of the marijuana may be considered. Finally, the bill creates a process for expunging or dismissing convictions involving less than 25 grams of marijuana that occurred before this bill takes effect.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 961.41 (1) (h) 1. of the statutes is renumbered 961.41 (1) (h) 1r. and amended to read:

961.41 **(1)** (h) 1r. ~~Two hundred~~ More than 25 grams but not more than 200 grams ~~or less~~, or more than 2 but not more than 4 ~~or fewer~~ plants containing tetrahydrocannabinols, the person is guilty of a Class I felony.

SECTION 2. 961.41 (1) (h) 1g. of the statutes is created to read:

961.41 **(1)** (h) 1g. Twenty–five grams or less, or 2 or fewer plants containing tetrahydrocannabinols, the person is guilty of a Class I felony if the person is at least 17 years of age and distributes or delivers to a person who is no more than 17 years of age and who is at least 3 years younger than the person distributing or delivering.

SECTION 3. 961.41 (1m) (h) 1. of the statutes is amended to read:

961.41 **(1m)** (h) 1. ~~Two hundred~~ More than 25 grams but not more than 200 grams ~~or less~~, or more than 2 but not more than 4 ~~or fewer~~ plants containing tetrahydrocannabinols, the person is guilty of a Class I felony.

SECTION 4. 961.41 (1q) (title) of the statutes is repealed and recreated to read:

961.41 **(1q)** (title) TETRAHYDROCANNABINOLS PENALTY AND PROBABLE CAUSE.

SECTION 5. 961.41 (1q) of the statutes is renumbered 961.41 (1q) (a).

SECTION 6. 961.41 (1q) (b) and (c) of the statutes are created to read:

961.41 **(1q)** (b) The following are not sufficient to establish probable cause that a violation of sub. (1) (h) has occurred:

1. Odor of marijuana.

2. The possession of not more than 25 grams of marijuana.

(c) No individual on parole, probation, extended supervision, supervised release, or any other release may have the release revoked for possessing not more than 25 grams of marijuana.

SECTION 7. 961.41 (1r) of the statutes is amended to read:

961.41 **(1r)** DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m), an amount includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, ~~tetrahydrocannabinols,~~ synthetic cannabinoids, or substituted cathinones, or any controlled substance analog of any of these substances together with any compound, mixture, diluent, plant material or other substance mixed or combined with the controlled substance or controlled substance analog. In ~~addition, in~~ determining amounts under subs. (1) (h) ~~and~~, (1m) (h), and (3g) (e), the amount of tetrahydrocannabinols ~~means anything included under s. 961.14 (4) (t) and includes~~ means the weight of ~~any~~ only marijuana.

SECTION 8. 961.41 (3g) (e) of the statutes is amended to read:

961.41 **(3g)** (e) *Tetrahydrocannabinols.* If a person possesses or attempts to possess more than 25 grams of tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, the person may be fined not more than $1,000 or imprisoned for not more than 6 months or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For

purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

SECTION 9. 961.46 of the statutes is amended to read:

961.46 Distribution to persons under age 18. If a person 17 years of age or over violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing or delivering a controlled substance or a controlled substance analog to a person 17 years of age or under who is at least 3 years his or her junior, the applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not more than 5 years.

SECTION 10. 973.016 of the statutes is created to read:

973.016 Special disposition for marijuana-related crimes. (1) DISMISSAL OF CONVICTION FOR PERSONS SERVING A SENTENCE OR PROBATION. (a) A person serving a sentence or on probation may request dismissal as provided under par. (b) if one of the following applies:

1. The sentence or probation period was imposed for a conviction under s. 961.41 (1) (h), 2017 stats., or s. 961.41 (1m) (h), 2017 stats., and the person proves to the court by a preponderance of the evidence that the amount of marijuana involved was 25 grams or less, or 2 or fewer plants.

2. The sentence or probation period was imposed for a conviction under s. 961.41 (3g) (e), 2017 stats., and the person proves to the court by a preponderance of the evidence that the amount of marijuana involved was 25 grams or less.

(b) A person to whom par. (a) applies shall file a petition with the sentencing court to request dismissal of the conviction. If the court receiving a petition under this paragraph determines that par. (a) applies, the court may grant the petition without a hearing or may schedule a hearing to consider the petition. If a hearing is scheduled, unless the person cannot prove the amount of marijuana involved was 25 grams or less or the court determines that the dismissal of the conviction presents an unreasonable risk of danger to public safety, the court shall grant the petition.

(2) EXPUNGING AN OFFENSE FOR PERSONS WHO COMPLETED A SENTENCE OR PROBATION. (a) A person who has completed his or her sentence or period of probation may request under par. (b) expungement of the conviction if one of the following applies:

1. The sentence or probation period was imposed for a conviction under s. 961.41 (1) (h), 2017 stats., or s. 961.41 (1m) (h), 2017 stats., and the person proves to the court by a preponderance of the evidence that the amount of marijuana involved was 25 grams or less, or 2 or fewer plants.

2. The sentence or probation period was imposed for a conviction under s. 961.41 (3g) (e), 2017 stats., and the person proves to the court by a preponderance of the evidence that the amount of marijuana involved was 25 grams or less.

(b) A person to whom par. (a) applies shall file a petition with the sentencing court to request expungement of the conviction. If the court receiving a petition under this paragraph determines that par. (a) applies, the court may grant the petition without a hearing or may schedule a hearing to consider the petition. If a hearing is scheduled, unless the person cannot prove the amount of marijuana involved was 25 grams or less or the court determines that expungement of the

conviction presents an unreasonable risk of danger to public safety, the court shall grant the petition.

(**3**) CRIMES DISMISSED OR EXPUNGED UNDER THIS SECTION. A conviction that has been expunged or dismissed under this section is not considered a conviction for any purpose under state or federal law, including for purposes of s. 941.29 or 18 USC 921.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1998/P1
MLJ:cjs

DOA:.....Stinebrink, BB0360 – Wisconsin Disaster Fund

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

1. Washington Island disaster assistance

This bill requires DMA to pay up to $1,000,000 in each fiscal year of the 2019–21 fiscal biennium from the state disaster assistance appropriation to the Washington Island Electric Cooperative for the costs incurred for the replacement of the cables that bring electricity to Washington Island.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 9131. Nonstatutory provisions; Military Affairs.

(1) WASHINGTON ISLAND DISASTER ASSISTANCE. From the appropriation under s. 20.465 (3) (s), the department of military affairs shall pay to the Washington Island Electric Cooperative utility up to $1,000,000 in each fiscal year of the 2019–21 fiscal

biennium for costs incurred for disaster relief. The Washington Island Electric Cooperative utility shall pay 30 percent of the reasonable and necessary costs incurred for the disaster relief, and the department shall pay the remaining costs up to $1,000,000 in each fiscal year of the 2019–21 fiscal biennium.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–1999/P1
MLJ:kjf

DOA:.....Schmidt, BB0356 – Nonviolent Offender Treatment Diversion Pilot

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Nonviolent offender treatment diversion pilot program

2017 Wisconsin Act 32 created a nonviolent offender treatment diversion pilot program that expires on July 1, 2019. This bill continues the nonviolent offender treatment diversion pilot program until July 1, 2021, and requires that in each fiscal year of the 2019–21 biennium, $250,000 of the moneys appropriated to the program be allocated to police departments in cities of the first class.

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

SECTION 1. 20.455 (2) (en) of the statutes is created to read:

20.455 **(2)** (en) *Diversion pilot program.* The amounts in the schedule to create a diversion pilot program for nonviolent offenders to be diverted to a treatment option.

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

SECTION 2. 20.455 (2) (en) of the statutes, as created by 2019 Wisconsin Act .... (this act), is repealed.

SECTION 9127. Nonstatutory provisions; Justice.

(1) DIVERSION PILOT PROGRAM. From the appropriation under s. 20.455 (2) (en), the department of justice shall establish a diversion pilot program for nonviolent offenders to be diverted to a treatment program and under the program shall allocate $250,000 in each fiscal year of the 2019–21 biennium to law enforcement agencies in cities of the first class.

SECTION 9427. Effective dates; Justice.

(1) DIVERSION PILOT PROGRAM. The repeal of s. 20.455 (2) (en) takes effect on July 1, 2021.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2001/P1
SWB:cjs

DOA:.....Bollhorst, BB0361 – Healthy Aging Programs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Healthy aging grant program

This bill requires DHS to award in each fiscal year a grant of $250,000 to an entity that conducts programs in healthy aging.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.435 (1) (bk) of the statutes is created to read:

20.435 **(1)** (bk) *Healthy aging grant program.* The amounts in the schedule for grants to an entity that conducts programs in healthy aging.

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

SECTION 2. 46.854 of the statutes is created to read:

46.854 Healthy aging grant program. From the appropriation under s. 20.435 (1) (bk), the department shall award in each fiscal year a grant of $250,000 to an entity that conducts programs in healthy aging.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2002/P2
TJD:wlj

DOA:.....Bollhorst, BB0358 – Crisis intervention

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Crisis intervention services

Currently, mental health crisis intervention services are a benefit provided by the Medical Assistance program. Current law specifies that for a county that becomes certified as a Medical Assistance provider, the county pays the nonfederal share of the Medical Assistance reimbursement and DHS reimburses the county for the federal share of the Medical Assistance reimbursement. This bill changes the name of the services to "crisis intervention services" and specifies that those services are for the treatment of mental illness, intellectual disability, substance abuse, and dementia. The bill also specifies that for a county that elects to deliver crisis intervention services under the Medical Assistance program on a regional basis, DHS reimburses the service provider both the federal and nonfederal share of the allowable charges for the amount that exceeds a required annual county contribution. After January 1, 2020, the required annual county contribution is equal to 75 percent of the county's expenditures for crisis intervention services in calendar year 2017, as determined DHS.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (41) of the statutes is amended to read:

49.45 **(41)** ~~MENTAL HEALTH CRISIS~~ CRISIS INTERVENTION SERVICES. (a) In this subsection, "~~mental health~~ crisis intervention services" means crisis intervention services for the treatment of mental illness, intellectual disability, substance abuse, and dementia that are provided by a ~~mental health~~ crisis intervention program operated by, or under contract with, a county, if the county is certified as a medical assistance provider.

(b) If a county elects to become certified as a provider of ~~mental health~~ crisis intervention services, the county may provide ~~mental health~~ crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall pay the amount of the allowable charges for the services under the medical assistance program that is not provided by the federal government. The department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 2. 49.45 (41) (c) of the statutes is created to read:

49.45 **(41)** (c) Notwithstanding par. (b), if a county elects to deliver crisis intervention services under the Medical Assistance program on a regional basis according to criteria established by the department, all of the following apply:

1. After January 1, 2020, the department shall require the county to annually contribute for the crisis intervention services an amount equal to 75 percent of the county's expenditures for crisis intervention services under this subsection in calendar year 2017, as determined by the department.

2. The department shall reimburse the provider of crisis intervention services in the county the amount of allowable charges for those services under the Medical Assistance program, including both the federal share and nonfederal share of those charges, that exceeds the amount of the county contribution required under subd. 1.

3. If a county submits a certified cost report under s. 49.45 (52) (b) to claim federal medical assistance funds, the claim based on certified costs made by a county for amounts under subd. 2. may not include any part of the nonfederal share of the amount under subd. 2.

SECTION 3. 49.46 (2) (b) 15. of the statutes is amended to read:

49.46 **(2)** (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45 (41).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2007/P2
FFK:cjs

DOA:.....Kretschmann, BB0351 – Water filtration grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Water bottle filling stations.

This bill requires DPI to award grants to school districts to purchase water bottle filling stations that provide filtered drinking water.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (co) of the statutes is created to read:

20.255 **(2)** (co) *Water filtration grants.* The amounts in the schedule for grants to school districts under s. 115.335.

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

SECTION 2. 115.335 of the statutes is created to read:

115.335 Water filtration grants. (1) Beginning in the 2019–20 school year, the department shall award grants to school districts to purchase water bottle filling equipment that includes a water filtration component.

(2) The department shall promulgate rules to implement and administer this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2008/P1
FFK:wlj

DOA:.....Kretschmann, BB0352 – Licensing Lapse

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Licensing fees

Under the bill, all fees collected by DPI for the certification or licensure of school and public library personnel are credited back to DPI to fund DPI's administrative costs related to licensure. Under current law, 90 percent of the fees are credited back to DPI and the remaining 10 percent are deposited into the general fund.

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

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

20.255 **(1)** (hg) *Personnel licensure, teacher supply, information and analysis and teacher improvement.* The amounts in the schedule to fund licensure administrative costs under ~~s.~~ ss. 115.28 (7) (d) and 118.19 (10), teacher supply,

information and analysis costs under s. 115.29 (5), and teacher improvement under s. 115.41. ~~Ninety percent of all~~ All moneys received from the licensure of school and public library personnel under s. 115.28 (7) (d)~~,~~ and all moneys received under s. 115.41~~,~~ shall be credited to this appropriation.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2009/P2
KRP:kjf

DOA:.....Kretschmann, BB0354 - Eliminate information technology education grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill eliminates a grant program under which DPI awarded grants in the 2017-18 and 2018-19 school years to certain entities to provide information technology education opportunities to public school pupils in grades 6 to 12, technical college district students, and patrons of public libraries.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (eb) of the statutes is repealed.

SECTION 2. 106.273 (3) (am) of the statutes is repealed.

****NOTE: This is reconciled s. 106.273 (3) (am). This SECTION has been affected by drafts with the following LRB numbers: LRB-1301/P2 and LRB-2009/P1.

1 **SECTION 3.** 115.455 of the statutes is repealed.

2 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2013/P3
MCP:cdc

DOA:.....Hutter, BB0362 – Farmer Mental Health Appropriation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

1. Mental health assistance for farmers

The bill authorizes DATCP to provide mental health assistance to farmers and farm families and creates an appropriation for that purpose.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.115 (3) (c) of the statutes is created to read:

3 20.115 **(3)** (c) *Farmer mental health assistance.* The amounts in the schedule

4 for mental health assistance to farmers and farm families.

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

5 **SECTION 2.** 93.06 (16) of the statutes is created to read:

93.06 **(16)** FARMER MENTAL HEALTH ASSISTANCE. Provide mental health assistance to farmers and farm families.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2015/P2
KP:kjf&cdc

DOA:.....Hutter, BB0363 – Local grazing grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

1. Grants to local organizations that coordinate grazing

This bill requires DATCP to promote the dairy industry by providing grants to local organizations that coordinate grazing. Under current law, DATCP promotes the growth of the dairy industry by making grants and loans to dairy producers, making grants to dairy processing plants, and through research, planning, and assistance.

2. Preference for grants to small dairy processing plants

Under this bill, in awarding grants to dairy processing plants, DATCP must give preference to small dairy processing plants. Under current law, DATCP promotes the growth of the dairy industry through research, planning, and assistance by making grants to persons operating dairy processing plants and making grants and loans to dairy producers.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.115 (4) (d) of the statutes is amended to read:

20.115 **(4)** (d) *Dairy industry promotion.* The amounts in the schedule for promoting the growth of the dairy industry by providing grants and loans to dairy producers and by providing grants to local organizations that coordinate grazing.

SECTION 2. 93.40 (1) (g) of the statutes is amended to read:

93.40 **(1)** (g) Promote the growth of the dairy industry through research, planning, and assistance, including grants and loans to dairy producers, grants to local organizations that coordinate grazing, and grants to persons operating processing plants. In awarding grants to persons operating processing plants, the department shall give preference to persons operating small processing plants.

****NOTE: This is reconciled s. 93.40 (1) (g). This SECTION has been affected by drafts with the following LRB numbers: –1993/P1 and –2015/P1.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2021/P2
MCP:wlj

DOA:.....Hutter, BB0367 – Concentrated Animal Feeding Operations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Concentrated animal feeding operations

Under current law, a person who operates a concentrated animal feeding operation (CAFO) must have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit from DNR. A CAFO is a livestock operation that contains at least 1,000 animal units, that discharges pollutants to a navigable water, or that contaminates a well. Current law requires a CAFO operator with a WPDES permit to pay an annual fee of $345 to DNR. The bill increases the amount of this annual fee to $660. In addition to this annual fee, the bill requires an operator to pay a $3,270 fee upon receiving a WPDES permit and every five years after that. Under current law, $95 of every annual fee is deposited into an appropriation account for general program operations relating to DNR's environmental quality functions. The bill requires $95 of the annual $660 fee to instead be deposited into an appropriation account for general program operations relating to DNR's external services. In addition, under the bill, $315 of the annual $660 fee and the full amount of the $3,270 fee is deposited into an appropriation account for the purpose of DNR's regulation of CAFOs.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.370 (9) (ag) of the statutes is created to read:

20.370 **(9)** (ag) *Water resources — concentrated animal feedings operations.* From the general fund, all moneys received under s. 283.31 (8) (am) and all moneys required under s. 283.31 (8) (b) to be credited to this appropriation account for implementing and enforcing s. 281.31 in relation to concentrated animal feeding operations.

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

SECTION 2. 283.31 (8) (a) of the statutes is amended to read:

283.31 **(8)** (a) The holder of a permit under this section for a concentrated animal feeding operation shall annually pay to the department a fee of ~~$345~~ $660.

SECTION 3. 283.31 (8) (am) of the statutes is created to read:

283.31 **(8)** (am) In addition to the fee under par. (a), the holder of a permit under this section for a concentrated animal feeding operation shall pay to the department an initial fee of $3,270 and a fee of $3,270 every 5 years thereafter.

SECTION 4. 283.31 (8) (b) of the statutes is amended to read:

283.31 **(8)** (b) Of each fee paid under par. (a), $95 shall be credited to the appropriation account under s. 20.370 ~~(4)~~ (9) (mi) and $315 shall be credited to the appropriation account under s. 20.370 (9) (ag).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2024/P2
KP:kjf

DOA:.....Bork, BB0371 – Creating a new appropriation for the state treasurer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. Funding for general program operations of the state treasurer

This bill appropriates funds for the general program operations of the Office of the State Treasurer.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.585 (1) (c) of the statutes is created to read:

20.585 **(1)** (c) *General program operations; general purpose revenue.* The amounts in the schedule for general program operations.

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

1 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2025/P2
CMH&MLJ:ahe

DOA:.....Schmidt, BB0372 – Add community policing to beat patrol grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Grants for community policing officers

Under current law, DOJ must award grants to cities with a population of at least 25,000 to pay salaries and fringe benefits of beat patrol law enforcement officers so that the cities may employ additional officers or to reimburse overtime hours for the officers. DOJ must award the grants to eligible cities that apply that have the highest rates of violent crime, and recipients must provide matching funds of at least 25 percent of the grant. This bill adds that DOJ may, using the same criteria for the current law grants, also award grants to pay salaries and fringe benefits of law enforcement officers who are assigned to community policing so that the cities may employ additional officers who perform such services or to reimburse overtime hours for those officers.

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

2 **SECTION 1.** 165.986 (title), (1), (2), (3) and (7) (intro.), (a) and (b) of the statutes

3 are amended to read:

165.986 (title) **Beat patrol and community policing officers; grant program. (1)** The department of justice shall provide grants from the appropriation under s. 20.455 (2) (kb) to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling or who are assigned to community policing. A city is eligible for a grant under this subsection in fiscal year 1994–95 if the city has a population of 25,000 or more. A city may receive a grant for a calendar year if the city applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

(2) A city applying to the department of justice for a grant under sub. (1) shall include a proposed plan of expenditure of the grant moneys. The grant moneys that a city receives under sub. (1) may be used for salary and fringe benefits only. Except as provided in sub. (3), the positions for which funding is sought must be created on or after April 21, 1994, and result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties or community policing.

(3) During the first 6 months of the first year of a grant under sub. (1), a city may, with the approval of the department, use part of the grant for the payment of salary and fringe benefits for overtime provided by uniformed law enforcement officers whose primary duty is beat patrolling or who are assigned to community policing. A city may submit a request to the department for a 3–month extension of the use of the grant for the payment of overtime costs. To be eligible to use part of the first year's grant for overtime costs, the city shall provide the department with all of the following:

(a) The reasons why uniformed law enforcement officers assigned to beat patrol duties or community policing need to work overtime.

(b) The status of the hiring and training of new uniformed law enforcement officers who will have beat patrol duties or will be assigned to community policing.

(c) Documentation that a sufficient amount of the grant for the first year will be available, during the period remaining after the payment of overtime costs, to pay the salary and fringe benefits of the same number of uniformed officers whose primary duty is beat patrolling or who are assigned to community policing that the grant originally planned to pay.

(7) (intro.) From the appropriation under s. 20.455 (2) ~~(jc)~~ (bm), the department shall make grants in amounts determined by the department to cities with a population of 25,000 or more to reimburse overtime costs for uniformed law enforcement officers whose primary duty is beat patrolling or who are assigned to community policing, except that the department may award no more than $400,000 to a city for a calendar year. The grants may be used for salary and fringe benefits only. The grants may be awarded only to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation. A city may receive a grant for a calendar year if the city applies before September 1 of the preceding calendar year and provides the department all of the following:

****NOTE: This is reconciled s. 165.986 (7) (intro.). This SECTION has been affected by drafts with the following LRB numbers: –2025/P1 and –2081/P1.

(a) The reasons why uniformed law enforcement officers assigned to beat patrol duties or community policing need to work overtime.

1 (b) The status of the hiring and training of new uniformed law enforcement
2 officers who will have beat patrol duties or will be assigned to community policing.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2026/P1
ZDW:wlj

DOA:.....Potts, BB0365 – Trail condemnation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMINENT DOMAIN

1. Condemnation authority for recreational trails

This bill eliminates the prohibition in current law on certain entities, such as DOT, DNR, and county or village boards, from using the power of condemnation to acquire land or interests in land for the purpose of establishing or extending bicycle lanes or certain pedestrian ways.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 23.09 (2) (d) (intro.) of the statutes is amended to read:

23.09 **(2)** (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or agreement, and receive by gifts or devise, lands or waters suitable for the purposes enumerated in this paragraph, and maintain such lands and waters for such

purposes; and~~, except for the purpose specified under subd. 12.,~~ may condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof:

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

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

SECTION 3. 27.019 (10) of the statutes is amended to read:

27.019 **(10)** ACQUISITION OF LAND. Any county in which there does not exist a county park commission acting through its rural planning committee may acquire by gift, grant, devise, donation, purchase, condemnation or otherwise, with the consent of the county board, a sufficient tract or tracts of land for the reservation for public use of river fronts, lake shores, picnic groves, outlook points from hilltops, places of special historic interest, memorial grounds, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same, and to develop and maintain the same for public use. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 4. 27.05 (3) of the statutes is amended to read:

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

SECTION 5. 27.065 (1) (a) of the statutes is amended to read:

27.065 **(1)** (a) The county board of any county which shall have adopted a county system of parks or a county system of streets and parkways, pursuant to s. 27.04, may acquire the lands necessary for carrying out all or part of such plan by gift, purchase, condemnation or otherwise; provided, however, that no lands shall be acquired by condemnation unless and until the common council of the city or the board of trustees of the village or the board of supervisors of the town wherein such land is situated shall consent thereto. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~ The cost of acquiring such lands by purchase or condemnation may be paid in whole or in part by the county or by the property to be benefited thereby, as the county board shall direct but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto; provided, that no assessment for paying the cost of acquiring lands may be levied or collected

against the property to be benefited until the governing body of the city, village or town where such lands are located has by resolution determined that the public welfare will be promoted thereby. Title to all lands acquired hereunder shall be an estate in fee simple.

SECTION 6. 27.08 (2) (b) of the statutes is amended to read:

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

SECTION 7. 27.08 (2) (c) of the statutes is amended to read:

27.08 **(2)** (c) Subject to the approval of the common council to buy or lease lands in the name of the city for park, parkway, boulevard or pleasure drive purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purposes. Every city is authorized, upon recommendation of its officers, board or body having the control and management of its public parks, to acquire by condemnation in the name of the city such lands

within or without its corporate boundaries as it may need for public parks, parkways, boulevards and pleasure drives. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 8. 32.015 of the statutes is repealed.

SECTION 9. 32.51 (1) (intro.) of the statutes is amended to read:

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

SECTION 10. 59.52 (6) (a) of the statutes is amended to read:

59.52 **(6)** (a) *How acquired; purposes.* Take and hold land acquired under ch. 75 and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways, dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits for operation under s. 59.70 (24), equipment for clearing and draining land and controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in s. 23.09 (2) (d). ~~The power of condemnation may not be used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 11. 60.782 (2) (d) of the statutes is amended to read:

60.782 **(2)** (d) Lease or acquire, including by condemnation, any real property situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or 30.275 (4). ~~The power of condemnation may not used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 12. 61.34 (3) (a) of the statutes is renumbered 61.34 (3) and amended to read:

61.34 **(3)** ACQUISITION AND DISPOSAL OF PROPERTY. ~~Except as provided in par. (b), the~~ The village board may acquire property, real or personal, within or outside the village, for parks, libraries, recreation, beautification, streets, water systems, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by ch. 32.

SECTION 13. 61.34 (3) (b) of the statutes is repealed.

SECTION 14. 62.22 (1) (a) of the statutes is renumbered 62.22 (1) and amended to read:

62.22 **(1)** PURPOSES. ~~Except as provided in par. (b), the~~ The governing body of any city may by gift, purchase or condemnation acquire property, real or personal, within or outside the city, for parks, recreation, water systems, sewage or waste disposal, airports or approaches thereto, cemeteries, vehicle parking areas, and for

any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property. The power of condemnation for any such purpose shall be as provided by ch. 32.

SECTION 15. 62.22 (1) (b) of the statutes is repealed.

SECTION 16. 62.23 (17) (a) (intro.) of the statutes is amended to read:

62.23 **(17)** (a) (intro.) ~~Except as provided in par. (am), cities~~ Cities may acquire by gift, lease, purchase, or condemnation any lands within its corporate limits for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same or any lands adjoining or near to such city for use, sublease, or sale for any of the following purposes:

SECTION 17. 62.23 (17) (am) of the statutes is repealed.

SECTION 18. 85.09 (2) (a) of the statutes is amended to read:

85.09 **(2)** (a) The department of transportation shall have the first right to acquire, for present or future transportational or recreational purposes, any property used in operating a railroad or railway, including land and rails, ties, switches, trestles, bridges, and the like located on that property, that has been abandoned. The department of transportation may, in connection with abandoned rail property, assign this right to a state agency, the board of regents of the University of Wisconsin System, any county or municipality, or any transit commission. Acquisition by the department of transportation may be by gift, purchase, or condemnation in accordance with the procedure under s. 32.05~~, except that the power~~

~~of condemnation may not be used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a)~~. In addition to its property management authority under s. 85.15, the department of transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect rents and fees for any use of rail property pending discharge of the department's duty to convey property that is not necessary for a public purpose. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned, or under study for possible abandonment unless the conveyance or disposal is for the purpose of providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

SECTION 19. 990.01 (2) of the statutes is amended to read:

990.01 **(2)** ACQUIRE. "Acquire," when used in connection with a grant of power to any person, includes the acquisition by purchase, grant, gift or bequest. It includes

the power to condemn only in the cases specified in s. 32.02 ~~and subject to the limitations under s. 32.015~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2027/P5
EAW:cdc/amn/klm

DOA:.....Rice, BB0368 – Update 49.175 allocations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Temporary Assistance for Needy Families

Under current law, DCF allocates specific amounts of federal moneys, including child care development funds and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program for various public assistance programs. This bill continues, increases, decreases, or modifies TANF allocations. Under current law, $175,000 of TANF funding is allocated to the Be GREAT: Graduate program operated by the Boys and Girls Clubs of America in Green Bay, Milwaukee, Oshkosh, and Appleton. The bill allocates $1,400,000 of TANF funding to the Be GREAT: Graduate program but does not specify to which cities that funding must be allocated. This bill also allocates $25,000 in TANF funding to the We Got This program in Milwaukee. Also, this bill specifies that, with respect to a TANF–funded contract for services, "allocation" means the amount under the contract that DCF is obligated to pay.

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

SECTION 1. 49.175 (1) (intro.) of the statutes is amended to read:

49.175 **(1)** ALLOCATION OF FUNDS. (intro.) In this section, with respect to any of the following that fund a contract for services, "allocation" means the amount under the contract that the department is obligated to pay. Except as provided in ~~subs.~~ sub. (2) ~~and (3)~~, within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate the following amounts for the following purposes:

****NOTE: This is reconciled s. 49.175 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: 1126/P2 and 2027/P3.

SECTION 2. 49.175 (1) (a), (b), (c), (f), (g), (i), (k), (m), (n), (o), (p), (q), (qm), (r), (s), (t), (u), (w), (y), (z) and (zh) of the statutes are amended to read:

49.175 **(1)** (a) *Wisconsin Works benefits.* For Wisconsin Works benefits, ~~$42,500,000~~ $41,156,900 in fiscal year ~~2017–18~~ 2019–20 and ~~$44,625,000~~ $41,157,200 in fiscal year ~~2018–19~~ 2020–21.

(b) *Wisconsin Works agency contracts; job access loans.* For contracts with Wisconsin Works agencies under s. 49.143 and for job access loans under s. 49.147 (6), ~~$52,000,000~~ $51,528,300 in fiscal year ~~2017–18~~ 2019–20 and ~~$54,600,000~~ $51,528,300 in fiscal year ~~2018–19~~ 2020–21.

(c) *Case management incentive payments.* For supplement payments to individuals under s. 49.255, $2,700,000 in fiscal year ~~2017–18~~ 2019–20 and $2,700,000 in fiscal year ~~2018–19~~ 2020–21.

(f) *Homeless case management services grants.* For grants to shelter facilities under s. 16.3085, ~~$500,000~~ $1,000,000 in each fiscal year. All moneys allocated under this paragraph shall be credited to the appropriation account under s. 20.505 (7) (kg).

(g) *State administration of public assistance programs and overpayment collections.* For state administration of public assistance programs and the collection of public assistance overpayments, ~~$15,987,000~~ $16,461,200 in fiscal year ~~2017-18~~ 2019-20 and ~~$15,902,900~~ $16,608,300 in fiscal year ~~2018-19~~ 2020-21.

(i) *Emergency assistance.* For emergency assistance under s. 49.138 and for transfer to the department of administration for low-income energy or weatherization assistance programs, ~~$7,000,000~~ $6,000,000 in each fiscal year.

(k) *Transform Milwaukee and Transitional Jobs programs.* For contract costs under the Transform Milwaukee Jobs program and the Transitional Jobs program under s. 49.163, ~~$7,000,000~~ $8,000,000 in fiscal year ~~2017-18~~ 2019-20 and ~~$8,000,000~~ $9,000,000 in fiscal year ~~2018-19~~ 2020-21.

(m) *Children first.* For services under the work experience program for noncustodial parents under s. 49.36, ~~$1,140,000~~ $2,280,000 in each fiscal year.

(n) *Fostering futures: connections count.* For funding community connectors to interact with vulnerable families with young children and to connect families with formal and informal community support, ~~$360,300 in fiscal year 2017-18 and $560,300 in fiscal year 2018-19~~ $560,300 in each fiscal year.

(o) *Evidence-based substance abuse prevention grants.* For grants awarded under s. 48.545 (2) (c), $500,000 in each fiscal year ~~2018-19~~.

(p) *Direct child care services.* For direct child care services under s. 49.155 or s. 49.257, ~~$289,215,200~~ $367,967,800 in fiscal year ~~2017-18~~ 2019-20 and ~~$318,369,200~~ $376,852,600 in fiscal year ~~2018-19~~ 2020-21.

****NOTE: This is reconciled s. 49.175 (1) (p). This SECTION has been affected by drafts with the following LRB numbers: -2027/P4 and -2077/P2.

(q) *Child care state administration and licensing activities.* For state administration of child care programs under s. 49.155 and for child care licensing activities, ~~$36,189,400~~ $39,722,100 in fiscal year ~~2017–18~~ 2019–20 and ~~$36,030,000~~ $40,215,200 in fiscal year ~~2018–19~~ 2020–21.

(qm) *Quality care for quality kids.* For the child care quality improvement activities specified in s. ss. 49.155 (1g) and 49.257, ~~$15,652,700~~ $16,532,900 in ~~each~~ fiscal year 2019–20 and $16,683,700 in fiscal year 2020–21.

****NOTE: This is reconciled s. 49.175 (1) (qm). This SECTION has been affected by drafts with the following LRB numbers: –2027/P4 and –2077/P2.

(r) *Children of recipients of supplemental security income.* For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~$26,938,000~~ $25,013,300 in each fiscal year.

(s) *Kinship care and long-term kinship care assistance.* For kinship care and long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments, and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the kinship care and long-term kinship care programs within the boundaries of the reservations of those tribes, ~~$22,012,100~~ $26,847,200 in fiscal year ~~2017–18~~ 2019–20 and ~~$22,741,200~~ $28,448,100 in fiscal year ~~2018–19~~ 2020–21.

(t) *Safety and out-of-home placement services.* For services provided to ensure the safety of children who the department or a county determines may remain at home if appropriate services are provided, and for services provided to families with children placed in out-of-home care, ~~$6,282,500~~ $9,300,900 in fiscal year ~~2017–18~~ 2019–20 and ~~$7,314,300~~ $10,191,900 in fiscal year ~~2018–19~~ 2020–21. To receive funding under this paragraph, a county shall match a percentage of the amount

received that is equal to the percentage the county is required to match for a distribution under s. 48.563 (2) as specified by the schedule established by the department under s. 48.569 (1) (d).

(u) *Prevention services.* For services to prevent child abuse or neglect, ~~$5,289,600 in each fiscal year~~ $6,302,100 in fiscal year 2019–20 and $7,464,600 in fiscal year 2020–21.

(w) ~~*Wisconsin*~~ *Community* ~~*Services*~~ *grants.* For a grant to Wisconsin Community Services for the community building workshop facilitator training to provide services that are targeted to individuals in the city of Milwaukee who are eligible for funds under the federal Temporary Assistance for Needy Families block grant program under 42 USC 601 et seq., $400,000 in each fiscal year, and for a grant to the We Got This program in the city of Milwaukee, $25,000 in each fiscal year.

(y) *Offender reentry demonstration project.* For the offender reentry demonstration project under s. 49.37 (1), ~~$187,500 in fiscal year 2017–18 and $250,000 in fiscal year 2018–19~~ $825,000 in each fiscal year.

(z) *Grants to the Boys and Girls Clubs of America.* For grants to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., focusing on study habits, intensive tutoring in math and English, and exposure to career options and role models, ~~$1,275,000~~ $2,675,000 in each fiscal year. Grants provided under this paragraph may not be used by the grant recipient to replace funding for programs that are being funded, when the grant proceeds are received, with moneys other than those from the appropriations specified in sub. (1) (intro.). The total amount of the grants includes funds for ~~the Green Bay Boys and Girls Clubs for~~ the BE GREAT:

Graduate program in the amount of matching funds that the program provides, up to ~~$75,000~~ $1,400,000 in each fiscal year, to be used only for activities for which federal Temporary Assistance for Needy Families block grant moneys may be used. ~~The total amount of the grants also includes funds to be equally distributed among the Milwaukee, Oshkosh, and Appleton Boys and Girls Clubs for the BE GREAT: Graduate program in the amount of matching funds that the program provides, up to $100,000 in each fiscal year, to be used only for activities for which federal Temporary Assistance for Needy Families block grant moneys may be used.~~

(zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, ~~$69,700,000 in each fiscal year~~ $85,700,000 in fiscal year 2019–20 and $86,700,000 in fiscal year 2020–21.

SECTION 3. 49.175 (3) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2028/P1
EAW:wlj

DOA:.....Rice, BB0366 – New appropriation for Transform Milwaukee

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Transform Milwaukee Jobs for Childless Adults program

This bill provides funding for and requires DCF to establish the Transform Milwaukee Jobs for Childless Adults program, which is identical to the Transform Milwaukee Jobs program except that it is open to childless adults. Under current law, the Transform Milwaukee Jobs program provides a wage subsidy for placement into jobs for qualifying individuals in Milwaukee County. Under current law, in order to qualify for the Transform Milwaukee Jobs program, a participant must be a parent or relative who is a primary caregiver of a child.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.437 (2) (ef) of the statutes is created to read:

20.437 **(2)** (ef) *Transform Milwaukee Jobs for Childless Adults.* The amounts in the schedule for the program under s. 49.164.

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

SECTION 2. 49.164 of the statutes is created to read:

49.164 Transform Milwaukee Jobs for Childless Adults. The department shall establish a program identical to the Transform Milwaukee Jobs program under s. 49.163 except that a participant is not required to meet the eligibility criterion under s. 49.163 (2) (am) 2.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2030/P2
KRP:kjf

DOA:.....Kretschmann, BB0369 – Expand WISELearn to include digital archiving projects

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Digital archiving projects in public libraries

Under current law, the state superintendent of public instruction must develop and maintain an online resource, called WISElearn, to provide educational resources for parents, teachers, and pupils; offer online learning opportunities; provide regional technical support centers; provide professional development for teachers; and enable video conferencing. This bill expands WISElearn to include supporting digital archiving projects in public libraries.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 115.28 (27) of the statutes is amended to read:

115.28 **(27)** WISELEARN. Develop and maintain an online resource, called WISElearn, to provide educational resources for parents, teachers, and pupils; offer online learning opportunities; provide regional technical support centers; provide professional development for teachers; ~~and~~ enable video conferencing; and support digital archiving projects in public libraries.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2039/P2
MIM:wlj

DOA:.....Hynek, BB0373 – Repeal prohibition on local FMLA ordinances

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ***to repeal*** 103.10 (1m); ***to amend*** 103.10 (1) (b), 103.10 (1) (c), 103.12 (2), 103.12 (3) (a) and 103.12 (3) (b); and ***to repeal and recreate*** 165.68 (1) (a) 3. of the statutes; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Local employment ordinances regarding leave time

This bill repeals the prohibition on local governments from enacting ordinances to prescribe minimum family and medical leave requirements that an employer must provide to employees. The bill therefore allows local governments to enact ordinances that require minimum family and medical leave from employment for employees of private employers.

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

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

103.10 **(1)** (c) ~~Except as provided in sub. (1m) (b) 3., "employer"~~ "Employer" means a person engaging in any activity, enterprise or business in this state

employing at least ~~50~~ 25 individuals on a permanent basis. "Employer" includes the state and any office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts.

****NOTE: This is reconciled s. 103.10 (1) (c). This SECTION has been affected by drafts with the following LRB numbers: –1775/p2 and –2039/p1.

SECTION 2. 103.10 (1m) of the statutes is repealed.

****NOTE: This is reconciled s. 103.10 (1m). This SECTION has been affected by drafts with the following LRB numbers: –1775/p2 and –2039/p1.

SECTION 3. 165.68 (1) (a) 3. of the statutes is repealed and recreated to read:

165.68 **(1)** (a) 3. Conduct that is in violation of s. 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2040/P1
MIM:wlj

DOA:.....Hynek, BB0376 – Discrimination against job applicants based on conviction record

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Employment discrimination based on conviction record

This bill provides that employment discrimination because of a conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer. The bill, however, does not prohibit an employer from notifying applicants for employment that an individual with a particular conviction record may be disqualified by law or the employer's policies from employment in particular positions.

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

2 **SECTION 1.** 111.335 (3) (a) of the statutes is renumbered 111.335 (3) (ar).

3 **SECTION 2.** 111.335 (3) (ag) of the statutes is created to read:

111.335 **(3)** (ag) 1. Employment discrimination because of a conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

2. Subdivision 1. does not prohibit an employer from notifying applicants for employment that, subject to this section and ss. 111.321 and 111.322, an individual with a particular conviction record may be disqualified by law or under the employer's policies from employment in particular positions.

SECTION 3. 111.335 (4) (b) of the statutes is amended to read:

111.335 **(4)** (b) It is employment discrimination because of conviction record for a licensing agency to refuse to license any individual under sub. (3) ~~(a)~~ (ar) 1. or to bar or terminate an individual from licensing under sub. (3) ~~(a)~~ (ar) 1. because the individual was adjudicated delinquent under ch. 938 for an offense other than an exempt offense.

SECTION 4. 111.335 (4) (c) 1. (intro.) of the statutes is amended to read:

111.335 **(4)** (c) 1. (intro.) If a licensing agency refuses to license an individual under sub. (3) ~~(a)~~ (ar) 1. or bars or terminates an individual from licensing under sub. (3) ~~(a)~~ (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

SECTION 5. 111.335 (4) (e) of the statutes is amended to read:

111.335 **(4)** (e) A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate an individual from licensure under sub. (3) ~~(a)~~ (ar) 1. shall publish on the agency's Internet site a document

indicating the offenses or kinds of offenses that may result in such a refusal, bar, or termination.

SECTION 6. 111.335 (4) (f) 1. of the statutes is amended to read:

111.335 **(4)** (f) 1. A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate individuals from licensing under sub. (3) ~~(a)~~ (ar) 1. shall allow an individual who does not possess a license to, without submitting a full application and without paying the fees applicable to applicants, apply to the agency for a determination of whether the individual would be disqualified from obtaining the license due to his or her conviction record.

SECTION 9350. Initial applicability; Workforce Development.

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (a) and (ag) and (4) (b), (c) 1. (intro.), (e), and (f) 1. first applies to an application for employment submitted to an employer on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (a) and (ag) and (4) (b), (c) 1. (intro.), (e), and (f) 1. and SECTION 9350 (1) of this act take effect on the first day of the 6th month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2044/P3
MES/KRP/MIM:all

DOA:.....Hynek, BB0374 – State, local employment regulations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. State and local employment regulations; repeal preemption of local government regulations

This bill repeals the preemption of local governments enacting or enforcing ordinances related to the following:

1. Regulations related to wage claims and collections.

2. Regulation of employee hours and overtime, including scheduling of employee work hours or shifts.

3. The employment benefits an employer may be required to provide to its employees.

4. An employer's right to solicit information regarding the salary history of prospective employees.

The bill also repeals a prohibition against a political subdivision from imposing an occupational licensing requirement on an individual that is more stringent than the state requirement. The bill also repeals a provision under which neither the state nor a local government may enact a statute or ordinance, adopt a policy or regulation, or impose a contract, zoning, permitting, or licensing requirement, or any other condition, that would require any person to accept any provision that is a subject of collective bargaining under state or federal labor laws. Current law defines "federal labor laws" as the National Labor Relations Act. Finally, the bill repeals a

prohibition under which the state and local governments, and their employees, could require any person to waive the person's rights under state or federal labor laws as a condition of any other approval by the state or local governmental unit.

EMPLOYMENT

1. State and local employment regulations; repeal preemption of local government regulations

This bill repeals the preemption of local governments from enacting or enforcing ordinances related to various employment matters. *See Local Government.*

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 66.0134 of the statutes is repealed.

SECTION 2. 66.0408 (2) (d) of the statutes is repealed.

SECTION 3. 103.007 of the statutes is repealed.

SECTION 4. 103.12 of the statutes is repealed.

****NOTE: This is reconciled s. 103.12. This section has been affected by drafts with the following LRB numbers: –2039/p1 and –2044/p2.

SECTION 5. 103.36 of the statutes is repealed.

SECTION 6. 104.001 (3) of the statutes is created to read:

104.001 **(3)** This section does not affect an ordinance that, subject to s. 66.0903, requires an employee of a county, city, village, or town, an employee who performs work under a contract for the provision of services to a county, city, village, or town, or an employee who performs work that is funded by financial assistance from a county, city, village, or town to be paid at a minimum wage rate specified in the ordinance.

SECTION 7. 109.09 (3) of the statutes is repealed.

SECTION 8. 947.21 of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2055/P2
TJD:cdc

DOA:.....Ames, BB0378 – Rural critical care access supplement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Rural critical care access hospital supplemental payment

This bill increases the amount of payments made to rural critical care access hospitals. Currently, DHS pays rural critical care access hospitals a Medical Assistance fee–for–service supplemental payment in a total amount of $250,000 as the state share of payments plus the matching federal share of payments. A hospital must satisfy the following criteria to be eligible for this supplemental payment: the Wisconsin hospital serves a disproportionate share of low–income patients and meets the federal qualifications to be considered a disproportionate share hospital, the hospital provides a wide array of services including emergency department services but excluding obstetric services, and the inpatient days for Medical Assistance recipients at the hospital are at least 6 percent of the total inpatient days at that hospital during the most recent year for which such information is available. The bill changes the criteria for a hospital's eligibility for the rural critical care access supplement to the following: the hospital is not eligible for a disproportionate share hospital payment; the hospital is located in Wisconsin and provides a wide array of services, including emergency department services; and the percentage of the hospital's overall charges for service that are charges to the Medical Assistance

program for services provided to Medical Assistance recipients is at least 6 percent. The bill increases to $500,000 the total amount of the state share of payments for the rural critical care access hospital supplement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.45 (3p) (a) of the statutes is amended to read:

49.45 **(3p)** (a) Subject to par. (c) and notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (4) (b) and (o), in each fiscal year, the department shall pay to hospitals that ~~would~~ are not eligible for payments under sub. (3m) but that meet the criteria under sub. (3m) (a) ~~except that the hospitals do not provide obstetric services~~ 1. and 2. and that, in the most recent year for which information is available, charged at least 6 percent of overall charges for services to the Medical Assistance program for services provided to Medical Assistance recipients an amount equal to the sum of ~~$250,000~~ $500,000, as the state share of payments, and the matching federal share of payments. The department may make a payment to a hospital under this subsection under a calculation method determined by the department that provides a fee–for–service supplemental payment that increases as the ~~hospital's~~ percentage of ~~inpatient days for Medical Assistance recipients at the hospital~~ the total amount of the hospital's overall charges for services that are charges to the Medical Assistance program increases.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2056/P2
TJD:kjf

DOA:.....Ames, BB0379 – Medicaid dental services for disabled individuals

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Dental services for individuals who have disabilities

This bill requires DHS to allocate $2,000,000 in fiscal year 2019–20 and $3,000,000 in fiscal year 2020–21 from all funding sources to increase reimbursement rates for Medical Assistance dental services that are provided to Medical Assistance recipients who have disabilities.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9119. Nonstatutory provisions; Health Services.**

3 (1) DENTAL SERVICES UNDER MEDICAL ASSISTANCE. During the 2019–21 fiscal

4 biennium, the department of health services shall allocate a total of $2,000,000 in the

2019–20 fiscal year and $3,000,000 in the 2020–21 fiscal year from all funding sources to increase reimbursement rates for dental services that are covered under the Medical Assistance program under subch. IV of ch. 49 and that are provided to recipients of Medical Assistance who have disabilities.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2057/P1
TJD:amn

DOA:.....Ames, BB0380 – Mental health consultation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Mental health consultation reimbursement

Current law requires DHS to reimburse clinical consultations for students who are under 21 years of age under the Medical Assistance program until June 30, 2019. Clinical consultations are communications from a mental health professional or qualified treatment trainee to another individual to inform, inquire, and instruct on the symptoms, strategies for care and intervention, and treatment expectations for the student and to direct and coordinate clinical service components. The bill eliminates the June 30, 2019, termination date for the clinical consultation reimbursement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.45 (29y) (d) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2058/P1
TJD:amn

DOA:.....Ames, BB0384 – Nonresident insurance appointment fee

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

1. Nonresident agent appointment fee

Current law requires a $16 annual fee for appointment or renewal of a resident insurance agent and a $30 annual fee for appointment or renewal of a nonresident insurance agent. The commissioner of insurance may require, by rule, payment of a higher appointment or renewal fee than the statutory fee. This bill increases the statutory annual fee for nonresident agent appointment or renewal to $40.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 601.31 (1) (n) of the statutes is amended to read:

601.31 **(1)** (n) For appointing, or renewing an appointment of, an agent under s. 628.11, $16 annually for resident agents or ~~$30~~ <u>$40</u> annually for nonresident

agents, unless the commissioner sets a higher fee by rule, to be paid at times and under procedures set by the commissioner.

SECTION 9423. Effective dates; Insurance.

(1) NONRESIDENT AGENT APPOINTMENT FEE. The treatment of s. 601.31 (1) (n) takes effect on January 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2063/P1
EHS:cjs

DOA:.....Potts, BB0381 – Bonding authority for dam safety projects

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

1. Bonding authority for dam safety projects

This bill increases from $25,500,000 to $29,500,000 the amount of public debt that the state may contract for the dam safety financial assistance program administered by DNR. Under that program, DNR provides financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (tx) of the statutes is amended to read:

20.866 **(2)** (tx) *Natural resources; dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to

provide financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed ~~$25,500,000~~ $29,500,000 for this purpose.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2064/P8
EHS:kjf

DOA:.....Bork, BB0386 - Community youth and family aids; funding for 17-year-old juveniles and SRCCCYs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTION SYSTEM

1. Community youth and family aids

Under current law relating to community youth and family aids, generally referred to as "youth aids," DCF is required to allocate to counties various state and federal moneys to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill sets the amounts of youth aids that DCF must allocate to counties in the 2019-21 fiscal biennium.

The bill appropriates to DCF a sum sufficient for youth aids-related purposes but only to reimburse counties, beginning on January 1, 2021, for costs associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17. The bill also provides funding and requires DCF to reimburse counties for one-time start-up costs incurred for youth aids-related purposes in establishing, alone or jointly with one or more counties, a secured residential care center for children and youth. The bill requires DCF to consult with county representatives to determine those expenses that are eligible for reimbursement and to evaluate modifications to the youth aids formula.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.437 (1) (cL) of the statutes is created to read:

20.437 **(1)** (cL) *Seventeen-year-old juvenile justice aids.* A sum sufficient for the purposes under s. 48.5275.

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

SECTION 2. 20.437 (1) (cn) of the statutes is created to read:

20.437 **(1)** (cn) *County facility start-up costs.* The amounts in the schedule for the purposes under s. 48.5276.

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

SECTION 3. 48.526 (7) (intro.) of the statutes is amended to read:

48.526 **(7)** ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~2015~~ 2019, and ending on June 30, ~~2017~~ 2021, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 4. 48.526 (7) (a) of the statutes is amended to read:

48.526 **(7)** (a) For community youth and family aids under this section, amounts not to exceed $45,572,100 for the last 6 months of ~~2015~~ 2019, $91,150,200 for ~~2016~~ 2020, and $45,578,100 for the first 6 months of ~~2017~~ 2021.

SECTION 5. 48.526 (7) (b) (intro.) of the statutes is amended to read:

48.526 **(7)** (b) (intro.) Of the amounts specified in par. (a), the department shall allocate $2,000,000 for the last 6 months of ~~2015~~ 2019, $4,000,000 for ~~2016~~ 2020, and

$2,000,000 for the first 6 months of ~~2017~~ 2021 to counties based on each of the following factors weighted equally:

SECTION 6. 48.526 (7) (bm) of the statutes is amended to read:

48.526 **(7)** (bm) Of the amounts specified in par. (a), the department shall allocate $6,250,000 for the last 6 months of ~~2015~~ 2019, $12,500,000 for ~~2016~~ 2020, and $6,250,000 for the first 6 months of ~~2017~~ 2021 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility or a secured residential care center for children and youth during the most recent 3-year period for which that information is available.

SECTION 7. 48.526 (7) (c) of the statutes is amended to read:

48.526 **(7)** (c) Of the amounts specified in par. (a), the department shall allocate $1,053,200 for the last 6 months of ~~2015~~ 2019, $2,106,500 for ~~2016~~ 2020, and $1,053,300 for the first 6 months of ~~2017~~ 2021 to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93 percent nor more than 115 percent of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 8. 48.526 (7) (e) of the statutes is amended to read:

48.526 **(7)** (e) For emergencies related to community youth and family aids under this section, amounts not to exceed $125,000 for the last 6 months of ~~2015~~ 2019, $250,000 for ~~2016~~ 2020, and $125,000 for the first 6 months of ~~2017~~ 2021. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 9. 48.526 (7) (h) of the statutes is amended to read:

48.526 **(7)** (h) For counties that are purchasing community supervision services under s. 938.533 (2), $1,062,400 in the last 6 months of ~~2017~~ 2019, $2,124,800 in ~~2018~~ 2020, and $1,062,400 in the first 6 months of ~~2019~~ 2021 for the provision of community supervision services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall distribute to each county the full amount of the charges for the services purchased by that county, except that if the amounts available under this paragraph are insufficient to distribute that full amount, the department shall distribute those available amounts to each county that purchases community supervision services based on the ratio that the charges to that county for those services bear to the total charges to all counties that purchase those services.

SECTION 10. 48.526 (8) of the statutes is amended to read:

48.526 **(8)** ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of ~~2015~~ 2019, $1,333,400 in ~~2016~~ 2020, and $666,700 in the first 6 months of ~~2017~~ 2021 for alcohol and other drug abuse treatment programs.

SECTION 11. 48.5275 of the statutes is created to read:

48.5275 Seventeen-year-old juvenile justice aids. Notwithstanding s. 48.526, from the appropriation under s. 20.437 (1) (cL), beginning on January 1, 2021, the department shall reimburse counties for the costs under s. 48.526 (2) (c) associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17.

SECTION 12. 48.5276 of the statutes is created to read:

48.5276 County facility start-up costs. From the appropriation under s. 20.437 (1) (cn), the department shall reimburse counties for the one–time start–up

costs under s. 48.526 (2) (c) incurred by a county, either on its own or jointly with one or more counties, in establishing a secured residential care center for children and youth under s. 59.53 (8m).

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) SEVENTEEN-YEAR-OLD JUVENILE JUSTICE AIDS, COUNTY FACILITIES, AND THE COMMUNITY YOUTH AND FAMILY AIDS FORMULA. The department of children and families shall consult with county representatives to determine eligible expenses to be reimbursed under ss. 48.5275 and 48.5276 and on modifications to the community youth and family aids formula under s. 48.526.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2065/P1
MPG:kjf

DOA:.....Quinn, BB0385 – Increased Requirements for Grants, Loans, or Tax Credits

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. WEDC contracting requirements

This bill creates certain requirements for contracts between WEDC and recipients of grants, loans, or tax credits awarded by WEDC. Under the bill, WEDC may not enter into a contract for a grant, loan, or tax credit before all of the following occur:

1. WEDC verifies the applicant's number of full–time employees through payroll or other business records.

2. WEDC's underwriting staff completes a review of the application for the grant, loan, or tax credit, including an evaluation of all statutory requirements and all requirements under WEDC's policies and procedures that apply to the grant, loan, or tax credit.

The bill also requires that all terms of each contract WEDC executes must, at the time the contract is executed, be in compliance with all applicable state laws and all applicable WEDC policies and procedures.

Finally, the bill specifies that each contract WEDC executes must require the award recipient to submit payroll records, or other business records WEDC deems sufficient, to WEDC for the purpose of accounting for jobs created or retained.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 238.095 of the statutes is created to read:

2 **238.095 Contract requirements. (1)** All terms of each contract the
3 corporation executes shall, at the time the contract is executed, be in compliance with
4 all applicable state laws and all applicable corporation policies and procedures.

5 **(2)** Prior to executing a contract with a person for the award of a grant, loan,
6 or tax credit, the corporation shall establish, through payroll records or other
7 business records the corporation determines are sufficient, the number of full–time
8 employees employed by the person for the purpose of accounting for each full–time
9 job created or retained during the course of the contract.

10 **(3)** Each contract the corporation executes with a person for the award of a
11 grant, loan, or tax credit shall require the person to submit to the corporation payroll
12 records, or other business records the corporation determines are sufficient, to verify
13 the number of full–time jobs created or retained during the course of the contract.
14 The corporation shall adopt policies and procedures establishing standards to verify
15 the business records and full–time job data.

16 **SECTION 2.** 238.097 of the statutes is created to read:

17 **238.097 Underwriting staff review.** The corporation may not enter into a
18 contract with a person for the award of a grant, loan, or tax credit before the
19 corporation's underwriting staff completes a review of the person's application for the
20 grant, loan, or tax credit, including an evaluation of all statutory requirements and

1 all requirements under the corporation's policies and procedures that apply to the
2 grant, loan, or tax credit.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2066/P1
MPG:wlj

DOA:.....Quinn, BB0383 – WEDC Outsourcing and Job Loss Prevention

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. Reports to WEDC concerning job elimination or relocation

This bill requires that a recipient of a grant, loan, or tax credit from WEDC report certain job losses or job relocations outside Wisconsin to WEDC within seven business days after the jobs are eliminated or relocated. If the recipient shows that extenuating circumstances prevent meeting the seven–day requirement, the recipient may submit the report within 30 days. The bill further requires that no grant, loan, or tax credit from WEDC may be used to relocate jobs outside Wisconsin or to reduce net employment in Wisconsin.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 238.105 of the statutes is created to read:

238.105 Job elimination or relocation. (1) Each recipient of a grant, loan, or tax credit under this chapter shall report to the corporation each full–time job in this state that the recipient eliminates or relocates outside this state within 7 business days after the job is eliminated or relocated and shall describe in detail the circumstances of that job elimination or relocation. If extenuating circumstances make it impossible for the recipient to submit the report within 7 business days, the recipient may submit the report within 30 days after the full–time job is eliminated or relocated.

(2) A recipient of a grant, loan, or tax credit under this chapter may not use the grant, loan, or tax credit to reduce net employment in this state or relocate jobs outside this state.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2067/P2
JK:ahe&amn

DOA:.....Quinn, BB0387 – Increase in refundable portion of research credit

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

1. Research credit

Current law allows a person to claim a tax credit equal to a percentage of the person's expenses to conduct research in this state. For example, a person may claim 11.5 percent of the amount of the expenses that exceed 50 percent of the person's average research expenses for the previous three years on research involving engines or hybrid–electric vehicles. The credit is partially refundable. If the credit exceeds the amount of the person's tax liability, the person receives a refund in an amount not exceeding 10 percent of the person's claim. Any amount not used to offset the person's tax liability or paid as a refund may be claimed as a credit against the person's tax liability in subsequent years.

This bill increases the amount that a person may receive as a refund. Under the bill, a person may receive a refund in an amount not exceeding 20 percent of the person's claim. However, the bill prohibits a person certified to claim the electronics and information technology manufacturing zone credit from receiving the refund.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.835 (2) (d) of the statutes is amended to read:

20.835 **(2)** (d) *Research credit.* A sum sufficient to make the payments under ss. 71.07 (4k) (e) 2. a. and am., 71.28 (4) (k) 1. and 1m., and 71.47 (4) (k) 1. and 1m.

SECTION 2. 71.07 (4k) (e) 2. a. of the statutes is amended to read:

71.07 **(4k)** (e) 2. a. ~~The~~ For taxable years beginning after December 31, 2017, and before January 1, 2020, the amount of the claim not used to offset the tax due, not to exceed 10 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment ~~by check, share draft, or other draft drawn~~ from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subd. 2. a.

SECTION 3. 71.07 (4k) (e) 2. am. of the statutes is created to read:

71.07 **(4k)** (e) 2. am. For taxable years beginning after December 31, 2019, the amount of the claim not used to offset the tax due, not to exceed 20 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subd. 2. am.

SECTION 4. 71.07 (4k) (e) 2. b. of the statutes is amended to read:

71.07 **(4k)** (e) 2. b. The amount of the claim not used to offset the tax due and not certified for payment under subd. 2. a. or am. may be carried forward and credited against Wisconsin income taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

SECTION 5. 71.10 (4) (i) of the statutes is amended to read:

71.10 **(4)** (i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under ss. 71.57 to 71.61, farmland preservation credit, 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), dairy manufacturing facility investment credit under s. 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment credit under s. 71.07 (3r), woody biomass harvesting and processing credit under s. 71.07 (3rm), food processing plant and food warehouse investment credit under s. 71.07 (3rn), business development credit under s. 71.07 (3y), research credit under s. 71.07 (4k) (e) 2. a. and am., film production services credit under s. 71.07 (5f), film production company investment credit under s. 71.07 (5h), veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), electronics and information technology manufacturing zone credit under s. 71.07 (3wm), beginning farmer and farm asset owner tax credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

SECTION 6. 71.28 (4) (k) 1. of the statutes is amended to read:

71.28 **(4)** (k) 1. ~~The~~ For taxable years beginning after December 31, 2017, and before January 1, 2020, the amount of the claim not used to offset the tax due, not

to exceed 10 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment ~~by check, share draft, or other draft drawn~~ from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subdivision.

SECTION 7. 71.28 (4) (k) 1m. of the statutes is created to read:

71.28 **(4)** (k) 1m. For taxable years beginning after December 31, 2019, the amount of the claim not used to offset the tax due, not to exceed 20 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subdivision.

SECTION 8. 71.28 (4) (k) 2. of the statutes is amended to read:

71.28 **(4)** (k) 2. The amount of the claim not used to offset the tax due and not certified for payment under subd. 1. or 1m. may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry–forward credit is claimed.

SECTION 9. 71.30 (3) (f) of the statutes is amended to read:

71.30 **(3)** (f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), dairy manufacturing facility investment credit under s. 71.28 (3p), jobs credit under s. 71.28 (3q), meat processing facility investment credit under s. 71.28 (3r), woody biomass harvesting and

processing credit under s. 71.28 (3rm), food processing plant and food warehouse investment credit under s. 71.28 (3rn), enterprise zone jobs credit under s. 71.28 (3w), electronics and information technology manufacturing zone credit under s. 71.28 (3wm), business development credit under s. 71.28 (3y), research credit under s. 71.28 (4) (k) 1. and 1m., film production services credit under s. 71.28 (5f), film production company investment credit under s. 71.28 (5h), beginning farmer and farm asset owner tax credit under s. 71.28 (8r), and estimated tax payments under s. 71.29.

SECTION 10. 71.47 (4) (k) 1. of the statutes is amended to read:

71.47 **(4)** (k) 1. ~~The~~ For taxable years beginning after December 31, 2017, and before January 1, 2020, the amount of the claim not used to offset the tax due, not to exceed 10 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment ~~by check, share draft, or other draft drawn~~ from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subdivision.

SECTION 11. 71.47 (4) (k) 1m. of the statutes is created to read:

71.47 **(4)** (k) 1m. For taxable years beginning after December 31, 2019, the amount of the claim not used to offset the tax due, not to exceed 20 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment from the appropriation account under s. 20.835 (2) (d). A person who is certified to claim tax benefits under s. 238.396 (3) or (3m) is not eligible to receive the payment under this subdivision.

SECTION 12. 71.47 (4) (k) 2. of the statutes is amended to read:

71.47 **(4)** (k) 2. The amount of the claim not used to offset the tax due and not certified for payment under subd. 1. <u>or 1m.</u> may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry–forward credit is claimed.

SECTION 13. 71.49 (1) (f) of the statutes is amended to read:

71.49 **(1)** (f) The total of farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.47 (2m), dairy manufacturing facility investment credit under s. 71.47 (3p), jobs credit under s. 71.47 (3q), meat processing facility investment credit under s. 71.47 (3r), woody biomass harvesting and processing credit under s. 71.47 (3rm), food processing plant and food warehouse investment credit under s. 71.47 (3rn), enterprise zone jobs credit under s. 71.47 (3w), business development credit under s. 71.47 (3y), research credit under s. 71.47 (4) (k) 1. <u>and 1m.</u>, film production services credit under s. 71.47 (5f), film production company investment credit under s. 71.47 (5h), beginning farmer and farm asset owner tax credit under s. 71.47 (8r), and estimated tax payments under s. 71.48.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2069/P1
MDK:cdc

DOA:.....Sherwin, BB0377 – Intervenor compensation financing grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

1. Ratepayer advocate grants

The bill increases from $300,000 to $500,000 the total annual grants PSC is allowed to make to nonprofit corporations that advocate at PSC on behalf of public utility ratepayers.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 196.31 (2m) of the statutes is amended to read:

3 196.31 **(2m)** From the appropriation under s. 20.155 (1) (j), the commission

4 may make grants that, in the aggregate, do not exceed an annual total of ~~$300,000~~

5 $500,000 to one or more nonstock, nonprofit corporations that are described under

section 501 (c) (3) of the Internal Revenue Code, and that have a history of advocating at the commission on behalf of ratepayers of this state, for the purpose of offsetting the general expenses of the corporations, including salary, benefit, rent, and utility expenses. The commission may impose conditions on grants made under this subsection and may revoke a grant if the commission finds that such a condition is not being met.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2070/P2
ZDW:kjf&cdc

DOA:.....Aslesen, BB0389 – General transportation aids

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

1. General transportation aids

This bill increases the amount of aid DOT may provide to counties and municipalities under the general transportation aids program. Under current law, DOT makes aid payments to counties based on a share–of–costs formula and to municipalities based on the greater of a share–of–costs formula or an aid rate per mile. Under the bill, for calendar year 2020 and thereafter, the aid rate per mile is increased to $2,628. For calendar year 2020 and thereafter, this bill increases the maximum amount of aid that may be paid to counties under the program to $122,203,200 and increases the maximum amount of aid that may be paid to municipalities under the program to $383,503,200.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 86.30 (2) (a) 3. of the statutes is amended to read:

86.30 **(2)** (a) 3. For each mile of road or street under the jurisdiction of a municipality as determined under s. 86.302, the mileage aid payment shall be ~~$2,202~~ $2,389 in calendar year ~~2017~~ 2019 and ~~$2,389~~ $2,628 in calendar year ~~2018~~ 2020 and thereafter.

SECTION 2. 86.30 (9) (b) of the statutes is amended to read:

86.30 **(9)** (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are ~~$98,400,200~~ $111,093,800 in calendar year ~~2017~~ 2019 and ~~$111,093,800~~ $122,203,200 in calendar year ~~2018~~ 2020 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide county average cost–sharing percentage in the particular calendar year.

SECTION 3. 86.30 (9) (c) of the statutes is amended to read:

86.30 **(9)** (c) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to municipalities are ~~$321,260,500~~ $348,639,300 in calendar year ~~2017~~ 2019 and ~~$348,639,300~~ $383,503,200 in calendar year ~~2018~~ 2020 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide municipal average cost–sharing percentage in the particular calendar year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2071/P1
EVM:cdc

DOA:.....Aslesen, BB0391 – Enumeration in the state highway program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

1. Enumeration of I 43 project

Current law requires that a major highway project receive the approval of the Transportation Projects Commission (TPC) and the legislature before the project may be constructed. This bill adds a project on I 43 between Silver Spring Drive in the city of Glendale and STH 60 in the city of Grafton in Milwaukee and Ozaukee counties, which has been approved by TPC, to the current list of statutorily enumerated projects approved for construction.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 84.013 (3) (af) of the statutes is created to read:

84.013 **(3)** (af) I 43 extending approximately 14.3 miles between Silver Spring Drive in the city of Glendale and STH 60 in the village of Grafton, in Milwaukee and Ozaukee counties.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2074/P3
TJD:ahe

DOA:.....Bollhorst, BB0393 – Regional crisis stabilization facilities

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

1. Regional crisis stabilization facilities for adults

This bill requires DHS to award grants to regional crisis stabilization facilities for adults based on criteria established by DHS. Current law requires certification by DHS in order to operate a youth crisis stabilization facility, which is a facility designed to prevent or de–escalate the minor's mental health crisis and avoid admission of the minor to a more restrictive setting.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.435 (5) (dg) of the statutes is created to read:

20.435 **(5)** (dg) *Regional crisis stabilization facilities.* The amounts in the schedule to provide grants to regional crisis stabilization facilities under s. 51.03 (7).

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

1 **SECTION 2.** 51.03 (7) of the statutes is created to read:

2 51.03 **(7)** From the appropriation under s. 20.435 (5) (dg), the department shall
3 award grants to regional crisis stabilization facilities for adults. The department
4 shall establish criteria for a regional crisis stabilization facility to receive a grant
5 under this subsection.

6 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2075/P1
MLJ:ahe

DOA:.....Schmidt, BB0395 – DNA Surcharge Transfer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. DNA Surcharges transfer

This bill transfers from DOJ's appropriation for DNA analysis surcharges to DOJ's appropriation for investigating Internet crimes against children $750,000 in each fiscal year of the 2019–21 fiscal biennium.

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

SECTION 1. 20.455 (2) (hd) of the statutes is amended to read:

20.455 **(2)** (hd) *Internet crimes against children.* All moneys transferred under ~~2015 Wisconsin Act 369, section 12m (1) and under~~ 2017 Wisconsin Act 59, section 9228 (1p) <u>and under 2019 Wisconsin Act .... (this act), section 9227 (1)</u> shall be credited to this appropriation account for criminal investigative operations and law

enforcement relating to Internet crimes against children, prosecution of Internet crimes against children, and activities of state and local Internet crimes against children task forces.

SECTION 9227. Fiscal changes; Justice.

(1) DEOXYRIBONUCLEIC ACID ANALYSIS SURCHARGES TRANSFER. There is transferred from the appropriation account under s. 20.455 (2) (Lp) to the appropriation account under s. 20.455 (2) (hd) $750,000 in each year of the 2019–21 fiscal biennium.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2077/P2
EHS:wlj&cdc

DOA:.....Rice, BB0394 – DCF grants to support child care in Milwaukee

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. Grants to support child care in Milwaukee

This bill authorizes DCF to award grants to child care providers to support access to high–quality child care for families that reside in a geographic area with high–poverty levels, as identified by DCF, in the city of Milwaukee, and to award grants to child care providers and their employees, and to educational institutions for the purpose of educating employees of child care providers, to improve the overall child care quality in that geographic area.

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

2 **SECTION 1.** 49.257 of the statutes is created to read:

3 **49.257 Milwaukee child care grant program. (1)** In this section, "child

4 care provider" has the meaning given in s. 49.155 (1) (ag).

****NOTE: As defined here, "child care provider" includes licensed child care centers, child care providers certified for purposes of Wisconsin Shares, and child care programs established or contracted for by a school board.

(2) From the allocation under s. 49.175 (1) (p), the department may award grants to child care providers to support access to high–quality child care for families that reside in a geographic area with high–poverty levels, as identified by the department, in the city of Milwaukee. A grant under this section may be used for start–up costs, ongoing operational costs, including subsidy payments for eligible families, and quality improvement activities. A child care provider that is awarded a grant under this subsection shall contribute matching funds equal to 25 percent of the amount awarded. The matching contribution may be in the form of money or in–kind goods or services.

(3) From the allocation under s. 49.175 (1) (qm), the department may award grants to any of the following to improve overall child care quality in the geographic area identified under sub. (2):

(a) Child care providers and employees of child care providers.

(b) Educational institutions for the purpose of educating employees of child care providers.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2078/P1
ZDW:ahe

DOA:.....Hamer, BB0396 – Snowmobile enforcement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

1. Snowmobile enforcement

Under current law, funding for certain DNR functions pertaining to snowmobiles, including enforcement, safety training, and fatality reporting, is provided from the conservation fund and from tribal gaming compact program revenues. Under this bill, the funding amounts currently provided from gaming revenues are replaced with general program revenue.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.370 (3) (ak) of the statutes is repealed.

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

SECTION 2. 20.370 (3) (ma) of the statutes is amended to read:

20.370 **(3)** (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for regulatory and enforcement operations under chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.353, 61.354, 62.231, 62.233, 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred for actions taken under s. 323.12 (2) (c), ~~and~~ for enforcement of the treaty–based, off–reservation rights to fish, hunt, and gather held by members of federally recognized American Indian tribes or bands, for snowmobile enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and 3m., and 350.155, and for safety training and fatality reporting.

SECTION 3. 20.505 (8) (hm) 8k. of the statutes is repealed.

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

SECTION 4. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 **(4)** (a) *Enforcement, administration and related costs.* (intro.) The moneys appropriated from s. 20.370 (3) ~~(ak) and~~ (aq) and (ma), (5) (es) and (9) (mu) and (mw) may be used for the following:

SECTION 5. 350.12 (4) (a) 3m. of the statutes is amended to read:

350.12 **(4)** (a) 3m. The cost of state law enforcement efforts as appropriated under s. 20.370 (3) ~~(ak) and~~ (aq) and (ma); and

SECTION 6. 350.12 (4) (am) of the statutes is amended to read:

350.12 **(4)** (am) *Enforcement aids to department.* Of the amounts appropriated under s. 20.370 (3) ~~(ak) and~~ (aq) and (ma), the department shall allocate $26,000 in

1 each fiscal year to be used exclusively for the purchase of snowmobiles or trailers to
2 carry snowmobiles, or both, to be used in state law enforcement efforts.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2079/P1
MLJ:kjf

DOA:.....Schmidt, BB0397 – TAD Expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Alternatives to incarceration grant program

Current law requires that DOJ make grants to counties and to tribes to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. This bill expands the grant program by creating an appropriation to provide grant funds to counties that are not yet a recipient of a grant under the program on the effective date of this bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.455 (2) (ek) of the statutes is created to read:

20.455 **(2)** (ek) *Alternatives to incarceration grant program.* The amounts in the schedule to provide grants under s. 165.95 (2) to counties that are not a recipient

of a grant under the alternatives to incarceration grant program on the effective date of this paragraph .... [LRB inserts date].

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

SECTION 2. 165.95 (2) of the statutes is amended to read:

165.95 **(2)** The department of justice shall make grants to counties and to tribes to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The department of justice shall make the grants from the appropriations under s. 20.455 (2) (ek), (em), (jd), (kn), and (kv). The department of justice shall collaborate with the departments of corrections and health and family services in establishing this grant program.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2081/P2
MLJ:amn&cdc

DOA:.....Schmidt, BB0398 – Beat Patrol OT Grant Funding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Law enforcement overtime grants

This bill changes the funding source for law enforcement overtime grants from an annual sum certain program receipts appropriation to an annual sum certain GPR appropriation in the 2019–21 fiscal biennium.

This bill also transfers the remaining moneys that had been appropriated to law enforcement overtime grants in the 2017–19 fiscal biennium to an appropriation to be used at the discretion of the attorney general.

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

2 **SECTION 1.** 20.455 (2) (jc) of the statutes is renumbered 20.455 (2) (bm) and
3 amended to read:

4 20.455 **(2)** (bm) *Law enforcement overtime grants.* The amounts in the schedule
5 for grants under s. 165.986 (7). ~~All moneys transferred under 2017 Wisconsin Act~~
6 ~~59, section 9228 (9p) shall be credited to this appropriation account.~~

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

SECTION 9227. Fiscal changes; Justice.

(1) UNSPENT LAW ENFORCEMENT OVERTIME GRANT MONEYS. On the effective date of this subsection, the unencumbered balance in the appropriation account under s. 20.455 (2) (jc), 2017 stats., immediately before the effective date of this subsection, is transferred to the appropriation account under s. 20.455 (3) (i).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2083/P1
ZDW:wlj

DOA:.....Aslesen, BB0400 – Allow private citizens to perform vehicle inspections to title a salvaged vehicle

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Salvage vehicle inspectors

Under current law, a repaired salvage vehicle may not be registered or be issued a new certificate of title until an inspector authorized by DOT examines the vehicle to verify the title, source and ownership of parts, and compliance with safety equipment requirements. Current rules promulgated by DOT require that a person be a Wisconsin law enforcement officer or a full–time employee of DOT's division of state patrol and complete specified training to be qualified to conduct salvage inspections. This bill prohibits DOT from requiring that a salvage inspector be employed by the department or by a law enforcement agency.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 342.07 (5) of the statutes is created to read:

2 342.07 **(5)** If the department establishes requirements for certification to
3 conduct inspections under this section, the department may not require that an
4 inspector be employed by the department or by a law enforcement agency.

5 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2090/P3
SWB:amn&ahe

DOA:.....Ames, BB0404 – Pediatric Inpatient Supplement

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Pediatric Inpatient Supplement

This bill establishes in statute reference to supplemental funding totaling $2,000,000 to be distributed by DHS to certain acute care hospitals located in Wisconsin that have a total of more than 12,000 inpatient days in the hospital's acute care pediatric units and intensive care pediatric units, not including neonatal intensive care units. In addition, under the bill, DHS may distribute additional funding of $10,000,000 in each state fiscal year to hospitals that are free–standing pediatric teaching hospitals located in Wisconsin that have a Medicaid inpatient utilization rate greater than 45 percent.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 49.45 (6xm) of the statutes is created to read:

49.45 **(6xm)** PEDIATRIC INPATIENT SUPPLEMENT. (a) From the appropriations under s. 20.435 (4) (b), (o), and (w), the department shall, using a method determined by the department, distribute a total sum of $2,000,000 each state fiscal year to hospitals that meet all of the following criteria:

1. The hospital is an acute care hospital located in this state.

2. During the hospital's fiscal year, the inpatient days in the hospital's acute care pediatric units and intensive care pediatric units totaled more than 12,000 days, not including neonatal intensive care units. For purposes of this subsection, the hospital's fiscal year is the hospital's fiscal year that ended in the 2nd calendar year preceding the beginning of the state fiscal year.

(b) Notwithstanding par. (a), from the appropriations under s. 20.435 (4) (b), (o), and (w), the department may, using a method determined by the department, distribute an additional total sum of $10,000,000 in each state fiscal year to hospitals that are free–standing pediatric teaching hospitals located in Wisconsin that have a percentage calculated under s. 49.45 (3m) (b) 1. a. greater than 45 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2091/P1
TJD:cjs&wlj

DOA:.....Ames, BB0405 – Preexisting conditions coverage

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

1. Coverage of individuals with preexisting conditions, essential health benefits, and preventive services

This bill requires certain health plans to guarantee access to coverage; prohibits plans from imposing preexisting condition exclusions; prohibits plans from setting premiums or cost-sharing amounts based on a health status-related factors; prohibits plans from setting lifetime or annual limits on benefits; requires plans to cover certain essential health benefits; and requires coverage of certain preventive services by plans without a cost-sharing contribution by an enrollee.

This bill requires every individual health insurance policy, known in the bill as a health benefit plan, to accept every individual who, and every group health insurance policy to accept every employer that, applies for coverage, regardless of sexual orientation, gender identity, or whether an employee or individual has a preexisting condition. The bill allows health benefit plans to restrict enrollment in coverage to open or special enrollment periods and requires the commissioner of insurance to establish a statewide open enrollment period of no shorter than 30 days for every individual health benefit plan. The bill prohibits a group health insurance policy, including a self-insured governmental health plan, from imposing a preexisting condition exclusion. The bill also prohibits an individual health insurance policy from reducing or denying a claim or loss incurred or disability

commencing under the policy on the ground that a disease or physical condition existed prior to the effective date of coverage.

A health benefit plan offered on the individual or small employer market or a self-insured governmental health plan may not vary premium rates for a specific plan except on the basis of whether the plan covers an individual or family, area in the state, age, and tobacco use as specified in the bill. An individual health benefit plan or self-insured health plan is prohibited under the bill from establishing rules for the eligibility of any individual to enroll based on health-status related factors, which are specified in the bill. A self-insured health plan or an insurer offering an individual health benefit plan is also prohibited from requiring an enrollee to pay a greater premium, contribution, deductible, copayment, or coinsurance amount than is required of a similarly situated enrollee based on a health-status related factor. Current state law prohibits group health benefit plans from establishing rules of eligibility or requiring greater premium or contribution amounts based on a health-status related factor. The bill adds to these current law requirements for group health benefit plans that the plan may not require a greater deductible, copayment, or coinsurance amount based on a health-status related factor.

Under the bill, an individual or group health benefit plan or a self-insured governmental health plan may not establish lifetime or annual limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

The requirements and prohibitions in this bill related to coverage of individuals with preexisting conditions and prohibition of lifetime and annual benefit limits also apply to short-term, limited-duration health insurance policies.

This bill requires certain health insurance policies, known in the bill as disability insurance policies, and governmental self-insured health plans to cover essential health benefits that will be specified by the commissioner of insurance by rule. The bill specifies a list of requirements that the commissioner must follow when establishing the essential health benefits including certain limitations on cost sharing and the following general categories of benefits, items, or services in which the commissioner must require coverage: ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services, prescription drugs, rehabilitative and habilitative services and devices, laboratory services, preventive and wellness services and chronic disease management, and pediatric services. If an essential health benefit specified by the commissioner is also subject to its own mandated coverage requirement, the bill requires the disability insurance policy or self-insured health plan to provide coverage under whichever requirement provides the insured or plan participant with more comprehensive coverage.

This bill requires health insurance policies and governmental self-insured health plans to cover certain preventive services and to provide coverage of those preventive services without subjecting that coverage to deductibles, copayments, or coinsurance. The preventive services for which coverage is required are specified in the bill. The bill also specifies certain instances when cost-sharing amounts may be charged for an office visit associated with a preventive service.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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

SECTION 1. 40.51 (8) of the statutes is amended to read:

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

SECTION 2. 40.51 (8m) of the statutes is amended to read:

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

SECTION 3. 66.0137 (4) of the statutes is amended to read:

66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self–insured basis, the self–insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.746 (1) and (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 ~~(9)~~ (8) to (17), 632.896, and 767.513 (4).

SECTION 4. 120.13 (2) (g) of the statutes is amended to read:

120.13 **(2)** (g) Every self–insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.746 (1) and (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 ~~(9)~~ (8) to (17), 632.896, and 767.513 (4).

SECTION 5. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 **(1)** (intro.) Every voluntary nonprofit health care plan operated by a cooperative association organized under s. 185.981 shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.728, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.885, 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but the sponsoring association shall:

SECTION 6. 609.713 of the statutes is created to read:

609.713 Essential health benefits; preventive services. Defined network plans and preferred provider plans are subject to s. 632.895 (13m) and (14m).

SECTION 7. 609.847 of the statutes is created to read:

609.847 Preexisting condition discrimination and certain benefit limits prohibited. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.728.

SECTION 8. 625.12 (1) (a) of the statutes is amended to read:

625.12 **(1)** (a) Past and prospective loss and expense experience within and outside of this state, except as provided in s. 632.728.

SECTION 9. 625.12 (1) (e) of the statutes is amended to read:

625.12 **(1)** (e) Subject to ~~s.~~ ss. 632.365 and 632.728, all other relevant factors, including the judgment of technical personnel.

SECTION 10. 625.12 (2) of the statutes is amended to read:

625.12 **(2)** CLASSIFICATION. ~~Risks~~ Except as provided in s. 632.728, risks may be classified in any reasonable way for the establishment of rates and minimum premiums, except that no classifications may be based on race, color, creed or national origin, and classifications in automobile insurance may not be based on physical condition or developmental disability as defined in s. 51.01 (5). Subject to ~~s.~~ ss. 632.365 and 632.728, rates thus produced may be modified for individual risks in accordance with rating plans or schedules that establish reasonable standards for measuring probable variations in hazards, expenses, or both. Rates may also be modified for individual risks under s. 625.13 (2).

SECTION 11. 625.15 (1) of the statutes is amended to read:

625.15 **(1)** RATE MAKING. ~~An~~ Except as provided in s. 632.728, an insurer may itself establish rates and supplementary rate information for one or more market segments based on the factors in s. 625.12 and, if the rates are for motor vehicle liability insurance, subject to s. 632.365, or the insurer may use rates and supplementary rate information prepared by a rate service organization, with average expense factors determined by the rate service organization or with such modification for its own expense and loss experience as the credibility of that experience allows.

SECTION 12. 628.34 (3) (a) of the statutes is amended to read:

628.34 **(3)** (a) No insurer may unfairly discriminate among policyholders by charging different premiums or by offering different terms of coverage except on the basis of classifications related to the nature and the degree of the risk covered or the

expenses involved, subject to ss. 632.365, 632.728, 632.746 and 632.748. Rates are not unfairly discriminatory if they are averaged broadly among persons insured under a group, blanket or franchise policy, and terms are not unfairly discriminatory merely because they are more favorable than in a similar individual policy.

SECTION 13. 632.728 of the statutes is created to read:

632.728 Coverage of persons with preexisting conditions; guaranteed issue; benefit limits. (1) DEFINITIONS. In this section:

(a) "Health benefit plan" has the meaning given in s. 632.745 (11).

(b) "Self–insured health plan" has the meaning given in s. 632.85 (1) (c).

(2) GUARANTEED ISSUE. (a) Every individual health benefit plan shall accept every individual in this state who, and every group health benefit plan shall accept every employer in this state that, applies for coverage, regardless of sexual orientation, gender identity, or whether or not any employee or individual has a preexisting condition. A health benefit plan may restrict enrollment in coverage described in this paragraph to open or special enrollment periods.

(b) The commissioner shall establish a statewide open enrollment period of no shorter than 30 days for every individual health benefit plan to allow individuals, including individuals who do not have coverage, to enroll in coverage.

(3) PROHIBITING DISCRIMINATION BASED ON HEALTH STATUS. (a) An individual health benefit plan or a self–insured health plan may not establish rules for the eligibility of any individual to enroll, or for the continued eligibility of any individual to remain enrolled, under the plan based on any of the following health status–related factors in relation to the individual or a dependent of the individual:

1. Health status.

2. Medical condition, including both physical and mental illnesses.

3. Claims experience.

4. Receipt of health care.

5. Medical history.

6. Genetic information.

7. Evidence of insurability, including conditions arising out of acts of domestic violence.

8. Disability.

(b) An insurer offering an individual health benefit plan or a self-insured health plan may not require any individual, as a condition of enrollment or continued enrollment under the plan, to pay, on the basis of any health status-related factor under par. (a) with respect to the individual or a dependent of the individual, a premium or contribution or a deductible, copayment, or coinsurance amount that is greater than the premium or contribution or deductible, copayment, or coinsurance amount respectively for a similarly situated individual enrolled under the plan.

(c) Nothing in this subsection prevents an insurer offering an individual health benefit plan or a self-insured health plan from establishing premium discounts or rebates or modifying otherwise applicable cost sharing in return for adherence to programs of health promotion and disease prevention.

(4) PREMIUM RATE VARIATION. A health benefit plan offered on the individual or small employer market or a self-insured health plan may vary premium rates for a specific plan based only on the following considerations:

(a) Whether the policy or plan covers an individual or a family.

(b) Rating area in the state, as established by the commissioner.

(c) Age, except that the rate may not vary by more than 3 to 1 for adults over the age groups and the age bands shall be consistent with recommendations of the National Association of Insurance Commissioners.

(d) Tobacco use, except that the rate may not vary by more than 1.5 to 1.

(5) ANNUAL AND LIFETIME LIMITS. An individual or group health benefit plan or a self–insured health plan may not establish any of the following:

(a) Lifetime limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

(b) Annual limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

(6) SHORT-TERM PLANS. This section and s. 632.76 apply to every short–term, limited–duration health insurance policy. In this subsection, "short–term, limited–duration health insurance policy" means health coverage that is provided under a contract with an insurer, has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract, and, taking into account renewals or extensions, has a duration of no longer than 36 months in total. "Short–term, limited–duration health insurance policy" includes any short–term policy subject to s. 632.7495 (4).

SECTION 14. 632.746 (1) (a) of the statutes is renumbered 632.746 (1) and amended to read:

632.746 **(1)** ~~Subject to subs. (2) and (3), an~~ An insurer that offers a group health benefit plan may~~, with respect to a participant or beneficiary under the plan,~~ not impose a preexisting condition exclusion ~~only if the exclusion relates to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received within~~

~~the 6–month period ending on the participant's or beneficiary's enrollment date under the plan~~ on a participant or beneficiary under the plan.

SECTION 15. 632.746 (1) (b) of the statutes is repealed.

SECTION 16. 632.746 (2) (a) of the statutes is amended to read:

632.746 **(2)** (a) An insurer offering a group health benefit plan may not ~~treat~~ impose a preexisting condition exclusion based on genetic information ~~as a preexisting condition under sub. (1) without a diagnosis of a condition related to the information~~.

SECTION 17. 632.746 (2) (c), (d) and (e) of the statutes are repealed.

SECTION 18. 632.746 (3) (a) of the statutes is repealed.

SECTION 19. 632.746 (3) (d) 1. of the statutes is renumbered 632.746 (3) (d).

SECTION 20. 632.746 (3) (d) 2. and 3. of the statutes are repealed.

SECTION 21. 632.746 (5) of the statutes is repealed.

SECTION 22. 632.746 (8) (a) (intro.) of the statutes is amended to read:

632.746 **(8)** (a) (intro.) A health maintenance organization that offers a group health benefit plan ~~and that does not impose any preexisting condition exclusion under sub. (1)~~ with respect to a particular coverage option may impose an affiliation period for that coverage option, but only if all of the following apply:

SECTION 23. 632.748 (2) of the statutes is amended to read:

632.748 **(2)** An insurer offering a group health benefit plan may not require any individual, as a condition of enrollment or continued enrollment under the plan, to pay, on the basis of any health status–related factor with respect to the individual or a dependent of the individual, a premium or contribution or a deductible, copayment, or coinsurance amount that is greater than the premium or contribution

or deductible, copayment, or coinsurance amount respectively for a similarly situated individual enrolled under the plan.

SECTION 24. 632.76 (2) (a) and (ac) 1. and 2. of the statutes are amended to read:

632.76 **(2)** (a) No claim for loss incurred or disability commencing after 2 years from the date of issue of the policy may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage, unless the condition was excluded from coverage by name or specific description by a provision effective on the date of loss. This paragraph does not apply to a group health benefit plan, as defined in s. 632.745 (9), which is subject to s. 632.746, a disability insurance policy, as defined in s. 632.895 (1) (a), or a self–insured health plan, as defined in s. 632.85 (1) (c).

(ac) 1. ~~Notwithstanding par. (a), no~~ No claim or loss incurred or disability commencing ~~after 12 months from the date of issue of~~ under an individual disability insurance policy, as defined in s. 632.895 (1) (a), may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage~~, unless the condition was excluded from coverage by name or specific description by a provision effective on the date of the loss~~.

2. ~~Except as provided in subd. 3., an~~ An individual disability insurance policy, as defined in s. 632.895 (1) (a), ~~other than a short–term policy subject to s. 632.7495 (4) and (5),~~ may not define a preexisting condition more restrictively than a condition that was present before the date of enrollment for the coverage, whether physical or mental, regardless of the cause of the condition, ~~for which~~ and regardless of whether medical advice, diagnosis, care, or treatment was recommended or received ~~within 12 months before the effective date of coverage~~.

SECTION 25. 632.76 (2) (ac) 3. of the statutes is repealed.

SECTION 26. 632.795 (4) (a) of the statutes is amended to read:

632.795 **(4)** (a) An insurer subject to sub. (2) shall provide coverage under the same policy form and for the same premium as it originally offered in the most recent enrollment period, subject only to the medical underwriting used in that enrollment period. Unless otherwise prescribed by rule, the insurer may apply deductibles, ~~preexisting condition limitations,~~ waiting periods, or other limits only to the extent that they would have been applicable had coverage been extended at the time of the most recent enrollment period and with credit for the satisfaction or partial satisfaction of similar provisions under the liquidated insurer's policy or plan. The insurer may exclude coverage of claims that are payable by a solvent insurer under insolvency coverage required by the commissioner or by the insurance regulator of another jurisdiction. Coverage shall be effective on the date that the liquidated insurer's coverage terminates.

SECTION 27. 632.895 (8) (d) of the statutes is amended to read:

632.895 **(8)** (d) Coverage is required under this subsection despite whether the woman shows any symptoms of breast cancer. Except as provided in pars. (b), (c), and (e), coverage under this subsection may only be subject to exclusions and limitations, including ~~deductibles, copayments and~~ restrictions on excessive charges, that are applied to other radiological examinations covered under the disability insurance policy. Coverage under this subsection may not be subject to any deductibles, copayments, or coinsurance.

SECTION 28. 632.895 (13m) of the statutes is created to read:

632.895 **(13m)** PREVENTIVE SERVICES. (a) In this section, "self–insured health plan" has the meaning given in s. 632.85 (1) (c).

(b) Every disability insurance policy, except any disability insurance policy that is described in s. 632.745 (11) (b) 1. to 12., and every self–insured health plan shall provide coverage for all of the following preventive services:

1. Mammography in accordance with sub. (8).

2. Genetic breast cancer screening and counseling and preventive medication for adult women at high risk for breast cancer.

3. Papanicolaou test for cancer screening for women 21 years of age or older with an intact cervix.

4. Human papillomavirus testing for women who have attained the age of 30 years but have not attained the age of 66 years.

5. Colorectal cancer screening in accordance with sub. (16m).

6. Annual tomography for lung cancer screening for adults who have attained the age of 55 years but have not attained the age of 80 years and who have health histories demonstrating a risk for lung cancer.

7. Skin cancer screening for individuals who have attained the age of 10 years but have not attained the age of 22 years.

8. Counseling for skin cancer prevention for adults who have attained the age of 18 years but have not attained the age of 25 years.

9. Abdominal aortic aneurysm screening for men who have attained the age of 65 years but have not attained the age of 75 years and who have ever smoked.

10. Hypertension screening for adults and blood pressure testing for adults, for children under the age of 3 years who are at high risk for hypertension, and for children 3 years of age or older.

11. Lipid disorder screening for minors 2 years of age or older, adults 20 years of age or older at high risk for lipid disorders, and all men 35 years of age or older.

12. Aspirin therapy for cardiovascular health for adults who have attained the age of 55 years but have not attained the age of 80 years and for men who have attained the age of 45 years but have not attained the age of 55 years.

13. Behavioral counseling for cardiovascular health for adults who are overweight or obese and who have risk factors for cardiovascular disease.

14. Type II diabetes screening for adults with elevated blood pressure.

15. Depression screening for minors 11 years of age or older and for adults when follow–up supports are available.

16. Hepatitis B screening for minors at high risk for infection and adults at high risk for infection.

17. Hepatitis C screening for adults at high risk for infection and one–time hepatitis C screening for adults born in any year from 1945 to 1965.

18. Obesity screening and management for all minors and adults with a body mass index indicating obesity, counseling and behavioral interventions for obese minors who are 6 years of age or older, and referral for intervention for obesity for adults with a body mass index of 30 kilograms per square meter or higher.

19. Osteoporosis screening for all women 65 years of age or older and for women at high risk for osteoporosis under the age of 65 years.

20. Immunizations in accordance with sub. (14).

21. Anemia screening for individuals 6 months of age or older and iron supplements for individuals at high risk for anemia and who have attained the age of 6 months but have not attained the age of 12 months.

22. Fluoride varnish for prevention of tooth decay for minors at the age of eruption of their primary teeth.

23. Fluoride supplements for prevention of tooth decay for minors 6 months of age or older who do not have fluoride in their water source.

24. Gonorrhea prophylaxis treatment for newborns.

25. Health history and physical exams for prenatal visits and for minors.

26. Length and weight measurements for newborns and height and weight measurements for minors.

27. Head circumference and weight-for-length measurements for newborns and minors who have not attained the age of 3 years.

28. Body mass index for minors 2 years of age or older.

29. Blood pressure measurements for minors 3 years of age or older and a blood pressure risk assessment at birth.

30. Risk assessment and referral for oral health issues for minors who have attained the age of 6 months but have not attained the age of 7 years.

31. Blood screening for newborns and minors who have not attained the age of 2 months.

32. Screening for critical congenital health defects for newborns.

33. Lead screenings in accordance with sub. (10).

34. Metabolic and hemoglobin screening and screening for phenylketonuria, sickle cell anemia, and congenital hypothyroidism for minors including newborns.

35. Tuberculin skin test based on risk assessment for minors one month of age or older.

36. Tobacco counseling and cessation interventions for individuals who are 5 years of age or older.

37. Vision and hearing screening and assessment for minors including newborns.

38. Sexually transmitted infection and human immunodeficiency virus counseling for sexually active minors.

39. Risk assessment for sexually transmitted infection for minors who are 10 years of age or older and screening for sexually transmitted infection for minors who are 16 years of age or older.

40. Alcohol misuse screening and counseling for minors 11 years of age or older.

41. Autism screening for minors who have attained the age of 18 months but have not attained the age of 25 months.

42. Developmental screening and surveillance for minors including newborns.

43. Psychosocial and behavioral assessment for minors including newborns.

44. Alcohol misuse screening and counseling for pregnant adults and a risk assessment for all adults.

45. Fall prevention and counseling and preventive medication for fall prevention for community-dwelling adults 65 years of age or older.

46. Screening and counseling for intimate partner violence for adult women.

47. Well-woman visits for women who have attained the age of 18 years but have not attained the age of 65 years and well-woman visits for recommended preventive services, preconception care, and prenatal care.

48. Counseling on, consultations with a trained provider on, and equipment rental for breastfeeding for pregnant and lactating women.

49. Folic acid supplement for adult women with reproductive capacity.

50. Iron deficiency anemia screening for pregnant and lactating women.

51. Preeclampsia preventive medicine for pregnant adult women at high risk for preeclampsia.

52. Low-dose aspirin after 12 weeks of gestation for pregnant women at high risk for miscarriage, preeclampsia, or clotting disorders.

53. Screenings for hepatitis B and bacteriuria for pregnant women.

54. Screening for gonorrhea for pregnant and sexually active females 24 years of age or younger and females older than 24 years of age who are at risk for infection.

55. Screening for chlamydia for pregnant and sexually active females 24 years of age and younger and females older than 24 years of age who are at risk for infection.

56. Screening for syphilis for pregnant women and adults who are at high risk for infection.

57. Human immunodeficiency virus screening for adults who have attained the age of 15 years but have not attained the age of 66 years and individuals at high risk of infection who are younger than 15 years of age or older than 65 years of age.

58. All contraceptives and services in accordance with sub. (17).

59. Any services not already specified under this paragraph having an A or B rating in current recommendations from the U.S. preventive services task force.

60. Any preventive services not already specified under this paragraph that are recommended by the federal health resources and services administration's Bright Futures project.

61. Any immunizations, not already specified under sub. (14), that are recommended and determined to be for routine use by the federal advisory committee on immunization practices.

(c) Subject to par. (d), no disability insurance policy and no self-insured health plan may subject the coverage of any of the preventive services under par. (b) to any deductibles, copayments, or coinsurance under the policy or plan.

(d) 1. If an office visit and a preventive service specified under par. (b) are billed separately by the health care provider, the disability insurance policy or self-insured health plan may apply deductibles to and impose copayments or coinsurance on the office visit but not on the preventive service.

2. If the primary reason for an office visit is not to obtain a preventive service, the disability insurance policy or self-insured health plan may apply deductibles to and impose copayments or coinsurance on the office visit.

3. Except as otherwise provided in this subdivision, if a preventive service specified under par. (b) is provided by a health care provider that is outside the disability insurance policy's or self-insured health plan's network of providers, the policy or plan may apply deductibles to and impose copayments or coinsurance on the office visit and the preventive service. If a preventive service specified under par. (b) is provided by a health care provider that is outside the disability insurance policy's or self-insured health plan's network of providers because there is no available health care provider in the policy's or plan's network of providers that provides the preventive service, the policy or plan may not apply deductibles to or impose copayments or coinsurance on the preventive service.

4. If multiple well-woman visits described under par. (b) 47. are required to fulfill all necessary preventive services and are in accordance with clinical recommendations, the disability insurance policy or self-insured health plan may not apply a deductible to or impose a copayment or coinsurance on any of those well-woman visits.

SECTION 29. 632.895 (14) (a) 1. i. and j. of the statutes are amended to read:

632.895 **(14)** (a) 1. i. Hepatitis <u>A and</u> B.

j. Varicella <u>and herpes zoster</u>.

SECTION 30. 632.895 (14) (a) 1. k. to o. of the statutes are created to read:

632.895 **(14)** (a) 1. k. Human papillomavirus.

L. Meningococcal meningitis.

m. Pneumococcal pneumonia.

n. Influenza.

o. Rotavirus.

SECTION 31. 632.895 (14) (b) of the statutes is amended to read:

632.895 **(14)** (b) Except as provided in par. (d), every disability insurance policy, and every self–insured health plan of the state or a county, city, town, village, or school district, ~~that provides coverage for a dependent of the insured~~ shall provide coverage of appropriate and necessary immunizations~~, from birth to the age of 6 years,~~ for an insured or plan participant, including a dependent ~~who is a child~~ of the insured or plan participant.

SECTION 32. 632.895 (14) (c) of the statutes is amended to read:

632.895 **(14)** (c) The coverage required under par. (b) may not be subject to any deductibles, copayments, or coinsurance under the policy or plan. ~~This paragraph applies to a defined network plan, as defined in s. 609.01 (1b), only with respect to appropriate and necessary immunizations provided by providers participating, as defined in s. 609.01 (3m), in the plan.~~

SECTION 33. 632.895 (14) (d) 3. of the statutes is amended to read:

632.895 **(14)** (d) 3. A health care plan offered by a limited service health organization, as defined in s. 609.01 (3)~~, or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b)~~.

SECTION 34. 632.895 (14m) of the statutes is created to read:

632.895 **(14m)** ESSENTIAL HEALTH BENEFITS. (a) In this subsection, "self–insured health plan" has the meaning given in s. 632.85 (1) (c).

(b) On a date specified by the commissioner, by rule, every disability insurance policy, except as provided in par. (g), and every self–insured health plan shall provide coverage for essential health benefits as determined by the commissioner, by rule, subject to par. (c).

(c) In determining the essential health benefits for which coverage is required under par. (b), the commissioner shall do all of the following:

1. Include benefits, items, and services in, at least, all of the following categories:

a. Ambulatory patient services.

b. Emergency services.

c. Hospitalization.

d. Maternity and newborn care.

e. Mental health and substance use disorder services, including behavioral health treatment.

f. Prescription drugs.

g. Rehabilitative and habilitative services and devices.

h. Laboratory services.

i. Preventive and wellness services and chronic disease management.

j. Pediatric services, including oral and vision care.

2. Conduct a survey of employer–sponsored coverage to determine benefits typically covered by employers and ensure that the scope of essential health benefits for which coverage is required under this subsection is equal to the scope of benefits

1 covered under a typical disability insurance policy offered by an employer to its
2 employees.

3 3. Ensure that essential health benefits reflect a balance among the categories
4 described in subd. 1. such that benefits are not unduly weighted toward one category.

5 4. Ensure that essential health benefit coverage is provided with no or limited
6 cost–sharing requirements.

7 5. Require that disability insurance policies and self–insured health plans do
8 not make coverage decisions, determine reimbursement rates, establish incentive
9 programs, or design benefits in ways that discriminate against individuals because
10 of their age, disability, or expected length of life.

11 6. Establish essential health benefits in a way that takes into account the
12 health care needs of diverse segments of the population, including women, children,
13 persons with disabilities, and other groups.

14 7. Ensure that essential health benefits established under this subsection are
15 not subject to a coverage denial based on an insured's or plan participant's age,
16 expected length of life, present or predicted disability, degree of dependency on
17 medical care, or quality of life.

18 8. Require that disability insurance policies and self–insured health plans
19 cover emergency department services that are essential health benefits without
20 imposing any requirement to obtain prior authorization for those services and
21 without limiting coverage for services provided by an emergency services provider
22 that is not in the provider network of a policy or plan in a way that is more restrictive
23 than requirements or limitations that apply to emergency services provided by a
24 provider that is in the provider network of the policy or plan.

9. Require a disability insurance policy or self–insured health plan to apply to emergency department services that are essential health benefits provided by an emergency department provider that is not in the provider network of the policy or plan the same copayment amount or coinsurance rate that applies if those services are provided by a provider that is in the provider network of the policy or plan.

(d) The commissioner shall periodically update, by rule, the essential health benefits under this subsection to address any gaps in access to coverage.

(e) If an essential health benefit is also subject to mandated coverage elsewhere under this section and the coverage requirements are not identical, the disability insurance policy or self–insured health plan shall provide coverage under whichever subsection provides the insured or plan participant with more comprehensive coverage of the medical condition, item, or service.

(f) Nothing in this subsection or rules promulgated under this subsection prohibits a disability insurance policy or a self–insured health plan from providing benefits in excess of the essential health benefit coverage required under this subsection.

(g) This subsection does not apply to any disability insurance policy that is described in s. 632.745 (11) (b) 1. to 12.

SECTION 35. 632.895 (16m) (b) of the statutes is amended to read:

632.895 **(16m)** (b) The coverage required under this subsection may be subject to any limitations~~,~~ <u>or</u> exclusions~~, or cost–sharing provisions~~ that apply generally under the disability insurance policy or self–insured health plan. <u>The coverage required under this subsection may not be subject to any deductibles, copayments, or coinsurance.</u>

SECTION 36. 632.895 (17) (b) 2. of the statutes is amended to read:

632.895 **(17)** (b) 2. Outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive, ~~if covered for any other drug benefits under the policy or plan~~ sterilization procedures, and patient education and counseling for all females with reproductive capacity.

SECTION 37. 632.895 (17) (c) of the statutes is amended to read:

632.895 **(17)** (c) Coverage under par. (b) may be subject only to the exclusions~~,~~ and limitations~~, or cost–sharing provisions~~ that apply generally to the coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices that is provided under the policy or self–insured health plan. A disability insurance policy or self–insured health plan may not apply a deductible or impose a copayment or coinsurance to at least one of each type of contraceptive method approved by the federal food and drug administration for which coverage is required under this subsection. The disability insurance policy or self–insured health plan may apply reasonable medical management to a method of contraception to limit coverage under this subsection that is provided without being subject to a deductible, copayment, or coinsurance to prescription drugs without a brand name. The disability insurance policy or self–insured health plan may apply a deductible or impose a copayment or coinsurance for coverage of a contraceptive that is prescribed for a medical need if the services for the medical need would otherwise be subject to a deductible, copayment, or coinsurance.

SECTION 38. 632.897 (11) (a) of the statutes is amended to read:

632.897 **(11)** (a) Notwithstanding subs. (2) to (10), the commissioner may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a

terminated insured or an eligible individual under any federal program that provides for a federal premium subsidy for individuals covered under continuation of coverage under a group policy, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, ~~application of preexisting condition exclusions,~~ election of alternative coverage, and status as an eligible individual, as defined in s. 149.10 (2t), 2011 stats.

SECTION 9323. Initial applicability; Insurance.

(1) COVERAGE OF INDIVIDUALS WITH PREEXISTING CONDITIONS, ESSENTIAL HEALTH BENEFITS, AND PREVENTIVE SERVICES.

(a) For policies and plans containing provisions inconsistent with these sections, the treatment of ss. 40.51 (8) and (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.713, 609.847, 625.12 (1) (a) and (e) and (2), 625.15 (1), 628.34 (3) (a), 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1., 2., and 3., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c) and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11) (a) first applies to policy or plan years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with these sections, the treatment of ss. 40.51 (8) and (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.713, 609.847, 625.12 (1) (a) and (e) and (2), 625.15 (1), 628.34 (3) (a), 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1., 2., and 3., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c) and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11)

(a) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is entered into, extended, modified, or renewed, whichever is later.

SECTION 9423. Effective dates; Insurance.

(1) COVERAGE OF INDIVIDUALS WITH PREEXISTING CONDITIONS, ESSENTIAL HEALTH BENEFITS, AND PREVENTIVE SERVICES. The treatment of ss. 40.51 (8) and (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.713, 609.847, 625.12 (1) (a) and (e) and (2), 625.15 (1), 628.34 (3) (a), 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1., 2., and 3., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c) and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11) (a) and SECTION 9323 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2092/P2
TJD:kjf

DOA:.....Bollhorst, BB0407 – Infant mortality prevention program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Infant mortality prevention program

This bill requires DHS to allocate five of its full–time equivalent positions to staff an infant mortality prevention program.

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

2 **SECTION 9119. Nonstatutory provisions; Health Services.**

3 (1) INFANT MORTALITY PREVENTION PROGRAM. The department of health services
4 shall allocate 5.0 FTE positions that are authorized for the department of health
5 services to staff an infant mortality prevention program. The department of health

services shall report in its 2021–23 budget request any necessary budget adjustments to reflect this allocation of positions.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2095/P1
ZDW:kjf

DOA:.....Aslesen, BB0402 – Freight rail preservation bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

1. Freight rail preservation bonding

Under current law, the state may contract up to $250,300,000 in public debt for DOT to acquire railroad property and to provide grants and loans for railroad property acquisition and improvement. This bill increases the authorized general obligation bonding limit for these purposes to $280,300,000.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (uw) of the statutes is amended to read:

20.866 **(2)** (uw) *Transportation; rail acquisitions and improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to

acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d). The state may contract public debt in an amount not to exceed ~~$250,300,000~~ $280,300,000 for these purposes.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2096/P2
ZDW:kjf&cjs

DOA:.....Aslesen, BB0403 – Harbor assistance grant priority

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

OTHER TRANSPORTATION

1. Harbor assistance grants priority

Under current law, DOT administers the harbor assistance program under which eligible applicants may be awarded a grant to partially reimburse the applicant for expenses incurred in making certain harbor improvements. Under this bill, during the 2019–21 fiscal biennium, DOT must prioritize making grant awards under the harbor assistance program to municipalities in which a shipbuilder in the state is conducting operations.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9144. Nonstatutory provisions; Transportation.**

3 (1) HARBOR ASSISTANCE GRANTS PRIORITY. In the 2019–21 fiscal biennium, when

4 making grant awards from the appropriations under ss. 20.395 (2) (cq) and 20.866

(2) (uv) for the harbor assistance program under s. 85.095, notwithstanding the eligibility criteria under s. 85.095, the department of transportation shall give priority to municipalities in which a shipbuilder in this state is conducting operations.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2097/P2
MED:amn&ahe

DOA:.....Hynek, BB0409 – UI Substantial Fault

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; substantial fault.

Under current law, an employee whose work is terminated by his or her employer for substantial fault by the employee connected with the employee's work is ineligible to receive unemployment insurance (UI) benefits until seven weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the termination occurs, equal to at least 14 times the employee's weekly benefit rate in covered employment. With certain exceptions, current law defines "substantial fault" to include those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer.

This bill repeals the provision on substantial fault and replaces it with a provision on absenteeism and tardiness by an employee. Under the bill, if an employee is discharged for failing to notify an employer of absenteeism or tardiness that becomes excessive under certain conditions, the employee is ineligible to receive benefits until at least six weeks have elapsed since the end of the week in which the discharge occurs and until the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs, equal to at least six times the employee's weekly benefit rate in covered employment.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 102.43 (9) (e) of the statutes is amended to read:

102.43 **(9)** (e) The employee's employment with the employer has been suspended or terminated due to misconduct, as defined in s. 108.04 (5), by the employee connected with the employee's work or ~~substantial fault, as defined~~ for failing to notify his or her employer of absenteeism or tardiness that becomes excessive as provided in s. 108.04 (5g) ~~(a), by the employee connected with the employee's work~~.

SECTION 2. 108.04 (5) (intro.) of the statutes is amended to read:

108.04 **(5)** DISCHARGE FOR MISCONDUCT. (intro.) ~~An~~ Unless sub. (5g) results in disqualification, an employee whose work is terminated by an employing unit for misconduct by the employee connected with the employee's work is ineligible to receive benefits until 7 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be the rate that would have been paid had the discharge not occurred. The wages paid to an employee by an employer which terminates employment of the employee for misconduct connected with the employee's employment shall be excluded from the employee's base period wages under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not

preclude an employee who has employment with an employer other than the employer which terminated the employee for misconduct from establishing a benefit year using the base period wages excluded under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 from which base period wages are excluded under this subsection. For purposes of this subsection, "misconduct" means one or more actions or conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which an employer has a right to expect of his or her employees, or in carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design of equal severity to such disregard, or to show an intentional and substantial disregard of an employer's interests, or of an employee's duties and obligations to his or her employer. In addition, "misconduct" includes:

SECTION 3. 108.04 (5g) of the statutes is repealed and recreated to read:

108.04 **(5g)** DISCHARGE FOR FAILURE TO NOTIFY EMPLOYER OF ABSENTEEISM OR TARDINESS. (a) If an employee is discharged for failing to notify his or her employer of absenteeism or tardiness that becomes excessive, and the employer has complied with the requirements of par. (d) with respect to that employee, the employee is ineligible to receive benefits until 6 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 6 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of

requalification, the employee's weekly benefit rate shall be the rate that would have been paid had the discharge not occurred.

(b) For purposes of this subsection, tardiness becomes excessive if an employee is late for 6 or more scheduled workdays in the 12–month period preceding the date of the discharge without providing adequate notice to his or her employer.

(c) For purposes of this subsection, absenteeism becomes excessive if an employee is absent for 5 or more scheduled workdays in the 12–month period preceding the date of the discharge without providing adequate notice to his or her employer.

(d) 1. The requalifying requirements under par. (a) apply only if the employer has a written policy on notification of tardiness or absences that satisfies all of the following:

a. Defines what constitutes a single occurrence of tardiness or absenteeism.

b. Describes the process for providing adequate notice of tardiness or absence.

c. Notifies the employee that failure to provide adequate notice of an absence or tardiness may lead to discharge.

2. The employer shall provide a copy of the written policy under subd. 1. to each employee and shall have written evidence that the employee received a copy of that policy.

3. The employer must have given the employee at least one warning concerning the employee's violation of the employer's written policy under subd. 1. within the 12–month period preceding the date of the discharge.

4. The employer must apply the written policy under subd. 1. uniformly to all employees of the employer.

(e) The department shall charge to the fund's balancing account the cost of any benefits paid to an employee that are otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 if the employee is discharged by that employer and par. (a) applies.

(em) If an employee is not disqualified under this subsection, the employee may nevertheless be subject to the disqualification under sub. (5).

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SUBSTANTIAL FAULT. The treatment of s. 108.04 (5) (intro.) and (5g) first applies with respect to determinations issued under s. 108.09 on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SUBSTANTIAL FAULT. The treatment of s. 108.04 (5) (intro.) and (5g) and SECTION 9350 (1) of this act take effect on January 5, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2098/P1
JK:ahe

DOA:.....Aslesen, BB0411 – Motor vehicle fuel tax increase

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Motor vehicle fuel tax increase

This bill increases the current motor vehicle fuel tax rate from 30.9 cents per gallon to 38.9 cents per gallon beginning on October 1, 2019. The rate has remained unchanged since 2006 when it was increased from 29.9 cents to 30.9 cents.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 78.01 (1) of the statutes is amended to read:

3 78.01 **(1)** IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
4 determined under ss. 78.015 and ~~78.017~~ 78.018 is imposed on all motor vehicle fuel
5 received by a supplier for sale in this state, for sale for export to this state or for export

to this state except as otherwise provided in this chapter. The motor vehicle fuel tax is to be computed and paid as provided in this chapter. Except as otherwise provided in this chapter, a person who receives motor vehicle fuel under s. 78.07 shall collect from the purchaser of the motor vehicle fuel that is received, and the purchaser shall pay to the person who receives the motor vehicle fuel under s. 78.07, the tax imposed by this section on each sale of motor vehicle fuel at the time of the sale, irrespective of whether the sale is for cash or on credit. In each subsequent sale or distribution of motor vehicle fuel on which the tax has been collected as provided in this subsection, the tax collected shall be added to the selling price so that the tax is paid ultimately by the user of the motor vehicle fuel.

SECTION 2. 78.017 of the statutes is repealed.

SECTION 3. 78.018 of the statutes is created to read:

78.018 Rate adjustment. On October 1, 2019, the rate of the tax imposed under s. 78.01 (1) is increased by 8 cents.

SECTION 4. 78.12 (4) (a) 4. of the statutes is amended to read:

78.12 **(4)** (a) 4. Multiply the number of gallons under subd. 3. by the rate published under s. 78.015 as increased under s. ~~78.017~~ 78.018.

SECTION 5. 78.12 (4) (b) 2. of the statutes is amended to read:

78.12 **(4)** (b) 2. Multiply the number of gallons under subd. 1. by the rate published under s. 78.015 as increased under s. ~~78.017~~ 78.018.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2099/P1
JK:wlj

DOA:.....Aslesen, BB0412 – Indexing of the motor vehicle fuel tax to CPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Motor vehicle fuel tax annual adjustment

The current rate of the motor vehicle fuel tax is 30.9 cents per gallon. That rate has remained unchanged since it took effect on April 1, 2006. Prior to 2007, DOR annually adjusted the rate to incorporate the percentage change in the consumer price index. This bill restores the annual adjustment of the motor vehicle fuel tax rate based on the change in the consumer price index beginning with the rate that takes effect on April 1, 2020. Under current law, and under the bill, DOR publishes the rate by April 1 of each year.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 78.015 (1) of the statutes is amended to read:

78.015 **(1)** Before April 1 the department shall recompute and publish the rate for the tax imposed under s. 78.01 (1). The new rate per gallon shall be calculated by multiplying the rate in effect at the time of the calculation by the amount obtained under sub. (2). ~~After the calculation of the rate that takes effect on April 1, 2006, the department shall make no further calculation under this subsection and sub. (2).~~ This subsection first applies to the rate that takes effect on April 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2100/P1
EVM:wlj

DOA:.....Aslesen, BB0410 – Ending the general fund transfer to the transportation fund

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

1. Eliminate general fund transfer to transportation fund

Under current law, the secretary of administration must annually transfer from the general fund to the transportation fund 0.25 percent of estimated general fund tax revenues for the fiscal year or $35,127,000, whichever amount is greater. This bill repeals this requirement.

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

SECTION 1. 16.5185 (1) of the statutes is repealed.

SECTION 2. 16.5185 (2m) of the statutes is renumbered 16.5185 and amended to read:

16.5185 Transfers to the transportation fund. Beginning on June 30, 2020, in each fiscal year, the secretary shall transfer the unencumbered balance of the petroleum inspection fund on June 30, less an amount sufficient to meet the reserve requirement under this ~~subsection~~ section, from the petroleum inspection fund to the transportation fund. The petroleum inspection fund balance after a transfer under this ~~subsection~~ section may not be less than 5 percent of gross revenues received during the fiscal year in which the transfer is made.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2101/P1
ZDW:klm

DOA:.....Aslesen, BB0413 – Increase title fees

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Vehicle title fee

Under current law, motor vehicles must be titled, and DOT issues a certificate of title to the new owner of a vehicle after ownership of the vehicle is transferred. The new owner pays a $62 title fee and a $7.50 supplemental title fee. This bill increases the title fee to $72.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 342.14 (1) of the statutes is amended to read:

342.14 **(1)** For filing an application for the first certificate of title, ~~$62~~ $72, by the owner of the vehicle.

SECTION 2. 342.14 (3) of the statutes is amended to read:

342.14 **(3)** For a certificate of title after a transfer, ~~$62~~ $72, by the owner of the vehicle.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2102/P1
ZDW:wlj

DOA:.....Aslesen, BB0414 – Interstate bridge program modification

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

1. Interstate bridge design funding

Under current law, this state's share of costs for any major interstate bridge project, including preliminary design work for the project, may be funded only from specified appropriations. "Major interstate bridge project" means a project involving the construction or reconstruction of a bridge on the state trunk highway system, including approaches, that crosses a river forming a boundary of the state and for which this state's estimated cost share is at least $100,000,000. This bill eliminates the reference to preliminary design work being a part of a major interstate bridge project that may be funded only from specified appropriations.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 84.016 (2) of the statutes is amended to read:

84.016 **(2)** Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95, but subject to s. 86.255, this state's share of costs for any major interstate bridge project~~, including preliminary design work for the project,~~ may be funded only from the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2103/P1
EVM:wlj

DOA:.....Ziegler, BB0428 – Eliminate sunset of intelligent transportation systems appropriations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

1. Sunset of intelligent transportation systems appropriations

Under current law, state, federal, and local appropriations authorize DOT expenditures for the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems. Under current law, no moneys from these appropriations may be encumbered after June 30, 2021. This bill removes from each appropriation the prohibition on encumbering moneys after June 30, 2021.

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

SECTION 1. 20.395 (3) (et) of the statutes is amended to read:

20.395 **(3)** (et) *Intelligent transportation systems and traffic control signals, state funds.* As a continuing appropriation, the amounts in the schedule for the

installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems. ~~No moneys may be encumbered from this appropriation account after June 30, 2021.~~

SECTION 2. 20.395 (3) (eu) of the statutes is amended to read:

20.395 **(3)** (eu) *Intelligent transportation systems and traffic control signals, local funds.* All moneys received from any local unit of government or other sources for the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems, for such purposes. ~~No moneys may be encumbered from this appropriation account after June 30, 2021.~~

SECTION 3. 20.395 (3) (ez) of the statutes is amended to read:

20.395 **(3)** (ez) *Intelligent transportation systems and traffic control signals, federal funds.* All moneys received from the federal government for the installation, replacement, or rehabilitation of traffic control signals and intelligent transportation systems, for such purposes. ~~No moneys may be encumbered from this appropriation account after June 30, 2021.~~

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2104/P1
EVM:wlj

DOA:.....Ziegler, BB0427 – Early license renewal for armed forces recruits

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Exemption from probationary license requirement for persons enlisted in the U.S. armed forces

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. Currently, the following persons are exempt from this requirement:

1. Certain persons who have been licensed by another jurisdiction.
2. Persons who are issued a commercial driver license.
3. Persons entitled to a regular license under a foreign license reciprocity agreement.

Those who are exempt from the probationary license requirement are instead issued a regular license that remains in effect for eight years after the date of issuance.

Under this bill, a person who provides DOT with proof that the person is enlisted in the U.S. armed forces is also exempt from the probationary license requirement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.085 (2) (d) of the statutes is created to read:

2 343.085 **(2)** (d) Any person providing the department with proof that the person
3 is enlisted in the U.S. armed forces is exempt from this section.

4 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2105/P1
EVM:wlj

DOA:.....Aslesen, BB0426 – Transit capital assistance grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

1. Transit capital assistance grants

This bill requires DOT to establish a transit capital assistance grant program, under which DOT awards grants to eligible applicants for the replacement of public transit vehicles.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.395 (1) (bt) of the statutes is created to read:

20.395 **(1)** (bt) *Transit capital assistance grants.* As a continuing appropriation, the amounts in the schedule for transit capital assistance grants under s. 85.203.

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

SECTION 2. 85.203 of the statutes is created to read:

85.203 Transit capital assistance grants. (1) In this section:

(a) "Eligible applicant" has the meaning given in s. 85.20 (1) (b).

(b) "Public transit vehicle" means any vehicle used for providing transportation service to the general public that is eligible for replacement under settlement guidelines, as defined in s. 16.047 (1) (b).

(2) The department shall administer a transit capital assistance grant program. From the appropriation under s. 20.395 (1) (bt), the department shall award grants to eligible applicants for the replacement of public transit vehicles. The department shall establish criteria for awarding grants under this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2106/P1
ZDW:klm

DOA:.....Aslesen, BB0423 – Increase in transportation fund supported bonding for the harbor assistance program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

1. Harbor assistance program bonding

Under current law, the state may contract up to $120,000,000 in public debt for DOT to provide grants for harbor improvements. This bill increases the authorized general obligation bonding limit to $159,000,000 for this purpose.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

20.866 **(2)** (uv) *Transportation, harbor improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to provide

grants for harbor improvements. The state may contract public debt in an amount not to exceed ~~$120,000,000~~ $159,000,000 for this purpose.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2107/P1
ZDW:wlj

DOA:.....Aslesen, BB0422 – Increase of transportation revenue bonds

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

1. Transportation revenue bonds

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed $4,055,372,900. This bill increases the revenue bond limit to $4,197,627,500.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 84.59 (6) of the statutes is amended to read:

84.59 **(6)** The building commission may contract revenue obligations when it reasonably appears to the building commission that all obligations incurred under

this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Except as provided in this subsection, the principal amount of revenue obligations issued under this section may not exceed ~~$4,055,372,900~~ $4,197,627,500, excluding any obligations that have been defeased under a cash optimization program administered by the building commission, to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal amount, the building commission may contract revenue obligations under this section as the building commission determines is desirable to refund outstanding revenue obligations contracted under this section, to make payments under agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section, and to pay expenses associated with revenue obligations contracted under this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2108/P1
EVM:wlj

DOA:.....Aslesen, BB0421 – General fund supported bonding for passenger rail

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

1. Increase bonding for passenger rail capital projects

Under current law, DOT administers a rail passenger route development program under which DOT may fund the following:

1. Capital costs related to certain Amtrak service extension routes or certain other rail service routes.

2. Railroad track or rail passenger station improvements related to an Amtrak service extension route, or the establishment of commuter rail service, between the city of Milwaukee and Waukesha County.

3. Rail passenger station improvements related to an existing rail passenger service.

Current law provides $79,000,000 in general obligation bonding authority for the program but does not provide for other sources of program funding. However, not more than $10,000,000 of the bonding proceeds may be used for the purposes described in items 2 and 3, above; no proceeds may be used without JCF approval; and no proceeds may be used for the purposes described in items 1 and 2, above, unless DOT provides to JCF certain information.

This bill increases the general obligation bonding authority for the program from $79,000,000 to $124,000,000 but does not modify any of these other program funding limitations.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (up) of the statutes is amended to read:

20.866 **(2)** (up) *Transportation; rail passenger route development.* From the capital improvement fund, a sum sufficient for the department of transportation to fund rail passenger route development under s. 85.061 (3). The state may contract public debt in an amount not to exceed ~~$79,000,000~~ $124,000,000 for this purpose. Of this amount, not more than $10,000,000 may be used to fund the purposes specified in s. 85.061 (3) (a) 2. and 3.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2109/P1
ZDW:klm

DOA:.....Aslesen, BB0420 – 27% increase to heavy truck fees

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Registration fees based on gross weight.

Under current law, the registration fee for certain vehicles is based on the vehicle's gross weight and ranges from $75 for a vehicle weighing up to 4,500 pounds to $2,560 for a vehicle weighing up to 80,000 pounds. This bill increases registration fees based on gross vehicle weight by approximately 27 percent.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 341.25 (2) (a) to (q) of the statutes are amended to read:

341.25 **(2)** (a) Not more than 4,500 . . . . . $ ~~75.00~~ 96.00

(b) Not more than 6,000 . . . . . ~~84.00~~ 107.00

(c) Not more than 8,000 . . . . . ~~106.00~~ 135.00

(cm) Not more than 10,000 . . . . . ~~155.00~~ 197.00

(d) Not more than 12,000 . . . . . ~~209.00~~ 266.00

(e) Not more than 16,000 . . . . . ~~283.00~~ 360.00

(f) Not more than 20,000 . . . . . ~~356.00~~ 453.00

(g) Not more than 26,000 . . . . . ~~475.00~~ 604.00

(h) Not more than 32,000 . . . . . ~~609.00~~ 774.00

(i) Not more than 38,000 . . . . . ~~772.00~~ 981.00

(j) Not more than 44,000 . . . . . ~~921.00~~ 1,170.00

(k) Not more than 50,000 . . . . . ~~1,063.00~~ 1,351.00

(km) Not more than 54,000 . . . . . ~~1,135.00~~ 1,442.00

(L) Not more than 56,000 . . . . . ~~1,209.00~~ 1,536.00

(m) Not more than 62,000 . . . . . ~~1,367.00~~ 1,737.00

(n) Not more than 68,000 . . . . . ~~1,543.00~~ 1,960.00

(o) Not more than 73,000 . . . . . ~~1,755.00~~ 2,229.00

(p) Not more than 76,000 . . . . . ~~2,081.00~~ 2,643.00

(q) Not more than 80,000 . . . . . ~~2,560.00~~ 3,252.00

SECTION 9344. Initial applicability; Transportation.

(1) REGISTRATION FEES BASED ON GROSS WEIGHT. The treatment of s. 341.25 (2) (a) to (q) first applies to an application for registration received by the department of transportation on the effective date of this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2110/P2
ZDW:klm&ahe

DOA:.....Aslesen, BB0419 – Hybrid vehicle fee definition

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Hybrid electric vehicle definition

Under current law, in addition to an annual registration fee, DOT adds a surcharge of $75 for a motor truck or automobile that is a hybrid electric vehicle. Current law defines a hybrid electric vehicle to mean "a vehicle that is capable of using gasoline, diesel fuel, or alternative fuel to propel the vehicle but that is propelled to a significant extent by an electric motor that draws electricity from a battery that has a capacity of not less than 4 kilowatt hours and may be capable of being recharged from an external source of electricity." This bill replaces the current definition of hybrid electric vehicle and defines the term to mean "a vehicle that is capable of using both electricity and gasoline, diesel fuel, or alternative fuel to propel the vehicle."

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 341.25 (1) (L) 1. b. of the statutes is amended to read:

341.25 **(1)** (L) 1. b. "Hybrid electric vehicle" means a vehicle that is capable of using both electricity and gasoline, diesel fuel, or alternative fuel to propel the vehicle ~~but that is propelled to a significant extent by an electric motor that draws electricity from a battery that has a capacity of not less than 4 kilowatt hours and may be capable of being recharged from an external source of electricity~~.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2111/P1
EHS:klm

DOA:.....Potts, BB0418 – Bonding for the clean water fund program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Bonding for the Clean Water Fund Program

The bill increases by $13,500,000, from $646,283,200 to $659,783,200, the general obligation bonding authority for the Clean Water Fund Program, under which DNR provides financial assistance to local governmental units for projects to control water pollution, such as sewage treatment plants.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 20.866 **(2)** (tc) *Clean water fund program.* From the capital improvement fund,

4 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred

to the environmental improvement fund for the purposes of the clean water fund program under ss. 281.58 and 281.59. The state may contract public debt in an amount not to exceed ~~$646,283,200~~ $659,783,200 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 200.49 (2) (b). Moneys from this appropriation account may be expended for the purposes of s. 281.57 (10m) and (10r) only in the amount by which the department of natural resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2112/P2
MCP:wlj

DOA:.....Potts, BB0406 – TMDL Bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

1. Local pollution control grants in TMDL watersheds

This bill requires DNR to award grants to municipalities and counties for water pollution control infrastructure projects within watersheds that have a total maximum daily load (TMDL) in effect. A TMDL is the maximum amount of pollutants that an impaired water body can assimilate while still meeting water quality standards. The bill provides for $4,000,000 in general obligation bonding authority for this purpose.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.370 (7) (cu) of the statutes is created to read:

3 20.370 **(7)** (cu) *Principal repayment and interest — water pollution control*

4 *grants*. From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u)

for the payment of principal and interest costs incurred in providing funds under s. 20.866 (2) (tj) for water pollution control infrastructure project grants under s. 281.54 and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

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

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

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

SECTION 3. 281.54 of the statutes is created to read:

281.54 Local pollution control grants in TMDL watersheds. The department shall award grants from the appropriation under s. 20.866 (2) (tj) to municipalities and counties for water pollution control infrastructure projects within watersheds for which a federally approved total maximum daily load under 33 USC 1313 (d) (1) (C) is in effect. The department shall promulgate rules for the administration of the program under this section.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2113/P4
ZDW:wlj&kjf

DOA:.....Stinebrink, BB0408 – WISCOM

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

1. Next Generation 911 and WISCOM

Under current law, DMA is required to contract for the creation, operation, and maintenance of an emergency services network capable of meeting certain standards known collectively as Next Generation 911. DMA is also required to develop and operate a statewide public safety interoperable communication system, commonly referred to as WISCOM. To assist DMA in developing the ability of public safety agencies to communicate with each other, there is an interoperability council with a 911 subcommittee attached to DMA. This bill transfers the requirements relating to Next Generation 911 and WISCOM from DMA to DOT and attaches the interoperability council and 911 subcommittee to DOT. The bill also requires DOT to issue a request for proposals for a statewide public safety interoperable communications system to be deployed on existing tower sites and authorizes DOT to spend up to $500,000 for professional consulting services related to the request for proposals.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.315 (title) of the statutes is repealed.

SECTION 2. 15.315 (1) of the statutes is renumbered 15.467 (1), and 15.467 (1) (a), as renumbered, is amended to read:

15.467 **(1)** (a) There is created an interoperability council, attached to the department of ~~military affairs~~ transportation under s. 15.03.

SECTION 3. 15.315 (2) of the statutes is renumbered 15.467 (2), and 15.467 (2) (a) (intro.), as renumbered, is amended to read:

15.467 **(2)** (a) (intro.) There is created a 911 subcommittee of the interoperability council, attached to the department of ~~military affairs~~ transportation under s. 15.03. The 911 subcommittee consists of one member serving a 3–year term who is appointed by the ~~adjutant general~~ secretary of transportation and the following members serving 3–year terms who are appointed by the governor:

SECTION 4. 20.465 (3) (km) of the statutes is renumbered 20.395 (5) (km) and amended to read:

20.395 **(5)** (km) *Interoperable communications system.* ~~The~~ From the general fund, the amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys transferred from the appropriation account under s. 20.505 (1) (id) 2. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.505 (1) (id).

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

SECTION 5. 20.465 (3) (ks) of the statutes is renumbered 20.395 (5) (qs) and amended to read:

20.395 **(5)** (qs) *Public safety interoperable communication system; state fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. ~~All moneys received from public safety agencies that are state agencies as fees under s. 323.29 (3) (b) 1. shall be credited to this appropriation account.~~

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

SECTION 6. 20.465 (3) (L) of the statutes is renumbered 20.395 (5) (qL) and amended to read:

20.395 **(5)** (qL) *Public safety interoperable communication system; general usage fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. ~~All moneys received from users as fees under s. 323.29 (3) (b) 2. shall be credited to this appropriation account.~~

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

SECTION 7. 20.465 (3) (q) of the statutes is renumbered 20.395 (5) (q).

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

SECTION 8. 20.465 (3) (qm) of the statutes is renumbered 20.395 (5) (qm) and amended to read:

20.395 **(5)** (qm) *Next Generation 911.* From the police and fire protection fund, the amounts in the schedule for the department to make and administer contracts under s. ~~256.35 (3s) (b)~~ 85.125 (2) and for the 911 subcommittee to administer its duties under s. ~~256.35 (3s) (d)~~ 85.125 (4).

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

SECTION 9. 20.505 (1) (id) 2. of the statutes is amended to read:

20.505 **(1)** (id) 2. The amount transferred to s. ~~20.465 (3)~~ 20.395 (5) (km) shall be the amount in the schedule under s. ~~20.465 (3)~~ 20.395 (5) (km).

SECTION 10. 20.835 (1) (r) of the statutes is amended to read:

20.835 **(1)** (r) *County and municipal aid account; police and fire protection fund.* From the police and fire protection fund, after deducting the amounts appropriated from that fund under ss. 20.155 (3) (t) and ~~20.465 (3)~~ 20.395 (5) (q) and (qm), all moneys received from the fees collected under s. 196.025 (6) to make the payments under s. 79.035.

SECTION 11. 256.35 (1) (em) of the statutes is amended to read:

256.35 **(1)** (em) "Emergency number system" means any basic system, sophisticated system, or Next Generation 911, as defined in ~~sub. (3s) (a) 3.~~ s. 85.125 (1) (c), regardless of technology platform.

SECTION 12. 256.35 (3s) (except 256.35 (3s) (a) 1.) of the statutes is renumbered 85.125, and 85.125 (1) (intro.), (e) and (f), (2), (3) and (4) (a), as renumbered, are amended to read:

85.125 **(1)** DEFINITIONS. (intro.) In this ~~subsection~~ section:

(e) "Service supplier" has the meaning given in ~~sub.~~ s. 256.35 (3) (a) 3.

(f) "Service user" has the meaning given in ~~sub.~~ s. 256.35 (3) (a) 4.

(2) EMERGENCY SERVICES IP NETWORK CONTRACTS. The department shall invite bids to be submitted under s. 16.75 and, from the appropriation under s. ~~20.465 (3)~~ 20.395 (5) (qm), contract for the creation, operation, and maintenance of an emergency services IP network that to the greatest extent feasible relies on industry standards and existing infrastructure to provide all public safety answering points with the network necessary to implement Next Generation 911.

(3) EXISTING CONTRACTS AND CHARGES. (a) The department shall determine the operational date for each county. If a contract under ~~sub.~~ s. 256.35 (3) (b) 3. between a service supplier and a county is in effect immediately before the operational date determined for the county, the contract shall expire on the operational date and, except as provided in ~~subd. 2.~~ par. (b), beginning on the operational date, the service supplier may not bill any service user for a charge levied by the county under ~~sub.~~ s. 256.35 (3) (b) or impose a surcharge approved under ~~sub.~~ s. 256.35 (3) (f). At least 30 days before a contract expires under this ~~subdivision~~ paragraph, the department shall provide written notice of the expiration to the county and service supplier.

(b) If a contract terminates under ~~subd. 1.~~ par. (a) before a service supplier has been fully compensated for nonrecurring services described in ~~sub.~~ s. 256.35 (3) (b) 3. a., the service supplier may continue to bill service users for the charge levied by the county under ~~sub.~~ s. 256.35 (3) (b) or impose a surcharge approved under ~~sub.~~ s. 256.35 (3) (f) until the service supplier is fully compensated for those nonrecurring services.

(4) (a) Advise the department on the contracts required under ~~par. (b)~~ sub. (2).

SECTION 13. 256.35 (3s) (a) 1. of the statutes is repealed.

SECTION 14. 323.29 (title), (1) (a), (b), (c) and (d), (2), (3) (title) and (b) and (4) of the statutes are renumbered 85.127 (title), (1) (a), (b), (c) and (d), (2), (3) (title) and (b) and (4), and 85.127 (1) (a) and (4), as renumbered, are amended to read:

85.127 **(1)** (a) "Council" means the interoperability council created under s. ~~15.315~~ 15.467 (1) (a).

(4) DIRECTOR OF EMERGENCY COMMUNICATIONS. The ~~adjutant general~~ secretary shall appoint a director of emergency communications within the ~~division~~ department to serve at the pleasure of the ~~adjutant general~~ secretary outside the

classified service. The position shall be funded from the appropriation under s. ~~20.465 (3)~~ 20.395 (5) (q).

SECTION 15. 323.29 (1) (am) of the statutes is repealed.

SECTION 16. 323.29 (3) (a) (intro.) and 1. of the statutes are consolidated, renumbered 85.127 (3) (a) and amended to read:

85.127 **(3)** (a) The department shall ~~do all of the following: 1. Provide~~ provide staff support for the council and oversight of the development and operation of a statewide public safety interoperable communication system.

SECTION 17. 323.29 (3) (a) 2. of the statutes is repealed.

SECTION 9131. Nonstatutory provisions; Military Affairs.

(1) EMERGENCY COMMUNICATIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of military affairs primarily relating to Next Generation 911, the statewide public safety interoperable communication system, or the interoperability council, as determined by the secretary of administration, become the assets and liabilities of the department of transportation.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of military affairs primarily relating to Next Generation 911, the statewide public safety interoperable communication system, or the interoperability council, as determined by the secretary of administration, becomes the personal property of the department of transportation.

(c) *Pending matters.* Any matter pending with the department of military affairs primarily relating to Next Generation 911, the statewide public safety interoperable communication system, or the interoperability council, as determined

by the secretary of administration, on the effective date of this paragraph is transferred to the department of transportation. All materials submitted to or actions taken by the department of military affairs are considered as having been submitted to or taken by the department of transportation.

(d) *Contracts*. All contracts entered into by the department of military affairs primarily relating to Next Generation 911, the statewide public safety interoperable communication system, or the interoperability council, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to the department of transportation. The department of transportation shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

SECTION 9144. Nonstatutory provisions; Transportation.

(1) STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS SYSTEM. No later than June 30, 2020, the department of transportation shall issue a request for proposals for a statewide public safety interoperable communications system to be deployed on existing tower sites. Notwithstanding s. 16.75 (1) and (2m), from the appropriation under s. 20.395 (5) (dq), the department of transportation may expend not more than $500,000 to enter into a contract with an organization to provide professional consulting services related to development of bidder qualifications and technical requirements for the request for proposals issued under this subsection.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2114/P2
MPG:wlj&amn

DOA:.....Subach, BB0416 – Building Trust Fund Transfer

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

1. Transfer to the state building trust fund

This bill transfers $10,000,000 from the general fund to the state building trust fund. The state building trust fund is a segregated, nonlapsible fund that is used for carrying out the state's building program, especially for advanced planning purposes.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9104. Nonstatutory provisions; Building Commission.**

(1) TRANSFER TO THE STATE BUILDING TRUST FUND. There is transferred from the general fund to the state building trust fund $10,000,000 in the 2019–21 fiscal biennium.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2115/P1
EHS:amn

DOA:.....Hamer, BB0424 – Creating a bureau of natural resources science

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

1. Bureau of natural resources science

This bill creates in DNR, under the division responsible for fish, wildlife, and parks, a bureau of natural resources science and requires DNR to convert the existing office of applied science into the bureau of natural resources science. Under the bill, the bureau director reports to and serves as the science advisor to the secretary of natural resources.

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

SECTION 1. 15.345 (9) of the statutes is created to read:

15.345 **(9)** BUREAU OF NATURAL RESOURCES SCIENCE. There is created in the division responsible for fish, wildlife, and parks in the department of natural resources a bureau of natural resources science. The bureau director shall report to, and serve as the science advisor to, the secretary of natural resources.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) BUREAU OF NATURAL RESOURCES SCIENCE. The department of natural resources shall convert the existing office of applied science into the bureau of natural resources science created under s. 15.345 (9).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2118/P2
MES&JK:ahe

DOA:.....Quinn, BB0415 – Tax increment value reporting error, property tax reimbursement (TID)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. Tax incremental financing districts, erroneous reporting of value increments

Generally under current law, once a tax incremental district has been created, DOR calculates the "tax incremental base" value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment." The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID.

Under this bill, for property values reported in 2018, if a city or village erroneously reports a higher value increment for its TIDs by an aggregate amount of at least $50 million, the city's or village's TIDs may transfer the excess tax increment collections resulting from this error to the city's or village's general fund to reimburse taxpayers for the higher property tax rates imposed on them due to this error. Before making any such transfers, the city or village must verify with DOR the amounts involved.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.1105 (6) (c) of the statutes is amended to read:

2 66.1105 **(6)** (c) Except for tax increments allocated under par. (d), (dm), (e), (f),
3 or (g)<u>, or erroneous reporting of value increments as described in par. (h),</u> all tax
4 increments received with respect to a tax incremental district shall, upon receipt by
5 the city treasurer, be deposited into a special fund for that district. The city treasurer
6 may deposit additional moneys into such fund pursuant to an appropriation by the
7 common council. No moneys may be paid out of such fund except to pay project costs
8 with respect to that district, to reimburse the city for such payments, to pay project
9 costs of a district under par. (d), (dm), (e), (f), or (g)<u>, to pay property tax</u>
10 <u>reimbursements as described under par. (h),</u> or to satisfy claims of holders of bonds
11 or notes issued with respect to such district. Subject to par. (d), (dm), (e), (f), or (g),
12 moneys paid out of the fund to pay project costs with respect to a district may be paid
13 out before or after the district is terminated under sub. (7). Subject to any agreement
14 with bondholders, moneys in the fund may be temporarily invested in the same
15 manner as other city funds if any investment earnings are applied to reduce project
16 costs. After all project costs and all bonds and notes with respect to the district have
17 been paid or the payment thereof provided for, subject to any agreement with
18 bondholders, if there remain in the fund any moneys that are not allocated under par.
19 (d), (dm), (e), (f), or (g), they shall be paid over to the treasurer of each county, school
20 district or other tax levying municipality or to the general fund of the city in the
21 amounts that belong to each respectively, having due regard for that portion of the

moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

SECTION 2. 66.1105 (6) (h) of the statutes is created to read:

66.1105 **(6)** (h) For property values reported to the department of revenue in 2018, if a city erroneously reports a higher value increment for its tax incremental districts in an aggregate amount of at least $50 million, that city's tax incremental districts may transfer the excess tax increments collected resulting from this error directly to the city's general fund for the sole purpose of reimbursing taxpayers for the resulting erroneously higher property tax rates imposed on the taxpayers. A city that acts under this paragraph shall verify with the department of revenue the amounts being transferred and disbursed before those transactions may take place.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2119/P1
TJD:wlj

DOA:.....Stinebrink, BB0425 – Nursing home direct care

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Reimbursement rate increase for direct care

This bill requires DHS to increase the rates paid for direct care to nursing homes, also known as nursing facilities, and intermediate care facilities for persons with an intellectual disability. A portion of the increase is related to an increase in patient acuity in those facilities and an additional increase is designated to support staff in those facilities who perform direct care.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9119. Nonstatutory provisions; Health Services.**

3 (1) MEDICAL ASSISTANCE REIMBURSEMENT RATE INCREASE FOR DIRECT CARE. The

4 department of health services shall increase the Medical Assistance rates paid for

1 direct care to nursing facilities and intermediate care facilities for persons with an
2 intellectual disability with a 1 percent annual rate increase related to an increase
3 in acuity of patients in those facilities and an additional 1.5 percent annual rate
4 increase to support staff in those facilities who perform direct care.

5 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2120/P1
TJD:wlj

DOA:.....Bollhorst, BB0429 – FoodShare child support compliance

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

1. FoodShare paternity and child support compliance

2017 Wisconsin Act 59 prohibits from being eligible for FoodShare benefits 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. Act 59 prohibits DHS from implementing these ineligibility provisions unless DCF determines the implementation may be done in a budget–neutral manner, DHS or DCF has approval from the federal government to implement the ineligibility provisions in a budget–neutral manner, and DHS and DCF notify the governor and JCF of the federal approval and implementation. This bill eliminates all of the ineligibility provisions in FoodShare for failing to comply with paternity and child support requirements in Act 59.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 49.79 (1) (bg) of the statutes is repealed.

SECTION 2. 49.79 (1) (em) of the statutes is repealed.

SECTION 3. 49.79 (6m) of the statutes is repealed.

SECTION 4. 49.79 (6q) of the statutes is repealed.

SECTION 5. 49.79 (6t) of the statutes is repealed.

SECTION 6. 49.79 (6u) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2121/P2
EVM:ahe

DOA:.....Aslesen, BB0432 – Local Roads Improvement Program discretionary grants

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

1. Local Roads Improvement Program discretionary grant amounts

Under current law, DOT administers the Local Roads Improvement Program (LRIP) to assist political subdivisions in improving seriously deteriorating local roads by reimbursing political subdivisions for certain improvements. LRIP includes an entitlement component and a discretionary component. Under the entitlement component, DOT distributes an appropriated amount to political subdivisions according to statutorily prescribed allocation percentages. Under the discretionary component, DOT allocates funds in fiscal year 2017–18 and each fiscal year thereafter as follows: $5,393,400 to fund eligible county trunk highway improvements, $5,923,600 to fund eligible town road improvements, and $3,850,400 to fund eligible municipal street improvements.

This bill increases DOT's allocations for the discretionary component of LRIP for fiscal year 2019–20 as follows: $5,569,400 to fund eligible county trunk highway improvements, $6,033,600 to fund eligible town road improvements, and $3,867,000 to fund eligible municipal street improvements. The bill increases the allocations for fiscal year 2020–21 and each fiscal year thereafter as follows: $5,688,400 to fund

eligible county trunk highway improvements, $6,162,400 to fund eligible town road improvements, and $3,950,300 to fund eligible municipal street improvements.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 86.31 (3g) of the statutes is amended to read:

86.31 **(3g)** COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$5,127,000 in fiscal years 2014–15 to 2016–17 and~~ $5,393,400 in fiscal ~~year~~ years 2017–2018 and 2018–19, $5,569,400 in fiscal year 2019–20, and $5,688,400 in fiscal year 2020–21 and each fiscal year thereafter, to fund county trunk highway improvements with eligible costs totaling more than $250,000. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 2. 86.31 (3m) of the statutes is amended to read:

86.31 **(3m)** TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$5,732,500 in fiscal years 2011–12 to 2016–17 and~~ $5,923,600 in fiscal ~~year~~ years 2017–18 and 2018–19, $6,033,600 in fiscal year 2019–20, and $6,162,400 in fiscal year 2020–21 and each fiscal year thereafter, to fund town road improvements with eligible costs totaling $100,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 3. 86.31 (3r) of the statutes is amended to read:

86.31 **(3r)** MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$976,500 in fiscal~~

~~years 2009–10 to 2016–17 and~~ $3,850,400 in fiscal ~~year~~ years 2017–18 and 2018–19, $3,867,700 in fiscal year 2019–20, and $3,950,300 in fiscal year 2020–21 and each fiscal year thereafter, to fund municipal street improvement projects having total estimated costs of $250,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2122/P1
EVM:cjs

DOA:.....Aslesen, BB0433 – General transit aids

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

1. Mass transit aids amounts

Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. There are five classes of mass transit systems, and the total amount of state aid payments to four of these classes is limited to a specified amount in each calendar year. The fifth class consists of certain commuter or light rail systems, and no state aid amounts are specified for this class.

This bill increases the total amount of state aid payments to the four classes of mass transit systems for which state aid amounts are specified, as follows:

1. For mass transit systems having annual operating expenses of $80,000,000 or more, the bill maintains the current limit of $64,193,900 in calendar year 2019 and increases the limit to $70,613,300 in calendar year 2020 and thereafter.

2. For mass transit systems having annual operating expenses of over $20,000,000 but less than $80,000,000, the bill maintains the current limit of $16,868,000 in calendar year 2019 and increases the limit to $18,554,800 in calendar year 2020 and thereafter.

3. For mass transit systems serving urban areas having a population of at least 50,000 but having annual operating expenses of no more than $20,000,000, the bill

maintains the current limit of $24,486,700 in calendar year 2019 and increases the limit to $26,935,400 in calendar year 2020 and thereafter.

4. For mass transit systems serving urban areas having a population of less than 50,000, the bill maintains the current limit of $5,188,900 in calendar year 2019 and increases the limit to $5,707,800 in calendar year 2020 and thereafter.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

85.20 **(4m)** (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the department shall pay ~~$61,724,900 for aid payable for calendar years 2012 to 2014 and~~ $64,193,900 for aid payable for calendar ~~year~~ years 2015 to 2019 and $70,613,300 for calendar year 2020 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of $80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

SECTION 2. 85.20 (4m) (a) 6. d. of the statutes is amended to read:

85.20 **(4m)** (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the department shall pay ~~$16,219,200 for aid payable for calendar years 2012 to 2014 and~~ $16,868,000 for aid payable for calendar ~~year~~ years 2015 to 2019 and $18,554,800 for calendar year 2020 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served by more than

one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

SECTION 3. 85.20 (4m) (a) 7. b. of the statutes is amended to read:

85.20 **(4m)** (a) 7. b. For the purpose of making allocations under subd. 7. a., the amounts for aids are ~~$23,267,200 in calendar years 2012 and 2013, $23,544,900 in calendar year 2014, and~~ $24,486,700 in calendar ~~year~~ years 2015 to 2019 and $26,935,400 in calendar year 2020 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 4. 85.20 (4m) (a) 8. b. of the statutes is amended to read:

85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the amounts for aids are ~~$5,267,000 in calendar years 2012 and 2013, $4,989,300 in calendar year 2014, and~~ $5,188,900 in calendar ~~year~~ years 2015 to 2019 and $5,707,800 in calendar year 2020 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2123/2
ARG:cjs

DOA:.....Hynek, BB0417 – UW Colleges funding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

1. Additional funding for UW Colleges

This bill requires the Board of Regents of the UW System to allocate at least $2,500,000 each year from its general program operations appropriation to provide additional funding to the UW Colleges for student support services.

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

SECTION 1. 36.25 (58) of the statutes is created to read:

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

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2131/P2
EVM:cjs&ahe

DOA:.....Aslesen, BB0434 – Repurpose Hoan Bridge bonding

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

1. Bridge bonding authorizations

Current law authorizes the state to contract up to $245,000,000 in public debt in the form of general obligation bonds to fund major interstate bridge projects. A "major interstate bridge project" is defined to mean "a project involving the construction or reconstruction of a bridge on the state trunk highway system, including approaches, that crosses a river forming a boundary of the state and for which this state's estimated cost share is at least $100,000,000." This bill increases the general obligation bonding authorization for major interstate bridge projects to $272,000,000.

Under current law, the state may contract up to $216,800,000 for DOT to fund high–cost state highway bridge projects. This bill reduces this general obligation bonding limit to $206,800,000.

2. Increased bonding authorization for Zoo interchange

Under current law, a southeast Wisconsin freeway megaproject is "any project on a southeast Wisconsin freeway having a total cost of more than $500 million," as adjusted annually for inflation by DOT. DOT may not provide funding for construction of these projects without legislative approval. Currently, the

legislature has approved only the I 94 north-south corridor project and the Zoo interchange project. Among the available funding sources for these projects are proceeds from general obligation bonds.

This bill authorizes the state to contract an additional $65,000,000 in public debt in the form of general obligation bonds to fund the Zoo interchange project.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.866 (2) (ugm) of the statutes is amended to read:

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

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

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

20.866 **(2)** (uup) *Transportation; southeast rehabilitation projects, southeast megaprojects, and high-cost bridge projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund the Marquette interchange reconstruction project under s. 84.014, as provided under s. 84.555, the reconstruction of the I 94 north-south corridor and the zoo interchange, as provided under s. 84.555 (1m), southeast Wisconsin freeway megaprojects under s. 84.0145, as provided under s. 84.555 (1m), and high-cost state highway bridge projects under s. 84.017, as provided under s. 84.555 (1m). The state may contract public debt in an amount not to exceed $704,750,000 for these purposes. In addition, the state may contract public debt in an amount not to exceed $107,000,000 for the reconstruction of the Zoo interchange and I 94 north-south corridor, as provided under s. 84.555

(1m), as southeast Wisconsin freeway megaprojects under s. 84.0145, in an amount not to exceed ~~$216,800,000~~ $206,800,000 for high–cost state highway bridge projects under s. 84.017, as provided under s. 84.555 (1m), and in an amount not to exceed $300,000,000 for southeast Wisconsin freeway megaprojects under s. 84.0145, as provided under s. 84.555 (1m), and in an amount not to exceed $65,000,000 for the reconstruction of the Zoo interchange, as provided under s. 84.555 (1m), as a southeast Wisconsin freeway megaproject under s. 84.0145.

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

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2137/P1
FFK:all

DOA:.....Kretschmann, BB0435 – Mental Health and school climate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Mental health programs; aid for pupil services professionals

Under current law, DPI must make payments to school districts, independent charter schools, and private schools participating in a parental choice program that increased the amount they spent to employ, hire, or retain social workers during the two previous school years (eligible local education agency). Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers over the previous two school years. If, after making these payments, there is money remaining in the appropriation for this aid program, DPI makes additional payments to eligible local education agencies. The amount of these additional payments is determined based on the amount remaining in the appropriation and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

This bill expands eligibility for the first round of payments under this aid program to include increased spending on school counselors, school social workers, school psychologists, or school nurses, or any combination thereof (pupil services professionals), during the previous two school years. Additionally, the bill expands

eligibility for the second round of payments to any school district, independent charter school, or private school participating in a parental choice program that made expenditures to employ, hire, or retain pupil services professionals during the previous school year. In other words, for the second round of payments, the bill eliminates the requirement that a school district, independent charter school, or private school increased its expenditures on pupil services professionals.

2. Mental health and school climates; training and grants

Under current law, DPI must provide trainings to school districts and independent charter schools on three specific evidence–based strategies to address student mental health: Screening, Brief Interventions, and Referral to Treatment; Trauma Sensitive Schools; and Youth Mental Health First Aid. Under the bill, DPI must provide trainings on mental health, school safety, and improving school climate, including training on the three evidence–based strategies listed above. In addition, the bill requires DPI to award grants to the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center, Wisconsin Family Ties, Inc., and the Center for Suicide Awareness.

3. Bullying prevention grants

This bill requires DPI to annually award a bullying prevention grant to the nonprofit organization that received the grant in the 2017–18 and 2018–19 school years.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (1) (ep) of the statutes is amended to read:

20.255 **(1)** (ep) *Mental health* *and school climate* *training* ~~*program*~~ *programs* *and grants*. The amounts in the schedule for the mental health and school climate training ~~program~~ programs under s. ~~115.28 (63)~~ 115.362 (1) and to award grants under s. 115.362 (2).

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

SECTION 2. 20.255 (2) (da) of the statutes is amended to read:

20.255 **(2)** (da) *Aid for school mental health programs*. The amounts in the schedule for aid to ~~school districts and independent charter schools~~ employ, hire, and retain pupil services professionals under s. 115.364.

SECTION 3. 115.28 (45) of the statutes is amended to read:

115.28 **(45)** GRANTS FOR BULLYING PREVENTION. From the appropriation under s. 20.255 (3) (eb), annually award ~~grants~~ a grant to ~~a~~ the nonprofit organization~~, as defined in s. 108.02 (19),~~ that received an award under this subsection in the 2017–18 and 2018–19 school years to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to 8.

SECTION 4. 115.28 (63) (title) of the statutes is renumbered 115.362 (title) and amended to read:

115.362 (title) **Mental health and school climate training ~~program~~ programs and grants.**

SECTION 5. 115.28 (63) of the statutes is renumbered 115.362 (1), and 115.362 (1) (intro.), as renumbered, is amended to read:

115.362 **(1)** (intro.) ~~Establish~~ The department shall establish a mental health training support program under which the department provides training on pupil mental health, strategies to improve school climate, and school safety. The department shall provide training on all of the following evidence–based strategies related to addressing mental health issues in schools to school district staff and instructional staff of charter schools under s. 118.40 (2r) or (2x):

SECTION 6. 115.362 (2) of the statutes is created to read:

115.362 **(2)** From the appropriation under s. 20.255 (1) (ep), the department shall annually award all of the following:

(a) A grant to the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center.

(b) A grant to Wisconsin Family Ties, Inc., to train individuals to help families understand and access mental health services that are available to children in school and in the community.

(c) A grant to the Center for Suicide Awareness, Inc., to support staff, training, and expenses related to operating a text–based suicide prevention program.

SECTION 7. 115.362 (3) of the statutes is created to read:

115.362 **(3)** The department may promulgate rules to implement and administer this section.

SECTION 8. 115.364 (1) (a) of the statutes is amended to read:

115.364 **(1)** (a) "Eligible independent charter school" is a school under contract with one of the entities under s. 118.40 (2r) (b) 1. or with the director under s. 118.40 (2x) that increased the amount it expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 9. 115.364 (1) (am) of the statutes is amended to read:

115.364 **(1)** (am) "Eligible private school" means a private school participating in a parental choice program under s. 118.60 or 119.23 that increased the amount it expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 10. 115.364 (1) (b) of the statutes is amended to read:

115.364 **(1)** (b) "Eligible school district" is a school district that increased the amount it expended in the preceding school year to employ, hire, or retain ~~social~~

~~workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 11. 115.364 (1) (c) of the statutes is created to read:

115.364 **(1)** (c) "Pupil services professional" means a school counselor, school social worker, school psychologist, or school nurse.

SECTION 12. 115.364 (2) (a) 1. of the statutes is amended to read:

115.364 **(2)** (a) 1. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible school district an amount equal to 50 percent of the amount by which the school district increased its expenditures in the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 13. 115.364 (2) (a) 2. of the statutes is amended to read:

115.364 **(2)** (a) 2. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible independent charter school an amount equal to 50 percent of the amount by which the independent charter school increased its expenditures in the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 14. 115.364 (2) (a) 3. of the statutes is amended to read:

115.364 **(2)** (a) 3. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible private school an amount equal to 50 percent of the amount by which the private school increased it expenditures in the preceding school year

to employ, hire, or retain ~~social workers~~ pupil services professionals over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals.

SECTION 15. 115.364 (2) (b) 2. a. of the statutes is amended to read:

115.364 **(2)** (b) 2. a. Subject to subd. 2. b., if, after making the payments required under par. (a), moneys remain in the appropriation account under s. 20.255 (2) (da), the state superintendent shall reimburse ~~eligible~~ school districts, private schools participating in a parental choice program under s. 118.60 or 119.23, and ~~independent~~ charter schools under contract with one of the entities under s. 118.40 (2r) (b) 1. or with the director under s. 118.40 (2x) for an amount equal to expenditures made by the school district, private school, or ~~independent~~ charter school in the preceding school year to employ, hire, or retain ~~social workers~~ pupil services professionals less ~~the~~ any amount of increased expenditures for which the school district, private school, or independent charter school was reimbursed under par. (a).

SECTION 16. 115.364 (2) (b) 2. b. of the statutes is amended to read:

115.364 **(2)** (b) 2. b. If the appropriation under s. 20.255 (2) (da) in any fiscal year is insufficient to pay the full amount of aid under subd. 2. a., the state superintendent shall prorate state aid payments among the school districts, private schools, and ~~independent~~ charter schools eligible for the aid.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2138/P1
KRP&FFK:ahe&kjf

DOA:.....Kretschmann, BB0436 – Special education policy compile

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Special education funding

Additional special education aid. This bill increases the amount DPI pays to school boards, cooperative educational service agencies, county children with disabilities education boards, and operators of independent charter schools for costs incurred to provide special education and related services to a child with a disability that exceed $30,000 in one school year from 90 percent of the costs that exceed $30,000 to 100 percent of the costs that exceed $30,000 (additional special education aid). Under current law, if the amount appropriated for additional special education aid is insufficient to pay the full amount to the eligible entities, DPI must prorate payments among all eligible entities. The bill converts the appropriation for the aid to a sum sufficient, eliminating the need to prorate aid due to an insufficient appropriation.

Supplemental special education aid. This bill eliminates supplemental special education aid on July 1, 2020. Under current law, DPI provides supplemental special education aid to a school district that in the previous year had revenue limit authority per pupil that was below the statewide average, that had expenditures for special education that were more than 16 percent of the school district's total

expenditures, and that had a membership that was less than 2,000 pupils. Under current law, a school district may not receive both supplemental special education aid and additional special education aid in the same school year.

Special education transition grants. This bill changes the per individual amount for grants awarded to school districts and independent charter schools under the special education transition grant program. Under current law, a school district or independent charter school is awarded $1,000 per qualifying individual. Under the bill, a school district or independent charter school is awarded the lesser of 1) $1,500 per qualifying individual or 2) an amount per qualifying individual that is determined by dividing the amount appropriated for these grants in a school year by the total number of individuals who qualify for the grants in that school year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (bd) of the statutes is amended to read:

20.255 **(2)** (bd) *Additional special education aid.* ~~The amounts in the schedule for~~ A sum sufficient for the payment of aid under s. 115.881.

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

SECTION 2. 20.255 (2) (be) of the statutes is repealed.

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

SECTION 3. 115.881 (2) of the statutes is amended to read:

115.881 **(2)** For each child whose costs exceeded $30,000 under sub. (1), the department shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the current school year an amount equal to ~~0.90 multiplied by that portion of~~ the ~~cost~~ costs under sub. (1) that exceeded $30,000.

SECTION 4. 115.881 (3) of the statutes is repealed.

SECTION 5. 115.881 (4) of the statutes is repealed.

SECTION 6. 115.883 of the statutes is repealed.

SECTION 7. 115.884 (1) (intro.) of the statutes is amended to read:

115.884 **(1)** (intro.) In the ~~2016–17~~ 2019–20 school year and each school year thereafter, from the appropriation under s. 20.255 (2) (bf), the department shall award an incentive grant in the amount ~~of $1,000~~ per individual determined under sub. (3) to a school district~~,~~ or ~~to an~~ operator of a charter school established under s. 118.40 (2r) or (2x)~~,~~ that applies for a grant under this section ~~and that~~ if the school district or operator demonstrates to the satisfaction of the department that the individual satisfies all of the following criteria:

SECTION 8. 115.884 (2) of the statutes is repealed.

SECTION 9. 115.884 (3) of the statutes is created to read:

115.884 **(3)** The per individual grant amount under sub. (1) is the lesser of the following:

(a) In each school year, the amount determined by dividing the amount appropriated under s. 20.255 (2) (bf) for that school year by the total number of individuals statewide for whom a grant will be awarded under sub. (1) in that school year.

(b) One thousand five hundred dollars.

SECTION 9334. Initial applicability; Public Instruction.

(1) ADDITIONAL SPECIAL EDUCATION AID. The treatment of ss. 20.255 (2) (bd) and 115.881 (2) and (3) first applies to aid paid in the 2019–20 school year.

SECTION 9434. Effective dates; Public Instruction.

(1) SUPPLEMENTAL SPECIAL EDUCATION AID. The treatment of ss. 20.255 (2) (be), 115.881 (4), and 115.883 takes effect on July 1, 2020.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2139/P2
FFK&KRP:all

DOA:.....Kretschmann, BB0437 - Bilingual-bicultural program compile

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Bilingual-bicultural education; aid programs

Limited-English pupils; targeted aid program. Beginning in the 2020-21 school year, this bill requires DPI to provide additional aid to school districts for limited-English proficient (LEP) pupils whose English proficiency is in one of the three lowest classifications. The amount of the additional aid is $100 per eligible pupil, unless the amount appropriated for the aid program is insufficient, in which case DPI prorates the aid payments. Current law requires each school board to assess the language proficiency of each LEP pupil and to classify, among other things, the pupil's English language proficiency.

Bilingual-bicultural education supplemental aid. This bill creates a new bilingual-bicultural aid program for school districts. Under the bill, beginning in the 2020-21 school year, DPI must annually pay each school district an amount equal to $100 times the number of LEP pupils enrolled in the school district in the previous school year for whom the school district was not required to provide a bilingual-bicultural education program. If there are insufficient funds to provide the total aid amount in any fiscal year, DPI must prorate the payments.

Under current law, a school district is required to provide a bilingual-bicultural education program to LEP pupils who attend a school in the school district if the school meets any of the following thresholds:

1. Within a language group, ten or more LEP pupils are enrolled in kindergarten to grade three.

2. Within a language group, 20 or more LEP pupils are enrolled in grades 4 to 8.

3. Within a language group, 20 or more LEP pupils are enrolled in grades 9 to 12.

Bilingual-bicultural education program grants. This bill creates a grant program under which DPI may award grants beginning in the 2020–21 school year, in amounts determined by DPI, to school districts and independent charter schools to support bilingual–bicultural education programs or other educational programming for LEP pupils enrolled in the school district or independent charter school.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (cb) of the statutes is created to read:

20.255 **(2)** (cb) *Bilingual-bicultural education; grants.* The amounts in the schedule for bilingual–bicultural education grants under s. 115.958.

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

SECTION 2. 20.255 (2) (cc) of the statutes is amended to read:

20.255 **(2)** (cc) *Bilingual-bicultural education aids.* The amounts in the schedule for bilingual–bicultural education programs under ~~subch. VII of ch. 115~~ s. 115.995.

****NOTE: This is reconciled s. 20.255 (2) (cc). This SECTION has been affected by drafts with the following LRB numbers: –2139/p1 and –1704/p4.

SECTION 3. 20.255 (2) (cd) of the statutes is created to read:

20.255 **(2)** (cd) *Bilingual-bicultural education supplemental aid.* The amounts in the schedule for bilingual–bicultural education aid under s. 115.957.

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

SECTION 4. 20.255 (2) (ce) of the statutes is created to read:

20.255 **(2)** (ce) *Bilingual–bicultural education; targeted aid*. The amounts in the schedule for aid under s. 115.994.

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

SECTION 5. 115.957 of the statutes is created to read:

115.957 Bilingual-bicultural education supplemental aid. (1) Beginning in the 2020–21 school year and annually thereafter, from the appropriation under s. 20.255 (2) (cd), the department shall pay each school district an amount equal to $100 multiplied by the number of limited–English proficient pupils enrolled in the school district in the previous school year for whom the school board was not required to provide a bilingual–bicultural education program under s. 115.97 in the previous school year.

(2) If the appropriation under s. 20.255 (2) (cd) in any fiscal year is insufficient to pay the full amount under sub. (1), the department shall prorate the payments to school districts entitled to aid in that fiscal year.

SECTION 6. 115.958 of the statutes is created to read:

115.958 Bilingual-bicultural education grants. (1) A school board or the operator of a charter school established under s. 118.40 (2r) or (2x) may apply to the department for a grant to support bilingual–bicultural education programs or other educational programming for limited–English proficient pupils enrolled in the school district or charter school.

(2) Beginning in the 2020–21 school year, from the appropriation under s. 20.255 (2) (cb), the department may award grants under sub. (1) to school districts and charter schools established under s. 118.40 (2r) and (2x) in amounts determined by the department.

(3) A school district or charter school established under s. 118.40 (2r) or (2x) that receives a grant under this section shall use the grant moneys to develop, implement, and provide bilingual–bicultural education programs or other educational programming to meet the specific needs of limited–English proficient pupils enrolled in the school district or charter school.

(4) The department may promulgate rules to implement and administer this section.

SECTION 7. 115.96 (1) of the statutes is renumbered 115.96 (1) (intro.) and amended to read:

115.96 **(1)** COUNT OF LIMITED-ENGLISH PROFICIENT PUPILS. (intro.) Annually, on or before March 1, each school board shall conduct a count of the limited–English proficient pupils in the public schools of the district, assess the language proficiency of such pupils, and classify such pupils by language group, grade level, age, and English language proficiency. The department shall establish, by rule, 6 classifications of English language proficiency, of which the first classification is the least proficient and the 6th classification is fully proficient.

SECTION 8. 115.993 of the statutes is amended to read:

115.993 Report on bilingual-bicultural education. Annually, on or before August 15, the school board of a district operating a bilingual–bicultural education program under this subchapter shall report to the state superintendent the number of pupils, including both limited–English proficient pupils and other pupils, instructed the previous school year in bilingual–bicultural education programs, the number of eligible limited–English proficient pupils, as defined in s. 115.994 (1), instructed the previous school year in bilingual–bicultural education programs, an itemized statement on oath of all disbursements on account of the

bilingual-bicultural education program operated during the previous school year, and a copy of the estimated budget for that program for the current school year.

SECTION 9. 115.994 of the statutes is created to read:

115.994 Targeted aid program. (1) In this section, "eligible limited-English proficient pupil" means a limited-English proficient pupil whose English language proficiency is in one of the first 3 classifications established by the department, by rule, under s. 115.96 (1).

(2) Beginning in the 2020-21 school year, from the appropriation under s. 20.255 (2) (ce), the department shall pay to each school district $100 multiplied by the number of eligible limited-English proficient pupils instructed the previous school year in bilingual-bicultural education programs, as reported to the state superintendent under s. 115.993.

(3) If the appropriation under s. 20.255 (2) (ce) in any fiscal year is insufficient to pay the full amount under sub. (2), the department shall prorate the payments among the school districts eligible to receive aid under sub. (2).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2141/P1
TJD:wlj

DOA:.....Ames, BB0438 – Personal care direct care

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Reimbursement rate increase for direct care in personal care agencies

This bill requires DHS to increase the rates paid for direct care to agencies that provide personal care services. A 1.5 percent increase per year is designated to support staff in those agencies who perform direct care.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 9119. Nonstatutory provisions; Health Services.**

3 (1) MEDICAL ASSISTANCE REIMBURSEMENT RATE INCREASE FOR DIRECT CARE IN
4 PERSONAL CARE AGENCIES. The department of health services shall increase the
5 Medical Assistance rates paid for direct care to agencies that provide personal care

1 services 1.5 percent annually to support staff in those agencies who perform direct
2 care.
3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2156/P2
EAW:amn

DOA:.....Michael, BB0440 – Act 185 changes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

1. Closing Lincoln Hills and Copper Lake schools

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185. Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement. Act 185 formed a juvenile corrections grant committee, including three members appointed from each house of the legislature. This bill requires that one member appointed from each house must be a member of the minority party. Under Act 185, grant applications are due by March 31, 2019, and plan recommendations must be submitted to the Joint Committee on Finance by July 1, 2019. This bill extends the grant program deadlines by three months, so that applications are due by June 30, 2019, and plan recommendations are due to the Joint Committee on Finance by October 1, 2019. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county–run SRCCCYs or a new

state–run juvenile correctional facility, also funded by and required under Act 185. This bill removes the deadline for closing Lincoln Hills and Copper Lake schools and for constructing the new SRCCCYs and new state–run juvenile correctional facility.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 938.22 (2) (d) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

938.22 **(2)** (d) 1. Except as provided in subd. 2., a juvenile detention facility is authorized to accept juveniles for placement for more than 30 consecutive days under s. 938.34 (3) (f) 1. if all of the following apply:

a. The juvenile detention facility is operated by a county, the county board of supervisors of which has adopted a resolution under s. 938.34 (3) (f) 3., prior to January 1, 2018, authorizing placement of juveniles at the juvenile detention facility under s. 938.34 (3) (f) for more than 30 consecutive days.

b. The county that operates the juvenile detention facility is not awarded a grant under 2017 Wisconsin Act 185, section 110 (4).

2. After the effective date of this subdivision .... [LRB inserts date], the number of juveniles that may be housed at a juvenile detention facility under subd. 1. is limited to the number that are housed at the juvenile detention facility on that date, and the juvenile detention facility may not be altered or added to or repaired in excess of 50 percent of its assessed value. If a juvenile detention facility violates this subdivision, it is no longer authorized to accept juveniles for placement for more than 30 consecutive days.

SECTION 2. 938.22 (2) (d) 1. of the statutes is renumbered 938.22 (2) (d), and 938.22 (2) (d) (intro.), as renumbered, is amended to read:

938.22 **(2)** (d) (intro.) ~~Except as provided in subd. 2., a~~ A juvenile detention facility is authorized to accept juveniles for placement for more than 30 consecutive days under s. 938.34 (3) (f) 1. if all of the following apply:

SECTION 3. 938.22 (2) (d) 2. of the statutes is repealed.

SECTION 4. 938.34 (3) (f) 1. of the statutes is amended to read:

938.34 **(3)** (f) 1. The placement may be for any combination of single or consecutive days totalling not more than 365 in a juvenile detention facility under s. 938.22 (2) (d) ~~1.~~ and may be for no more than 30 consecutive days in any other juvenile detention facility, including any placement under pars. (a) to (e). The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this paragraph for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.

SECTION 5. 938.34 (3) (f) 1. of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

938.34 **(3)** (f) 1. The placement may be for any combination of single or consecutive days totalling not more than 365 in a juvenile detention facility under s. 938.22 (2) (d) 1. and may be for no more than 30 consecutive days in any other juvenile detention facility, including any placement under pars. (a) to (e). The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this paragraph for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.

SECTION 6. 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

[2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type 1 juvenile correctional facilities under subsection (7) and the secured residential care centers for children and youth under subsections (4) and (7m), the department of corrections shall begin to transfer each juvenile held in secure custody at the Lincoln Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional facility or secured residential care center for children and youth. No juvenile may be transferred to a Type 1 juvenile correctional facility until the department of corrections determines the facility to be ready to accept juveniles, and no juvenile may be transferred to a secured residential care center for children and youth until the entity operating the facility determines it to be ready to accept juveniles. The transfers may occur in phases. The department shall transfer ~~all juveniles~~ a juvenile under this subsection ~~no later than January 1, 2021~~ as soon as a substitute placement that meets the needs of that juvenile is ready.

SECTION 7. 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

[2017 Wisconsin Act 185] Section 110 (2) (a) On the ~~earlier of the~~ date on which all juveniles have been transferred to secured residential care centers for children and youth and Type 1 juvenile correctional facilities under subsection (1) ~~or January 1, 2021~~, the department of corrections shall permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Birch, Lincoln County.

SECTION 8. 2017 Wisconsin Act 185, section 110 (3) (a) 4. and 5. are amended to read:

[2017 Wisconsin Act 185] Section 110 (3) (a) 4. ~~Three~~ Two senators appointed by the senate majority leader or the appointed senator's designee and one senator appointed by the senate minority leader or the appointed senator's designee.

5. ~~Three~~ Two representatives to the assembly appointed by the speaker of the assembly or that appointed representative's designee and one representative to the assembly appointed by the assembly minority leader or the appointed representative's designee.

SECTION 9. 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

[2017 Wisconsin Act 185] Section 110 (3) (c) *Termination*. The juvenile corrections grant committee terminates on the ~~earlier of the~~ date on which all projects funded with grants under subsection (4) are completed ~~or January 1, 2021~~.

SECTION 10. 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

[2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline*. Grant applications are due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~ September 30, 2019, the juvenile corrections grant committee may work with applicants to modify their applications in order to increase the likelihood of being awarded a grant.

SECTION 11. 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

[2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval*. No later than ~~July~~ October 1, 2019, the juvenile corrections grant committee shall submit the plan under paragraph (e) for approval to the joint committee on finance. The juvenile corrections grant committee and the department of corrections may not implement the plan until it is approved by the joint committee on finance, as submitted or as modified.

SECTION 12. 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

[2017 Wisconsin Act 185] Section 110 (6) (e) *Termination*. The juvenile corrections study committee terminates on ~~January 1, 2021~~ the date on which all projects funded with grants under subsection (4) are completed.

SECTION 13. 2017 Wisconsin Act 185, section 110 (7) is amended to read:

[2017 Wisconsin Act 185] Section 110 (7) TYPE 1 JUVENILE CORRECTIONAL FACILITIES. The department of corrections shall establish or construct the Type 1 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes ~~no later than January 1, 2021~~, subject to the approval of the joint committee on finance. The department shall consider the recommendations of the juvenile corrections study committee under subsection (6) (c) 2. in establishing or constructing these facilities.

SECTION 14. 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

[2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January 1, 2021~~ <u>the effective date of this subdivision</u>, the portion of an eligible juvenile detention facility that holds juveniles who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is a secured residential care center for children and youth and juveniles may be placed there under section 938.34 (4m) of the statutes.

2. Notwithstanding subdivision 1., on ~~January 1, 2021~~ <u>the effective date of this subdivision</u>, the portion of an eligible juvenile detention facility that holds juveniles who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed under section 938.34 (3) (f) of the statutes prior to ~~January 1, 2021~~ <u>the effective date of this subdivision</u>, a juvenile detention facility.

SECTION 15. 2017 Wisconsin Act 185, section 111 (3) is amended to read:

[2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION 110 (7m), first applies to a juvenile adjudicated delinquent on ~~January 1, 2021~~ <u>the effective date of this subsection</u>.

SECTION 16. 2017 Wisconsin Act 185, section 112 (1) is amended to read:

[2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p) (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10) (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION 107) of the statutes ~~takes~~ <u>and SECTIONS 110 (7m) (b) and 111 (3) of this act take</u> effect on the date specified in the notice under SECTION 110 (2) (b) ~~or January 1, 2021, whichever is earlier~~.

SECTION 9108. Nonstatutory provisions; Corrections.

(1) JUVENILE CORRECTIONS GRANT COMMITTEE; RECOMMENDATIONS. Notwithstanding 2017 Wisconsin Act 185, section 110 (4) (e) and (f), the juvenile corrections grant committee may submit an individual grant recommendation to the joint committee on finance for approval before the juvenile corrections grant committee submits the statewide plan to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the juvenile corrections grant committee within 14 working days after the date that the grant recommendation was submitted that the joint committee on finance has scheduled a meeting for the purpose of reviewing the grant recommendation, the grant may be awarded as proposed by the juvenile corrections grant committee. If, within 14 working days after the date the grant recommendation was submitted, the cochairpersons of the joint committee on finance notify the juvenile corrections grant

committee that the joint committee on finance has scheduled a meeting for the purpose of reviewing the grant recommendation, the grant may be awarded only upon approval of the joint committee on finance.

SECTION 9408. Effective dates; Corrections.

(1) GRANDFATHERED JUVENILE DETENTION FACILITIES. The treatment of ss. 938.22 (2) (d) (by SECTION 1) and 938.34 (3) (f) 1. (by SECTION 5) takes effect on the date specified in the notice under 2017 Wisconsin Act 185, section 110 (2) (b).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2159/P3
KRP&FFK:cjs/amn/ahe/cdc

DOA:.....Kretschmann, BB0441 – Special Needs Scholarship compile

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Changes to Special Needs Scholarship Program

Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship to attend a private school participating in the Special Needs Scholarship Program. This bill makes the following changes to the SNSP:

1. The bill provides that, beginning in the 2020-21 school year, DPI may not provide an SNSP scholarship to a child to attend a private school unless the child was attending a private school under the SNSP in the 2019-20 school year. In addition, if the child does not attend a private school under an SNSP scholarship in any school year after the 2019-20 school year, DPI may not provide an SNSP scholarship to the child for any subsequent school year.

2. 2017 Wisconsin Act 59, the 2017 biennial budget act, created a process that allows the per pupil payment under the SNSP to be determined based on the actual costs to educate the pupil in the previous school year, as reported by the private school. The first SNSP payments based on the actual costs will be paid in the 2019-20 school year based on the actual costs reported for the 2018-19 school year. The bill repeals the process for determining SNSP per pupil payments based on actual costs and reinstates the per pupil payment amount under the SNSP that

existed prior to the 2017 biennial budget act. Under the bill, the SNSP per pupil amount is the same for all pupils and is determined by law. For the 2018-19 school year, the amount is $12,431.

3. Under current law, the SNSP per pupil amount is adjusted annually by an amount equal to the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the per member increase in categorical aids between the current school year and the previous school year, if any. Under the bill, beginning in the 2019-20 school year, the annual adjustment to the SNSP per pupil amount is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase in the per member amount of per pupil aid paid to school districts between the current school year and the previous school year, if any.

4. The bill provides that, with certain exceptions explained below, a private school participating in the SNSP may participate only if the private school also participates in a parental choice program. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school that is participating in the SNSP in the 2019-20 school year does not participate in a parental choice program, the private school must, if the private school is not accredited by August 1, 2019, do all of the following: 1) obtain preaccreditation by August 1, 2020; 2) apply for accreditation by December 31, 2020; and 3) obtain accreditation by December 31, 2023. In addition, a private school that does not participate in a parental choice program must, after obtaining accreditation, comply with other requirements relating to accreditation, including maintaining accreditation and providing information to DPI regarding the private school's accreditation status. A private school that meets the accreditation requirement may continue to participate under that requirement for so long as the private school continuously participates in the SNSP.

5. The bill provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may not charge a child receiving an SNSP scholarship tuition, in addition to the payments the private school receives under the SNSP, if a) the child is enrolled in a grade from kindergarten to eight; or b) the child's family income does not exceed 220 percent of the federal poverty line. The bill also provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may recover reasonable fees from a child receiving an SNSP scholarship for certain enumerated items and services the school provides to the child but may not expel or discipline a child for failing to pay those fees.

6. The bill provides that a private school participating in the SNSP must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.255 (2) (az) of the statutes is amended to read:

20.255 **(2)** (az) *Special Needs Scholarship Program.* A sum sufficient to make the payments under s. 115.7915 (4m) (a)~~, (cm),~~ and (e) and (4p).

SECTION 2. 115.7915 (1) (a) of the statutes is renumbered 115.7915 (1) (an).

SECTION 3. 115.7915 (1) (ac) of the statutes is created to read:

115.7915 **(1)** (ac) "Accrediting entity" has the meaning given in s. 118.60 (1) (ab).

SECTION 4. 115.7915 (1) (ag) of the statutes is created to read:

115.7915 **(1)** (ag) "Disqualified organization" means an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

SECTION 5. 115.7915 (1) (ar) of the statutes is created to read:

115.7915 **(1)** (ar) "Preaccreditation" has the meaning given in s. 118.60 (1) (c).

SECTION 6. 115.7915 (1) (aw) of the statutes is created to read:

115.7915 **(1)** (aw) "Preaccrediting entity" has the meaning given in s. 118.60 (1) (cm).

SECTION 7. 115.7915 (2) (intro.) of the statutes is amended to read:

115.7915 **(2)** SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016–17 school year, the department shall<u>, subject to sub. (11),</u> provide to a child with a disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the following apply:

SECTION 8. 115.7915 (2) (c) (intro.) of the statutes is created to read:

115.7915 **(2)** (c) (intro.) Any of the following applies to the eligible school:

SECTION 9. 115.7915 (2) (c) of the statutes is renumbered 115.7915 (2) (c) 2. a. and amended to read:

115.7915 **(2)** (c) 2. a. ~~The~~ For the 2019–20 school year, the eligible school ~~has been~~ either is approved as a private school by the state superintendent under s. 118.165 (2) or is accredited by ~~AdvancED, Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association of Christian Schools, National Lutheran School Accreditation, Christian Schools International, Association of Christian Schools International, the diocese or archdiocese within which the eligible school is located, or any other organization recognized by the National Council for Private School Accreditation, as of the~~ an accrediting entity on August 1 ~~preceding the school term for which the scholarship is awarded~~, 2019.

SECTION 10. 115.7915 (2) (c) 1. of the statutes is created to read:

115.7915 **(2)** (c) 1. The eligible school participates in a parental choice program under s. 118.60 or 119.23 for the school year for which the scholarship is awarded.

SECTION 11. 115.7915 (2) (c) 2. (intro.) of the statutes is created to read:

115.7915 **(2)** (c) 2. (intro.) If the eligible school participates in the program under this section in the 2019–20 school year, all of the following apply to the eligible school:

SECTION 12. 115.7915 (2) (c) 2. b. of the statutes is created to read:

115.7915 **(2)** (c) 2. b. Beginning with the 2020–21 school year and in each school year thereafter, if the eligible school continuously participates in the program under

this section, the eligible school complies with the accreditation requirements under sub. (6m).

SECTION 13. 115.7915 (2) (c) 2. c. of the statutes is created to read:

115.7915 **(2)** (c) 2. c. Beginning in the 2020-21 school year, if the eligible school does not participate in the program under this section in any school year, the eligible school participates in a parental choice program under s. 118.60 or 119.23 for the school year for which the scholarship is awarded.

SECTION 14. 115.7915 (4c) of the statutes is repealed.

SECTION 15. 115.7915 (4m) (a) 2. a. of the statutes is renumbered 115.7915 (4m) (a) 2. and amended to read:

115.7915 **(4m)** (a) 2. In the 2017-18 <u>and 2018-19</u> school ~~year~~ <u>years</u>, the sum of the scholarship amount under this paragraph for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

****NOTE: This is reconciled s. 115.7915 (4m) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: -01717/P1 and -2159/P2.

SECTION 16. 115.7915 (4m) (a) 2. b. of the statutes is repealed.

****NOTE: This is reconciled s. 115.7915 (4m) (a) 2. b. This SECTION has been affected by drafts with the following LRB numbers: -01717/P1 and -2159/P2.

SECTION 17. 115.7915 (4m) (a) 3. of the statutes is repealed.

****NOTE: This is reconciled s. 115.7915 (4m) (a) 3. This SECTION has been affected by drafts with the following LRB numbers: -01717/P1 and -2159/P2.

SECTION 18. 115.7915 (4m) (a) 4. of the statutes is created to read:

115.7915 **(4m)** (a) 4. Beginning in the 2019-20 school year, the sum of the scholarship amount under this subdivision for the previous school year; the amount

of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

****NOTE: This is reconciled s. 115.7915 (4m) (a) 4. This SECTION has been affected by drafts with the following LRB numbers: –01717/P1 and –2159/P2.

SECTION 19. 115.7915 (4m) (cm) of the statutes is repealed.

****NOTE: This is reconciled s. 115.7915 (4m) (cm). This SECTION has been affected by drafts with the following LRB numbers: –01717/P1 and –2159/P2.

SECTION 20. 115.7915 (4m) (f) 1. a. of the statutes is amended to read:

115.7915 **(4m)** (f) 1. a. Determine the ~~sum of the amount paid for each child~~ <u>number of pupils</u> residing in the school district for whom a payment is made under par. (a) in that school year.

SECTION 21. 115.7915 (4m) (f) 1. b. of the statutes is created to read:

115.7915 **(4m)** (f) 1. b. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (a) for that school year.

SECTION 22. 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

115.7915 **(4m)** (f) 1. e. Sum the amounts calculated under subd. 1. ~~a.~~ <u>b.</u>, d., and dh.

SECTION 23. 115.7915 (4t) of the statutes is created to read:

115.7915 **(4t)** TUITION COSTS AND OTHER FEES. (a) Beginning in the 2020–21 school year, a private school participating in the program under this section may not charge or receive any additional tuition payment for a child participating in the program under this section, other than the payments the school receives under subs. (4m) and (4p), if any of the following applies:

1. The child is enrolled in a grade from kindergarten to 8.

2. The child is enrolled in a grade from 9 to 12 and the child is a member of a family that has total family income that does not exceed an amount equal to 2.2 times the poverty line, as defined in 42 USC 9902 (2). The child's family income shall be determined as provided in par. (b).

(b) 1. A private school participating in the program under this section shall determine whether the private school is prohibited from charging or receiving additional tuition for a child under par. (a) 2. The private school shall establish a process for accepting an appeal to the governing body of the private school of the determination made under this paragraph.

2. A private school participating in the program under this section shall obtain the names of the child's parents that reside in the same household as the child; whether and to whom the parents are married; the names of all of the other members of the child's family residing in the same household as the child; and the school year for which family income is being determined under this paragraph.

3. The department shall establish a process for a private school participating in the program under this section to use to determine whether the private school is prohibited from charging or receiving additional tuition for a child under par. (a) 2.

4. For purposes of this paragraph and par. (a) 2., all of the following apply:

a. "Family income" means federal adjusted gross income of the parents residing in the same household as the child for the tax year preceding the school year for which family income is being determined under this paragraph.

b. Family income includes income of the child's parents.

c. Family income for a family in which the child's parents are married shall be reduced by $7,000 before the determination is made under this paragraph.

d. A child placed with a kinship care relative under s. 48.57 (3m), with a long–term kinship care relative under s. 48.57 (3n), in a foster home licensed under s. 48.62, or in a subsidized guardianship home under s. 48.623 is considered to have no family income.

(c) 1. Subject to subd. 2., beginning in the 2020–21 school year, a private school participating in the program under this section may recover the cost of providing any of the following items or services to a child participating in the program under this section through reasonable fees in an amount determined by the private school and charged to the child:

a. Personal use items, such as uniforms, gym clothes, and towels.

b. Social and extracurricular activities if not necessary to the private school's curriculum.

c. Musical instruments.

d. Meals consumed by children of the private school.

e. High school classes that are not required for graduation and for which no credits toward graduation are given.

f. Transportation.

g. Before–school and after–school child care.

h. Room and board at the private school.

2. A private school participating in the program under this section may not prohibit an eligible child from attending the private school, expel or otherwise discipline the child, or withhold or reduce the child's grades because the child or the child's parent cannot pay or has not paid fees charged under subd. 1.

SECTION 24. 115.7915 (6) (L) of the statutes is created to read:

115.7915 **(6)** (L) Allow a child attending the private school under this section to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

SECTION 25. 115.7915 (6m) of the statutes is created to read:

115.7915 **(6m)** PRIVATE SCHOOL ACCREDITATION REQUIREMENTS. If a private school does not participate in a parental choice program under s. 118.60 or 119.23 as provided under sub. (2) (c) 1. or 2. c., all of the following apply to the private school:

(a) If the private school is not accredited by an accrediting entity on August 1, 2019, the private school shall do all of the following:

1. Obtain preaccreditation by a preaccrediting entity by August 1, 2020. The eligible school may apply for and seek to obtain preaccreditation from only one preaccrediting entity.

2. Apply for accreditation by an accrediting entity by December 31, 2020, and obtain accreditation by an accrediting entity by December 31, 2023.

(b) If the private school is accredited by an accrediting entity to offer instruction in any elementary grade, but not any high school grade, and the private school seeks to offer instruction in any high school grade, the private school shall apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

(c) If the private school is accredited by an accrediting entity to offer instruction in any high school grade, but not any elementary grade, and the private school seeks

to offer instruction in any elementary grade, the private school shall apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

(d) If the private school is accredited, the governing body of the private school shall ensure that the private school continuously maintains the accreditation from an accrediting entity as long as the private school continues to participate in the program under this section.

(e) If the private school learns that an accrediting organization with which the private school is maintaining accreditation, as required under par. (d), is a disqualified organization, the private school shall immediately notify the department in writing of this fact and shall obtain accreditation from an accrediting entity no later than 3 years from the date on which the private school learns that the accrediting organization is a disqualified organization.

(f) The governing body of the private school shall annually, by August 1, provide the department with evidence demonstrating that the private school remains accredited for the current school year as required under par. (d), and the governing body of the private school shall immediately notify the department if the private school's accreditation status changes.

(g) If a preaccrediting entity or accrediting entity determines during the preaccrediting or accrediting process that the private school does not meet all of the requirements under s. 118.165 (1), the preaccrediting entity or accrediting entity shall report that failure to the department.

(h) If the state superintendent determines that any of the following occurs, the state superintendent may issue an order barring the private school from participating in the program under this section in the following school year:

1. The governing body of the private school does not comply with the requirements under par. (f).

2. An application by the private school for preaccreditation or accreditation is denied by the preaccrediting entity or accrediting entity.

3. The private school does not obtain preaccreditation by a preaccrediting entity or accreditation by an accrediting entity within the period allowed under par. (a), (b), (c), or (e).

(i) 1. If the state superintendent determines that the private school has failed to continuously maintain accreditation as required under par. (d), that the governing body of the private school has withdrawn the private school from the accreditation process, or that the private school's accreditation has been revoked, denied, or terminated by an accrediting entity, the state superintendent shall issue an order barring the private school's participation in the program under this section at the end of the current school year.

2. A private school whose participation in the program under this section is barred under subd. 1. may not participate in the program under this section until the governing body of the private school demonstrates to the satisfaction of the department that the private school has obtained accreditation from any of the following:

a. If the private school failed to continuously maintain accreditation, an accrediting entity other than the entity with which the private school failed to continuously maintain accreditation.

b. If the private school withdrew from the accreditation process, an accrediting entity other than the entity from whose process the private school withdrew.

c. If the private school's accreditation was revoked, denied, or terminated, an accrediting entity other than the entity that revoked, denied, or terminated the private school's accreditation.

SECTION 26. 115.7915 (8) (a) 5. of the statutes is created to read:

115.7915 **(8)** (a) 5. Failed to comply with the eligibility criteria under sub. (2) (c).

SECTION 27. 115.7915 (8) (a) 6. of the statutes is created to read:

115.7915 **(8)** (a) 6. Failed to comply with the requirement under sub. (6) (L).

SECTION 28. 115.7915 (11) of the statutes is created to read:

115.7915 **(11)** SUNSET. Beginning in the 2020–21 school year, the department may not provide a scholarship under this section to a child with a disability to attend a private school unless the child attended a private school under a scholarship under this section in the 2019–20 school year. If the child does not attend a private school under a scholarship under this section in any school year after the 2019–20 school year, the department may not provide a scholarship under this section to the child for any school year after that school year.

SECTION 29. 118.60 (2) (a) 1. a. of the statutes is amended to read:

118.60 **(2)** (a) 1. a. Except as provided in par. (bm), the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty ~~level determined in accordance with criteria established by the director of the federal office of management and budget~~ <u>line, as defined in 42 USC 9902 (2)</u>. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. Except as provided in subd. 1. c. and d., the family

income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section.

SECTION 30. 118.60 (2) (bm) of the statutes is amended to read:

118.60 **(2)** (bm) No pupil who resides in a school district, other than an eligible school district or a 1st class city school district, may attend a participating private school under this section unless the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty ~~level, determined in accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2). In this paragraph and sub. (3m), family income includes income of the pupil's parents or legal guardians. Except as provided in par. (a) 1. c., the family income of the pupil shall be verified as provided in par. (a) 1. b. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section.

SECTION 31. 118.60 (3m) (a) 2. of the statutes is amended to read:

118.60 **(3m)** (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2 times the poverty ~~level determined in accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2).

SECTION 32. 118.60 (3m) (b) 2. of the statutes is amended to read:

118.60 **(3m)** (b) 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds an amount equal to 2.2 times the poverty ~~level determined in~~

~~accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2).

SECTION 33. 119.23 (2) (a) 1. a. of the statutes is amended to read:

119.23 **(2)** (a) 1. a. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty ~~level determined in accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2). In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. Except as provided in subd. 1. d., the family income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases, including a pupil who attended a private school under this section in the 2010–11 school year and whose family income has increased, may continue to attend a private school under this section.

SECTION 34. 119.23 (3m) (a) 2. of the statutes is amended to read:

119.23 **(3m)** (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2 times the poverty ~~level determined in accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2).

SECTION 35. 119.23 (3m) (b) 2. of the statutes is amended to read:

119.23 **(3m)** (b) 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds an amount equal to 2.2 times the poverty ~~level determined in accordance with criteria established by the director of the federal office of management and budget~~ line, as defined in 42 USC 9902 (2).

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) SPECIAL NEEDS SCHOLARSHIP PAYMENTS BASED ON ACTUAL COSTS; 2019-20 SCHOOL YEAR. If before the effective date of this subsection, the department of public instruction made a scholarship payment to a private school for a child with a disability the amount of which is based on a financial statement submitted to the department under s. 115.7915 (4c), 2017 stats., the department of public instruction shall consider the amount paid to the private school as an installment payment of the amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. The department of public instruction shall adjust the remaining installment payments under s. 115.7915 (4m) (b) to ensure that the private school receives the total scholarship amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. for the child with a disability for whom the private school submitted a financial statement under s. 115.7915 (4c), 2017 stats., in the 2018-19 school year.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2163/P2
KRP&JK:all

DOA:.....Kretschmann, BB0442 – Choice programs transparency and accountability compile

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Changes to parental choice programs

This bill makes the following changes related to parental choice programs:

Teacher licensure. With certain exceptions, the bill requires that, beginning on July 1, 2022, teachers at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by DPI. Under current law, teachers at choice schools must have at least a bachelor's degree from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach at SNSP schools.

Accreditation. The bill requires that a private school that begins participation in a parental choice program in the 2021–22 school year or in any school year thereafter must be accredited by August 1 of the school year in which the private school begins participation in the parental choice program. Under current law, a private school must do all of the following:

1. Obtain preaccreditation by a preaccrediting entity by August 1 (December 15 for new private schools) before the first school term in which the private school

begins participation in the parental choice program, or by May 1 if the private school begins participating in the parental choice program during summer school.

2. Apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins participation in the parental choice program.

3. Obtain accreditation by an accrediting entity by December 31 of the third school year following the first school year in which the private school begins participation in the parental choice program.

Milwaukee Parental Choice Program state aid reduction. Under current law, the estimated cost of the payments made to private schools participating in the Milwaukee Parental Choice Program is partially offset by two reductions in the general school aid otherwise paid to the Milwaukee Public Schools. For the 2010–11 school year and in each school year thereafter, one of the reductions to MPS is an amount equal to 6.6 percent of the cost of payments made to private schools participating in the MPCP. Current law requires DPI to pay an amount equal to that reduction amount to the City of Milwaukee and requires the City of Milwaukee to pay that amount to the board of school directors of MPS. This bill eliminates the 6.6 percent aid reduction and the requirements that the reduction amount be paid by DPI to the city and by the city to the board. The bill does not make any changes to other state aid reduction. *See Taxation–Property Taxation.*

TAXATION

PROPERTY TAXATION

1. School aid reduction information

This bill requires that a person's property tax bill include information from the school district where the property is located regarding the amount of any gross reduction in state aid to the district as a result of pupils enrolled in the statewide choice program, the Racine Parental Choice Program, or the Milwaukee Parental Choice Program or as a result of making payments to private schools under the Special Needs Scholarship Program.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 74.09 (3) (gb) of the statutes is created to read:

2 74.09 **(3)** (gb) 1. Include information from the school district where the property
3 is located regarding the amount of any gross reduction in state aid to the district
4 under ss. 115.7915 (4m), 118.60 (4d), and 121.08 (4) (b) in the previous year and the

current year and the percentage change between those years, except that this paragraph does not apply in any year in which such a reduction does not occur.

2. In addition to the information provided under subd. 1., include the following insert in substantially similar form:

"The gross reduction in state aid to your school district in the .... (current year) is $ .... as a result of pupils enrolled in the .... (statewide choice program) (Racine choice program) (Milwaukee choice program) or as a result of payments to .... (a private school) under the special needs scholarship program. Your school district had the option to increase property taxes to replace this aid reduction."

SECTION 2. 115.28 (7) (b) of the statutes is amended to read:

115.28 **(7)** (b) Subject to the same rules and laws concerning qualifications of applicants and granting and revocation of licenses or certificates under par. (a), the state superintendent shall grant certificates and licenses to teachers in private schools and tribal schools, except that teaching experience requirements for such certificates and licenses may be fulfilled by teaching experience in public, private, or tribal schools. An applicant is not eligible for a license or certificate unless the state superintendent finds that the private school or tribal school in which the applicant taught offered an adequate educational program during the period of the applicant's teaching therein. ~~Private~~ <u>Except as provided under ss. 115.7915 (2) (i), 118.60 (2) (a) 6m., and 119.23 (2) (a) 6m., private</u> schools are not obligated to employ only licensed or certified teachers.

SECTION 3. 115.7915 (2) (i) of the statutes is created to read:

115.7915 **(2)** (i) 1. Except as provided in subd. 2., beginning on July 1, 2022, all of the eligible school's teachers have a teaching license or permit issued by the department, except that a teacher employed by the eligible school who teaches only

courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

2. Any teacher employed by the eligible school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 1. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 1. The department shall promulgate rules to implement this subdivision, including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 1. No waiver granted under this subdivision is valid after July 1, 2027.

SECTION 4. 118.19 (1) of the statutes is amended to read:

118.19 **(1)** Except as provided in subs. (1b) and (1c) and s. 118.40 (8) (b) 1. and 2., any person seeking to teach in a public school, including a charter school, ~~or~~ in a school or institution operated by a county or the state, in a private school participating in a parental choice program under s. 118.60 or 119.23, or in a private school participating in the program under s. 115.7915 shall first procure a license or permit from the department.

SECTION 5. 118.19 (1b) of the statutes is amended to read:

118.19 **(1b)** An individual may teach an online course in a subject and level in a public school, including a charter school, in a private school participating in a parental choice program under s. 118.60 or 119.23, or in a private school participating in the program under s. 115.7915 without a license or permit from the department if the individual holds a valid license or permit to teach the subject and level in the state from which the online course is provided.

SECTION 6. 118.19 (1c) (b) (intro.) of the statutes is amended to read:

118.19 **(1c)** (b) (intro.) A faculty member of an institution of higher education may teach in a public high school, including a charter school that operates only high school grades, in a private school participating in a parental choice program under s. 118.60 or 119.23 that operates only high school grades, or in a private school participating in the program under s. 115.7915 that operates only high school grades without a license or permit from the department if the faculty member satisfies all of the following:

SECTION 7. 118.19 (3) (b) of the statutes is amended to read:

118.19 **(3)** (b) The state superintendent shall permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin–Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. ~~School districts shall~~ A school district, the governing body of a private school participating in a parental choice program under s. 118.60 or 119.23, or the governing body of a private school participating in the program under s. 115.7915 may not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture~~,~~ unless they qualify under par. (a).

SECTION 8. 118.19 (10) (b) 1. of the statutes is amended to read:

118.19 **(10)** (b) 1. Conduct a background investigation of each applicant for issuance or renewal of a license or permit, including a license or permit issued to a pupil services professional, and for a faculty member seeking to teach in a ~~public~~ high school without a license or permit.

SECTION 9. 118.191 (2) (a) of the statutes is amended to read:

118.191 **(2)** (a) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a technical education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

SECTION 10. 118.191 (2) (b) of the statutes is amended to read:

118.191 **(2)** (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a vocational education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5m), of which at least 25 points are from sub. (5m) (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district,by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

SECTION 11. 118.191 (2m) of the statutes is amended to read:

118.191 **(2m)** An initial teaching license issued under sub. (2) authorizes an individual to teach only in the school district controlled by the school board, or in the private school controlled by the governing body, that determined the curriculum the individual agreed to complete in order to qualify for the initial teaching license.

SECTION 12. 118.191 (3) of the statutes is amended to read:

118.191 **(3)** An initial teaching license issued under sub. (2) is valid for 3 years. An initial teaching license issued under sub. (2) is void if the license holder ceases to be employed as a teacher in the school district or private school in which the license holder is authorized to teach under sub. (2m).

SECTION 13. 118.191 (4) of the statutes is amended to read:

118.191 **(4)** Upon the expiration of the 3–year term of an initial teaching license issued under sub. (2), the department shall issue to the license holder a professional teaching license to teach the technical education subject or vocational education subject if the individual successfully completed the curriculum that the individual agreed to under sub. (2), as determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 that established the curriculum. The department shall indicate on a professional teaching license issued under this subsection that the license was obtained under the experience–based licensure program under this section.

SECTION 14. 118.192 (4) of the statutes is amended to read:

118.192 **(4)** A school board or private school participating in a parental choice program under s. 118.60 or 119.23 that employs a person who holds a professional teaching permit shall ensure that no regularly licensed teacher is removed from his or her position as a result of the employment of persons holding permits.

SECTION 15. 118.60 (2) (a) 6. a. of the statutes is amended to read:

118.60 **(2)** (a) 6. a. Except as provided in subd. 6. c. and d., all of the private school's teachers have a teaching license issued by the department or a bachelor's

degree or a degree or educational credential higher than a bachelor's degree, including a masters or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2022.

SECTION 16. 118.60 (2) (a) 6m. of the statutes is created to read:

118.60 **(2)** (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2022, all of the private school's teachers have a teaching license or permit issued by the department.

b. Any teacher employed by the private school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2027.

SECTION 17. 118.60 (2) (a) 7. b. of the statutes is amended to read:

118.60 **(2)** (a) 7. b. ~~Each~~ If the private school ~~that~~ begins participation in the program under this section on or after April 10, 2014, and before the 2021–22 school year, and ~~that~~ the private school is not accredited by an accrediting entity, ~~shall obtain~~ the private school obtains preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private

school to which this subd. 7. b. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. b. applies that fails to obtain preaccreditation as required under this subd. 7. b. may not participate in the program under this section or under s. 119.23 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

SECTION 18. 118.60 (2) (a) 7. c. of the statutes is amended to read:

118.60 **(2)** (a) 7. c. ~~A private school to which~~ If subd. 7. b. applies ~~shall apply~~ to the private school, the private school applies for accreditation by an accrediting entity by December 31 of the first school year that begins after April 10, 2014, in which the private school begins participation in the program under this section~~,~~ and ~~shall achieve~~ obtains accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. c., the private school is not required to obtain preaccreditation under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 19. 118.60 (2) (a) 7. d. of the statutes is created to read:

118.60 **(2)** (a) 7. d. If the private school begins participation in the program under this section in the 2021–22 school year or in any school year thereafter, the private school is accredited by an accrediting entity by August 1 of the school year in which the private school begins participation in the program under this section.

SECTION 20. 118.60 (2) (ag) 4. of the statutes is amended to read:

118.60 **(2)** (ag) 4. ~~Notwithstanding~~ If the new private school begins participation in the program under this section before the 2021–22 school year,

notwithstanding the deadline to obtain preaccreditation under ~~sub. (2)~~ par. (a) 7. b., by December 15 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity. If the new private school begins participation in the program under this section in the 2021–22 school year or in any school year thereafter, the new private school shall comply with the requirement under par. (a) 7. d.

SECTION 21. 118.60 (2) (c) 3. of the statutes is created to read:

118.60 **(2)** (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

SECTION 22. 118.60 (7) (ad) 1. of the statutes is amended to read:

118.60 **(7)** (ad) 1. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for ~~and achieve~~ accreditation by an accrediting entity to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. c~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

SECTION 23. 118.60 (7) (ad) 2. of the statutes is amended to read:

118.60 **(7)** (ad) 2. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for ~~and achieve~~ accreditation by an accrediting entity to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. c~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

SECTION 24. 119.23 (2) (a) 6. a. of the statutes is amended to read:

119.23 **(2)** (a) 6. a. Except as provided in subd. 6. c., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a masters or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2022.

SECTION 25. 119.23 (2) (a) 6m. of the statutes is created to read:

119.23 **(2)** (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2022, all of the private school's teachers have a teaching license or permit issued by the department.

b. Any teacher employed by the private school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department

shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2027.

SECTION 26. 119.23 (2) (a) 7. bg. of the statutes is amended to read:

119.23 **(2)** (a) 7. bg. ~~Each~~ If the private school ~~that~~ begins participation in the program under this section on or after April 10, 2014, and before the 2021–22 school year, and ~~that~~ the private school is not accredited by an accrediting entity, ~~shall obtain~~ the private school obtains preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private school to which this subd. 7. bg. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. bg. applies that fails to obtain preaccreditation as required under this subd. 7. bg. may not participate in the program under this section or under s. 118.60 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

SECTION 27. 119.23 (2) (a) 7. br. of the statutes is amended to read:

119.23 **(2)** (a) 7. br. ~~A private school to which~~ If subd. 7. bg. applies ~~shall apply~~ to the private school, the private school applies for accreditation by an accrediting entity by December 31 of the first school year that begins after April 10, 2014, in which the private school begins participation in the program under this section~~,~~ and ~~shall achieve~~ obtains accreditation by an accrediting entity by December 31 of the

3rd school year following the school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. br., the private school is not required to obtain preaccreditation as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 28. 119.23 (2) (a) 7. f. of the statutes is created to read:

119.23 **(2)** (a) 7. f. If the private school begins participation in the program under this section in the 2021–22 school year or in any school year thereafter, the private school is accredited by an accrediting entity by August 1 of the school year in which the private school begins participation in the program under this section.

SECTION 29. 119.23 (2) (ag) 4. of the statutes is amended to read:

119.23 **(2)** (ag) 4. ~~Notwithstanding~~ <u>If the new private school begins participation in the program under this section before the 2021–22 school year, notwithstanding</u> the deadline to obtain preaccreditation under ~~sub. (2)~~ <u>par.</u> (a) 7. bg., by December 15 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity. <u>If the new private school begins participation in the program under this section in the 2021–22 school year or in any school year thereafter, the new private school shall comply with the requirement under par. (a) 7. f.</u>

SECTION 30. 119.23 (2) (c) 3. of the statutes is created to read:

119.23 **(2)** (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

SECTION 31. 119.23 (7) (ad) 1. of the statutes is amended to read:

119.23 **(7)** (ad) 1. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for ~~and achieve~~ accreditation by an accrediting entity to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. br~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

SECTION 32. 119.23 (7) (ad) 2. of the statutes is amended to read:

119.23 **(7)** (ad) 2. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for ~~and achieve~~ accreditation by an accrediting entity to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. br~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

SECTION 33. 121.07 (2) (intro.) of the statutes is amended to read:

121.07 **(2)** MEMBERSHIP. (intro.) For the purposes of ss. 121.08, 121.09, 121.095, and 121.105, ~~and 121.137,~~ a school district's membership is the sum of all of the following:

SECTION 34. 121.08 (4) (b) (intro.) and 1. of the statutes are consolidated, renumbered 121.08 (4) (b) and amended to read:

121.08 **(4)** (b) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the amount calculated ~~as follows: 1. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009–10 school year by 41.6 percent, and multiply~~ by multiplying the amounts paid under s. 119.23 (4) and (4m) in the 2010–11 to 2012–13 school years by 38.4 percent. Beginning in the 2013–14 school year, multiply the amounts paid under s. 119.23 (4) and (4m) in the current school year by a percentage determined by subtracting 3.2 percentage points from the percentage that was applied under this ~~subdivision~~ paragraph in the previous school year. This ~~subdivision~~ paragraph does not apply after the 2024–25 school year.

SECTION 35. 121.08 (4) (b) 2. and 3. of the statutes are repealed.

SECTION 36. 121.137 of the statutes is repealed.

SECTION 37. 121.90 (2) (am) 4. of the statutes is repealed.

SECTION 9434. Effective dates; Public Instruction.

(1) TEACHER LICENSURE IN CERTAIN PRIVATE SCHOOLS. The treatment of s. 118.19 (1), (1b), (1c) (b) (intro.), and (3) (b) takes effect on July 1, 2022.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2164/P1
TJD:wlj

DOA:.....Bollhorst, BB0443 – Title V and Title X

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

1. Title V and Title X family planning funding

Current law requires DHS to apply for federal Title X grant funds and to distribute any funds received to public entities for family planning and related preventive health services. This bill eliminates that requirement.

Under current law, DHS must allocate women's health funds, which are federal Title V funds and women's health block grant funds, to develop and maintain an integrated system of community health services and maximize coordination of family planning services. Current law excludes from the definition of "family planning" performance, promotion, encouragement, or counseling in favor of, or referral either directly or through an intermediary for, voluntary termination of pregnancy but includes in the definition of "family planning" the provision of nondirective information explaining prenatal care and delivery or infant care, foster care, or adoption. DHS must distribute women's health funds only to public entities. Currently, those public entities may provide some or all of the funds to other public entities or private entities as long as the recipients of the funds do not provide abortion services, make referrals for abortion services, or have an affiliate that provides abortion services or makes referrals for abortion services. The bill retains

the authorization for the public entity that receives funds from DHS to provide some or all of the funds to other public or private entities but eliminates the restriction on which public or private entities may receive those funds. The bill also includes in the definition of "family planning" the provision of nondirective information explaining pregnancy termination.

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

SECTION 1. 253.07 (1) (a) 3. of the statutes is created to read:

253.07 **(1)** (a) 3. Pregnancy termination.

SECTION 2. 253.07 (1) (b) 3. of the statutes is created to read:

253.07 **(1)** (b) 3. Pregnancy termination.

SECTION 3. 253.07 (5) (b) (intro.) of the statutes is renumbered 253.07 (5) (b) and amended to read:

253.07 **(5)** (b) ~~Subject to par. (c), a~~ A public entity that receives women's health funds under this section may provide some or all of the funds to other public or private entities ~~provided that the recipient of the funds does not do any of the following:~~.

SECTION 4. 253.07 (5) (b) 1. to 3. of the statutes are repealed.

SECTION 5. 253.07 (5) (c) of the statutes is repealed.

SECTION 6. 253.075 of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2165/P2
KRP&FFK:all

DOA:.....Kretschmann, BB0444 – Statutory language repeals and clarifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Eliminate Opportunity Schools and Partnership Programs

This bill repeals the Opportunity Schools and Partnership Programs. Under current law, there are three OSPPs: a first class city OSPP applicable only to Milwaukee Public Schools; the MPS superintendent of schools OSPP; and the OSPP for certain eligible school districts. Current law provides that the first class city OSPP and each eligible school district OSPP are under the supervision of a commissioner appointed by the county executive of the county in which the school district is located. Currently, under each OSPP, the commissioner, or MPS superintendent of schools, grants supervision over the operation and general management of each eligible school in the school district to an entity other than the school board. Those entities include a person that operates a charter school and the governing body of a nonsectarian private school participating in a parental choice program. Under current law, an eligible school is a school that was assigned to the lowest performance category on the most recent accountability report published for the school.

2. Eliminate teacher licensure based on an alternative teacher certification program

This bill eliminates the requirement that DPI issue an initial teaching license to an individual who completes an alternative teacher certification program operated by a provider that is a nonprofit organization and that meets all of the following criteria: 1) the organization operates in at least five states; 2) the organization has been operating an alternative teacher certification program for at least ten years; and 3) the organization requires candidates for certification to pass a subject area exam and the pedagogy exam known as the Professional Teaching Knowledge exam.

3. Eliminate restriction on the number of school district referenda in a calendar year

Under current law, if a school board wants to borrow money through a bond issue or exceed the revenue limit otherwise applicable to the school district, the school board must obtain the approval of the school district's electors at a referendum. Under current law, a school board may submit a resolution to borrow money or exceed the revenue limit to electors for approval or rejection no more than two times in any calendar year. The bill eliminates that restriction.

4. Eliminate Open Enrollment transfer amount based on actual costs

This bill eliminates the process for determining a full–time Open Enrollment transfer amount for a child with a disability based on the actual cost to educate the child in the previous year and reinstates the OEP transfer amount for a child with a disability that existed prior to the 2017 Biennial Budget Act. Under the bill, the OEP transfer amount for a child with disability is the same for all children and is determined by law. In the 2018–19 school year, the amount is $12,431.

2017 Wisconsin Act 59, the 2017 Biennial Budget Act, created a process that allows the transfer amount for a child with a disability in the full–time OEP to be determined based on the actual costs to educate the child in the previous school year, as reported by the nonresident school district. The maximum OEP transfer amount based on actual costs is $30,000. Under current law, an OEP transfer amount based on actual costs will first be transferred in the 2019–20 school year.

5. Annual adjustment to Open Enrollment transfer amount

Under current law, the OEP transfer amount is adjusted annually. The annual adjustment is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2019–20 school year, the OEP transfer amount annual adjustment is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase, if any, in the per member amount of per pupil aid paid to school districts between the previous school year and the current school year.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 13.94 (intro.) of the statutes is amended to read:

13.94 Legislative audit bureau. (intro.) There is created a bureau to be known as the "Legislative Audit Bureau," headed by a chief known as the "State Auditor." The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Subject to s. 230.35 (4) (a) and (f), the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records, or other documents maintained by the departments and relating to their expenditures, revenues, operations, and structure, including specifically any such books, records, or other documents that are confidential by law, except as provided in sub. (4) and except that access to documents of counties, cities, villages, towns, or school districts is limited to work performed in connection with audits authorized under sub. (1) (m) ~~and except that access to documents of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 is limited to work performed in connection with audits authorized under sub. (1) (os)~~. In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

****NOTE: This is reconciled s. 13.94 (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 2. 13.94 (1) (b) of the statutes is amended to read:

13.94 **(1)** (b) At the state auditor's discretion or as the joint legislative audit committee directs, audit the records of each department. Audits of the records of a county, city, village, town, or school district may be performed only as provided in par. (m). ~~Audits of the records of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 may be performed only as provided in par. (os).~~ After completion of any audit under this paragraph, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau, and the department audited, a detailed report of the audit, including the bureau's recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature, and the joint committee on legislative organization.

****NOTE: This is reconciled s. 13.94 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 3. 13.94 (1) (e) of the statutes is amended to read:

13.94 **(1)** (e) Make such special examinations of the accounts and financial transactions of any department, agency, or officer as the legislature, joint legislative audit committee, or joint committee on legislative organization directs. Examinations of the accounts and transactions of a county, city, village, town, or~~,~~ ~~subject to par. (os), of a~~ school district~~,~~ may be performed only as authorized in par. (m).

SECTION 4. 13.94 (1) (os) of the statutes is repealed.

****NOTE: This is reconciled s. 13.94 (1) (os). This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 5. 13.94 (1s) (a) of the statutes is amended to read:

13.94 **(1s)** (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services performed at the request of a department or at the request of the federal government that the bureau is not required to perform under sub. (1) (b) or (c) or any other law. This paragraph does not apply to counties, cities, villages, towns, or school districts ~~or to the opportunity schools and partnership programs under sub. (1) (os)~~.

SECTION 6. 20.255 (2) (cg) of the statutes is amended to read:

20.255 **(2)** (cg) *Tuition payments; full–time open enrollment transfer payments.* The amounts in the schedule for payment of tuition under subch. V of ch. 121 and full–time open enrollment transfer payments under s. 118.51 (16) (b) 2. and (17) (c) 2. ~~and (cm) 2.~~

SECTION 7. 20.255 (2) (fs) of the statutes is repealed.

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

SECTION 8. 40.03 (2) (x) of the statutes is repealed.

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

SECTION 9. 59.17 (2) (b) 7. of the statutes is repealed.

SECTION 10. 59.796 of the statutes is repealed.

SECTION 11. 62.53 of the statutes is repealed.

SECTION 12. 63.23 (1) of the statutes is amended to read:

63.23 **(1)** The city service commission shall classify all offices and positions in the city service, excepting those subject to the exemptions of s. 63.27 ~~and those subject to an exclusion under s. 119.33 (2) (e) 1. or 119.9002 (5) (a)~~, according to the duties and responsibilities of each position. Classification shall be so arranged that

all positions ~~which~~ that in the judgment of the commission are substantially the same with respect to authority, responsibility, and character of work are included in the same class. From time to time the commission may reclassify positions upon a proper showing that the position belongs to a different class.

SECTION 13. 66.0301 (1) (a) of the statutes is amended to read:

66.0301 **(1)** (a) Except as provided in pars. (b) and (c), in this section, "municipality" means the state or any department or agency thereof, or any city, village, town, county, or school district, ~~the opportunity schools and partnership programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of schools opportunity schools and partnership program under s. 119.33,~~ or any public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, long–term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under s. 66.1201, redevelopment authority created under s. 66.1333, community development authority created under s. 66.1335, or city–county health department.

****NOTE: This is reconciled s. 66.0301 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 14. 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

67.05 **(6a)** (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs. (7) and (15), ~~and subject to the limit on the number of referendums that may be called in any calendar year under subd. 2. a.,~~ if the board of any school district, or the electors at a regularly called school district meeting, by a majority vote adopt an initial resolution to raise an amount of money by a bond issue, the school district clerk shall, within 10 days, publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as provided under s. 10.05. The notice shall state the maximum amount proposed to be borrowed, the purpose of the borrowing, that the resolution was adopted under this subdivision and the place where and the hours during which the resolution may be inspected. The school board shall also do one of the following:

SECTION 15. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

67.05 **(6a)** (a) 2. a. Direct the school district clerk to submit the resolution to the electors for approval or rejection at the next regularly scheduled spring primary or election or partisan primary or general election, provided such election is to be held not earlier than 70 days after the adoption of the resolution. ~~A school board may proceed under this subd. 2. a. and under s. 121.91 (3) (a) 1. no more than 2 times in any calendar year.~~ The resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum.

SECTION 16. 67.05 (6a) (am) 1. of the statutes is amended to read:

67.05 **(6a)** (am) 1. If the public hearing under par. (a) 2. b. is for informational purposes only and, within 30 days after the public hearing, a petition is filed with the school district clerk for a referendum on the resolution signed by at least 7,500 electors of the school district or at least 20 percent of the school district electors, as determined under s. 115.01 (13), whichever is less, the resolution shall not be

effective unless adopted by a majority of the school district electors voting at the referendum. ~~Subject to the limit therein, the~~ The school board shall hold the referendum in accordance with par. (a) 2. a. The question submitted shall be whether the initial resolution shall or shall not be approved.

SECTION 17. 67.12 (12) (h) of the statutes is amended to read:

67.12 **(12)** (h) Paragraph (e) 2. does not apply to borrowing by the school board of a school district created by a reorganization under s. 117.105, or by the school board from which territory is detached to create a school district under s. 117.105, for the purpose of financing any assets or liabilities apportioned to the school district or assets apportioned to another school district under s. 117.105 (1m)~~,~~ or (2m)~~, or (4m)~~.

SECTION 18. 115.28 (7) (a) of the statutes is amended to read:

115.28 **(7)** (a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.195~~, and 118.197~~; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

SECTION 19. 115.28 (10m) of the statutes is repealed.

****NOTE: This is reconciled s. 115.28 (10m). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

SECTION 20. 115.28 (10o) of the statutes is repealed.

SECTION 21. 115.77 (1) of the statutes is amended to read:

115.77 **(1)** In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), "local educational agency" means the school district that the child is attending.

SECTION 22. 115.79 (1) (b) of the statutes is amended to read:

115.79 **(1)** (b) An educational placement is provided to implement a child's individualized education program. Except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide an educational placement for the child and shall pay tuition charges instead of the school district in which the child resides if required by the placement.

SECTION 23. Subchapter IX (title) of chapter 115 [precedes 115.999] of the statutes is repealed.

****NOTE: This is reconciled subch. IX (title) of ch. 115. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

SECTION 24. 115.999 of the statutes is repealed.

SECTION 25. 117.05 (1m) of the statutes is amended to read:

117.05 **(1m)** BOARD AND APPEAL PANEL MEETINGS. The state superintendent shall set the time and place for meetings of the board under ss. 117.10, 117.105 (2m) ~~and~~

~~(4m)~~, 117.12 (5), and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

SECTION 26. 117.05 (2) (a) of the statutes is amended to read:

117.05 **(2)** (a) *Board.* The state superintendent shall appoint 7 members of the board to perform any review under ss. 117.10, 117.105 (2m) ~~and (4m)~~, 117.12 (5), and 117.132. The 7 members shall include the state superintendent or his or her designee on the board, 2 board members from school districts with small enrollments, 2 board members from school districts with medium enrollments, and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

SECTION 27. 117.05 (4) (a) (intro.) of the statutes is amended to read:

117.05 **(4)** (a) *Pending proceedings.* (intro.) A reorganization proceeding is pending from the date that a petition is filed under s. 117.105 (1) (a), 117.11 (2), or 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.105 (1) (b) ~~or (4m)~~, 117.13 (2), or 117.132 (2) until the date on which the latest of any of the following occurs:

SECTION 28. 117.05 (4) (d) 1. of the statutes is amended to read:

117.05 **(4)** (d) 1. Except as provided in subd. 2., no petition may be filed or resolution adopted for the creation of a new school district under s. 117.105 (1) (a) or (b) before the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or the adoption of a resolution under s. 117.105 (1) (b) ~~or the date of an order issued under s. 117.105 (4m) (c)~~ for any reorganization that includes any of the same territory.

SECTION 29. 117.05 (9) (a) 1m. of the statutes is repealed.

SECTION 30. 117.105 (4m) of the statutes is repealed.

SECTION 31. 117.20 (1) (a) of the statutes is amended to read:

117.20 **(1)** (a) Except as provided in par. (b), if a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under s. 117.105 (3), it shall be held on the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1). ~~If a referendum is required under s. 117.105 (4m), it shall be held on the Tuesday after the first Monday in November following the date an order is issued by the board under s. 117.105 (4m) (c).~~

SECTION 32. 117.22 (2) (bm) of the statutes is amended to read:

117.22 **(2)** (bm) If an order of reorganization is issued under s. 117.105, the first election of school board members shall be held at the spring election following the referendum under s. 117.105 (3) ~~or (4m)~~.

SECTION 33. 118.125 (4) of the statutes is amended to read:

118.125 **(4)** TRANSFER OF RECORDS. No later than the next working day, a school district~~,~~ <u>and</u> a private school participating in the program under s. 118.60 or in the program under s. 119.23~~, and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her

parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

****NOTE: This is reconciled s. 118.125 (4). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

SECTION 34. 118.19 (3) (a) of the statutes is amended to read:

118.19 **(3)** (a) No license to teach in any ~~public~~ school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a), 118.191, 118.1915, 118.192, 118.193, and 118.194~~, and 118.197~~. Notwithstanding s. 36.11 (16), no teacher preparatory program in this state may be approved by the state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school. No license to teach in any ~~public~~ school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as

determined by the state superintendent. The state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall promulgate rules to implement this subsection. If for the purpose of granting a license to teach or for approving a teacher preparatory program the state superintendent requires that an institution of higher education be accredited, the state superintendent shall accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. department of education or by a programmatic accrediting organization.

****NOTE: This is reconciled s. 118.19 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB–2163/P1 and LRB–2165/P1.

SECTION 35. 118.197 of the statutes is repealed.

SECTION 36. 118.30 (1g) (a) 3. of the statutes is amended to read:

118.30 **(1g)** (a) 3. The governing body of each private school participating in the program under s. 119.23 ~~and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

****NOTE: This is reconciled s. 118.30 (1g) (a) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 37. 118.30 (1s) (intro.) of the statutes is amended to read:

118.30 **(1s)** (intro.) Annually, the governing body of each private school participating in the program under s. 119.23, other than a private school at which fewer than 20 pupils in grades 3 to 12 are attending the school under the program under s. 119.23, ~~and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ shall do all of the following:

****NOTE: This is reconciled s. 118.30 (1s) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 38. 118.33 (1) (f) 2. of the statutes is amended to read:

118.33 **(1)** (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that operates high school grades ~~and an individual or group or a person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 and that operates high school grades~~ shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

****NOTE: This is reconciled s. 118.33 (1) (f) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 39. 118.33 (1) (f) 2m. of the statutes is amended to read:

118.33 **(1)** (f) 2m. The governing body of each private school participating in the program under s. 119.23 ~~and the governing body of a private school that, pursuant~~

~~to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. 119.23 ~~or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

****NOTE: This is reconciled s. 118.33 (1) (f) 2m. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 40. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 **(1)** (f) 3. Neither a school board nor an operator of a charter school under s. 118.40 (2r) or (2x) ~~nor an individual or group or person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. ~~Neither the~~ No governing body of a private school participating in the program under s. 119.23 ~~nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ may grant a high school diploma to any pupil attending the private school under s. 119.23 ~~or the school transferred~~

~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m. The governing body of a private school participating in the program under s. 118.60 may not grant a high school diploma to any pupil attending the private school under s. 118.60 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2r.

****NOTE: This is reconciled s. 118.33 (1) (f) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 41. 118.51 (1) (aj) of the statutes is repealed.

SECTION 42. 118.51 (9) of the statutes is amended to read:

118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d) or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) ~~(b)~~, the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 43. 118.51 (12) (title) of the statutes is amended to read:

118.51 **(12)** (title) ~~NONRESIDENT SCHOOL DISTRICT STATEMENT OF EDUCATIONAL COSTS; SPECIAL~~ SPECIAL EDUCATION OR RELATED SERVICES.

SECTION 44. 118.51 (12) (a) of the statutes is repealed.

SECTION 45. 118.51 (12) (b) of the statutes is renumbered 118.51 (12).

SECTION 46. 118.51 (16) (a) 1. of the statutes is amended to read:

118.51 **(16)** (a) 1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom a payment is made under sub. (17) (a)~~,~~ <u>or</u> (c)~~, or (cm)~~.

SECTION 47. 118.51 (16) (a) 2. of the statutes is amended to read:

118.51 **(16)** (a) 2. For each school district, the number of resident pupils attending public school in a nonresident school district under this section, other than pupils for whom a payment is made under sub. (17) (a)~~,~~ <u>or</u> (c)~~, or (cm)~~.

SECTION 48. 118.51 (16) (a) 3. b. of the statutes is amended to read:

118.51 **(16)** (a) 3. b. Beginning with the amount in the 2015–16 school year and <u>ending with the amount for the 2018–19 school year</u>, except as provided in subd. 3. c., ~~in each school year thereafter,~~ the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

****NOTE: This is reconciled s. 118.51 (16) (a) 3. b. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 49. 118.51 (16) (a) 3. bm. of the statutes is created to read:

118.51 **(16)** (a) 3. bm. Beginning with the amount for the 2019–20 school year, except as provided in subd. 3. c., and in each school year thereafter, the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school

year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

****NOTE: This is reconciled s. 118.51 (16) (a) 3. bm. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 50. 118.51 (16) (a) 3. c. of the statutes is amended to read:

118.51 **(16)** (a) 3. c. For the amount in the 2017–18 to 2020–21 school years, the amount determined under subd. 3. b. <u>or bm.</u> plus $100.

****NOTE: This is reconciled s. 118.51 (16) (a) 3. c. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 51. 118.51 (16) (c) of the statutes is amended to read:

118.51 **(16)** (c) If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection and sub. (17) (c) ~~and (cm)~~ based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

SECTION 52. 118.51 (16) (d) of the statutes is amended to read:

118.51 **(16)** (d) The department shall ensure that the aid adjustments under par. (b) and sub. (17) (c) ~~and (cm)~~ do not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

SECTION 53. 118.51 (17) (title) of the statutes is amended to read:

118.51 **(17)** (title) ~~PUPIL TRANSFER AMOUNT AND PAYMENTS TO A NONRESIDENT SCHOOL BOARD~~ <u>STATE AID ADJUSTMENTS AND TUITION</u>; CHILDREN WITH DISABILITIES.

SECTION 54. 118.51 (17) (b) 2. b. of the statutes is amended to read:

118.51 **(17)** (b) 2. b. In the 2017–18 <u>and 2018–19</u> school ~~year~~ <u>years</u>, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for

the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

****NOTE: This is reconciled s. 118.51 (17) (b) 2. b. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 55. 118.51 (17) (b) 2. c. of the statutes is repealed.

****NOTE: This is reconciled s. 118.51 (17) (b) 2. c. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 56. 118.51 (17) (b) 2. d. of the statutes is created to read:

118.51 **(17)** (b) 2. d. Beginning in the 2019–20 school year, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

****NOTE: This is reconciled s. 118.51 (17) (b) 2. d. This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 57. 118.51 (17) (b) 3. of the statutes is repealed.

SECTION 58. 118.51 (17) (bm) of the statutes is repealed.

****NOTE: This is reconciled s. 118.51 (17) (bm) This SECTION has been affected by drafts with the following LRB numbers: –1717/P1 and –2165/P1.

SECTION 59. 118.51 (17) (c) of the statutes is amended to read:

118.51 **(17)** (c) 1. If the number determined in par. (b) 1. a. is greater than the number determined in par. (b) 1. b. for a school district, in the 2016–17~~, 2017–18, and 2018–19~~ school ~~years~~ year and in each school year thereafter, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by ~~an~~ the amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year.

2. If the number determined in par. (b) 1. a. is less than the number determined in par. (b) 1. b. for a school district, in the 2016–17~~, 2017–18, and 2018–19~~ school ~~years~~ year and in each school year thereafter, the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by an amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

SECTION 60. 118.51 (17) (cm) of the statutes is repealed.

SECTION 61. Subchapter I (title) of chapter 119 [precedes 119.01] of the statutes is repealed.

SECTION 62. 119.02 (1) of the statutes is amended to read:

119.02 **(1)** "Board" means the board of school directors in charge of the public schools of a city of the 1st class ~~other than those public schools transferred to the opportunity schools and partnership programs under s. 119.33 or subch. II~~.

SECTION 63. 119.02 (2g) of the statutes is repealed.

SECTION 64. 119.02 (4) of the statutes is repealed.

SECTION 65. 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 115.447,

115.448, 115.449, 115.457, 115.458, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.237, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, ~~118.55,~~ 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board ~~but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program~~.

****NOTE: This is reconciled s. 119.04 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–0974/P2, LRB–1301/P2, LRB–1746/P2, LRB–1787/P2, LRB–1801/P4, and LRB–2165/P1.

SECTION 66. 119.16 (1n) of the statutes is repealed.

SECTION 67. 119.16 (2) of the statutes is amended to read:

119.16 **(2)** ESTABLISH SCHOOLS AND DISTRICTS. The board shall maintain the public schools in the city~~, other than those public schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II,~~ and shall establish, organize, and maintain such schools as the board determines are necessary to accommodate the children entitled to instruction therein. The board shall divide the city into attendance districts for such schools.

SECTION 68. 119.16 (8) (a) of the statutes is amended to read:

119.16 **(8)** (a) Annually before adopting its budget for the ensuing school year and at least 5 days before transmitting its completed budget under par. (b), the board shall hold a public hearing on the proposed school budget at a time and place fixed

by the board. At least 45 days before the public hearing, the board shall notify the superintendent of schools ~~and the commissioner~~ of the date, time, and place of the hearing. At least one week before the public hearing, the board shall publish a class 1 notice, under ch. 985, of the public hearing.

SECTION 69. 119.16 (8) (b) of the statutes is amended to read:

119.16 **(8)** (b) The board shall transmit its completed budget to the common council on or before the first Monday in August of each year on forms furnished by the auditing officer of the city~~,~~ and shall include in the budget the information specified under s. 119.46 (1) for all public schools in the city under this chapter~~, including the schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II. The board shall itemize those portions of the budget allocated to schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II~~. Such completed budget shall be published with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).

SECTION 70. 119.16 (9) of the statutes is amended to read:

119.16 **(9)** SCHOOL BUDGET. Annually, the board shall prepare a budget for each school in the school district operating under this chapter~~, other than the schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II~~.

SECTION 71. 119.16 (15) of the statutes is repealed.

SECTION 72. 119.33 of the statutes is repealed.

SECTION 73. 119.44 (2) (a) 5. of the statutes is repealed.

SECTION 74. 119.46 (1) of the statutes is amended to read:

119.46 **(1)** As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the

ensuing school year to operate all public schools in the city under this chapter~~, including the schools transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II,~~ to repair and keep in order school buildings and equipment, ~~including school buildings and equipment transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II,~~ to make material improvements to school property, and to purchase necessary additions to school sites. The report shall specify the amount of net proceeds from the sale or lease of city–owned property used for school purposes deposited in the immediately preceding school year into the school operations fund as specified under s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school building deposited in the immediately preceding school year into the school operations fund as specified under s. 119.61 (5). The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board under s. 121.136 ~~and by the amount specified in the notice received by the board under s. 121.137 (2)~~. The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes ~~which~~ <u>that</u> the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under ss. 119.60 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

****NOTE: This is reconciled s. 119.46 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB–2163/P1 and LRB–2165/P1.

SECTION 75. 119.49 (4) of the statutes is amended to read:

119.49 **(4)** The common council shall levy and collect a tax upon all taxable property in the city, in the same manner and at the same time as other taxes are levied and collected, ~~which~~ that shall be sufficient to pay the interest on all school bonds issued under this ~~subchapter which~~ chapter that are outstanding and to pay such part of the principal of such school bonds as becomes due during the ensuing school year.

SECTION 76. 119.61 (2) (b) of the statutes is amended to read:

119.61 **(2)** (b) The board shall submit a copy of the inventory required under par. (a) to ~~the commissioner,~~ the superintendent of schools, the city clerk, the department, and the joint committee on finance.

SECTION 77. 119.61 (2) (c) of the statutes is amended to read:

119.61 **(2)** (c) In addition to the inventory required under par. (a), the board shall annually notify ~~the commissioner,~~ the superintendent of schools, the city clerk, the department, and the joint committee on finance any time a change is made to the use of a school building.

SECTION 78. 119.61 (3) (a) of the statutes is amended to read:

119.61 **(3)** (a) If, within 60 days after receipt of the inventory required under sub. (2) (a) or of a notice under sub. (2) (c), ~~either the commissioner or~~ the superintendent of schools submits a letter of interest regarding an eligible school building, the common council shall immediately proceed to add ~~the commissioner or~~ the superintendent of schools~~, respectively,~~ as an agent of the board on any existing lease for the eligible school building between the common council and the board.

SECTION 79. 119.61 (3) (b) of the statutes is amended to read:

119.61 **(3)** (b) If, no more than 60 days after providing ~~the commissioner and~~ the superintendent of schools with a copy of the inventory under sub. (2) (a) or of a notice under sub. (2) (c), ~~neither the commissioner nor~~ the superintendent of schools has not submitted a letter of interest under par. (a), the city clerk shall post a public notice on the city's Internet site. The city clerk shall include in the public notice under this subsection the address of and the information specified under sub. (2) (a) 1. and 8. for each school building identified on the inventory under sub. (2) (a), or on the notice under sub. (2) (c), that is an eligible school building. The city clerk shall include in the public notice a request for and instructions for submitting letters of interest from persons interested in purchasing an eligible school building.

SECTION 80. 119.66 of the statutes is amended to read:

119.66 Interest in contracts forbidden. During the term for which elected or appointed and for 2 years after the expiration of the term, no member of the board may be employed by the board or by the department of employee trust funds in any capacity for which a salary or emolument is provided by the board or the department of employee trust funds. No board member, superintendent of schools, assistant superintendent, other assistant, teacher or other employee of the board may have any interest in the purchase or sale of property by the city for the use or convenience of the schools. No contract made in violation of this section is valid. Any consideration paid by the city for a purchase or sale prohibited by this section may be recovered in an action at law in the name of the city. Any person violating this section shall be removed from any position held under this ~~subchapter~~ chapter.

SECTION 81. Subchapter II (title) of chapter 119 [precedes 119.9000] of the statutes is repealed.

SECTION 82. 119.9000 of the statutes is repealed.

SECTION 83. 119.9001 of the statutes is repealed.

SECTION 84. 119.9002 of the statutes is repealed.

SECTION 85. 119.9003 of the statutes is repealed.

SECTION 86. 119.9004 of the statutes is repealed.

SECTION 87. 119.9005 of the statutes is repealed.

SECTION 88. 120.18 (1) (o) of the statutes is repealed.

****NOTE: This is reconciled s. 120.18 (1) (o). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

SECTION 89. 121.84 (4) (b) of the statutes is amended to read:

121.84 **(4)** (b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9) applies.

SECTION 90. 121.91 (3) (a) 1. of the statutes is amended to read:

121.91 **(3)** (a) 1. If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department that it will schedule a referendum for the purpose of

submitting the resolution to the electors of the school district for approval or rejection and shall submit a copy of the resolution to the department. Except as provided in subd. 2., the school board shall schedule the referendum to be held at the next regularly scheduled spring primary or election or partisan primary or general election, provided such election is to be held not sooner than 70 days after the filing of the resolution of the school board. ~~A school board may proceed under this subdivision and under s. 67.05 (6a) 2. a. no more than 2 times in any calendar year.~~ The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

SECTION 91. 121.91 (4) (p) 1. of the statutes is amended to read:

121.91 **(4)** (p) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. ~~or (cm) 2.~~ in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

SECTION 92. 146.89 (1) (d) 2. of the statutes is amended to read:

146.89 **(1)** (d) 2. A private school, as defined in s. 115.001 (3r), that participates in the choice program under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23 ~~or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~.

****NOTE: This is reconciled s. 146.89 (1) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 93. 146.89 (1) (g) 1. of the statutes is amended to read:

146.89 **(1)** (g) 1. A public elementary school~~, including an elementary school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~.

****NOTE: This is reconciled s. 146.89 (1) (g) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB–1704/P4 and LRB–2165/P1.

SECTION 94. 938.49 (2) (b) of the statutes is amended to read:

938.49 **(2)** (b) Notify the juvenile's last school district or, if the juvenile was last enrolled in a private school participating in the program under s. 118.60 or in the program under s. 119.23 ~~or, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), in a school under the operation and general management of the governing body of a private school~~, the private school ~~or the governing body of a private school,~~ in writing of its obligation under s. 118.125 (4).

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2168/P1
EVM:amn

DOA:.....Hynek, BB0375 – Project labor agreements

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

1. Project labor agreements

Under current law, the state and local units of government are prohibited from engaging in certain practices in letting bids for state procurement or public works contracts. Among these, as established by 2017 Wisconsin Act 3, the state and local governments may not do any of the following in specifications for bids for the contracts: 1) require that a bidder enter into an agreement with a labor organization; 2) consider, when awarding a contract, whether a bidder has or has not entered into an agreement with a labor organization; or 3) require that a bidder enter into an agreement that requires that the bidder or bidder's employees become or remain members of a labor organization or pay any dues or fees to a labor organization. This bill repeals these limitations related to labor organizations.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.75 (1p) of the statutes is repealed.

SECTION 2. 16.855 (1p) of the statutes is repealed.

SECTION 3. 66.0901 (1) (ae) of the statutes is repealed.

SECTION 4. 66.0901 (1) (am) of the statutes is repealed.

SECTION 5. 66.0901 (6) of the statutes is amended to read:

66.0901 **(6)** SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public contracts for the construction, repair, remodeling or improvement of a public building or structure, other than highway structures and facilities, a municipality may bid projects based on a single or multiple division of the work. Public contracts shall be awarded according to the division of work selected for bidding. ~~Except as provided in sub. (6m), the~~ The municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workers to be employed by any contractor, classify contractors as to their financial responsibility, competency and ability to perform work and set up a classified list of contractors. The municipality may reject the bid of any person, if the person has not been classified for the kind or amount of work in the bid.

SECTION 6. 66.0901 (6m) of the statutes is repealed.

SECTION 7. 66.0901 (6s) of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2172/P1
CMH:amn

DOA:.....Potts, BB0445 – Eliminate report on reductions of sentence from 2017 Act 369

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

1. Eliminating report on reduced sentences.

Current law requires DOC to submit a report to the legislature, upon request, regarding individuals who, since the previous report or during a date range specified in the request, were pardoned or released from imprisonment before completing their sentences. The report must identify each individual by name, include the crime for which he or she was convicted, and provide the name of the person who pardoned the individual or authorized the early release. This bill eliminates this report.

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

2 **SECTION 1.** 301.03 (16) of the statutes is repealed.

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2174/P2
MPG&SWB:cjs&kjf

DOA:.....Potts, BB0447 – Legislative intervention (Act 369)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Powers of the attorney general

This bill repeals changes made to the powers of the attorney general in 2017 Wisconsin Act 369 relating to the power to compromise or discontinue civil actions prosecuted by DOJ and the power to compromise and settle actions in cases where DOJ is defending the state. This bill reestablishes these settlement powers as they existed under the law before Act 369 was enacted.

The bill allows the attorney general to compromise or discontinue actions prosecuted by DOJ 1) when directed by the officer, department, board, or commission that directed the prosecution; or 2) with the approval of the governor when the action is prosecuted by DOJ on the initiative of the attorney general or at the request of any individual. The bill eliminates the requirement for approval of compromise or discontinuance from a legislative intervenor or JCF. It also eliminates the requirement, in certain circumstances, for the attorney general to obtain approval of a settlement or discontinuance by the Joint Committee on Legislative Organization before submitting a proposed plan to JCF.

Under the bill, when DOJ is representing the defense, the attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. The bill eliminates the requirement under current law that, in actions for injunctive relief or if there is a proposed consent decree, the attorney

general obtain approval of any legislative intervenor or, if there is no intervenor, JCF. The bill also eliminates the requirement, in certain circumstances, that the attorney general obtain approval from JCLO before submitting a proposed plan of settlement or compromise to JCF.

STATE GOVERNMENT

LEGISLATURE

2. Legislative intervention in certain court proceedings

Current law, under 2017 Wisconsin Act 369, provides that the legislature may intervene as a matter of right in an action when a party to the action, as part of a claim or affirmative defense, challenges in state or federal court the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute. Act 369 also provides that the legislature must be served with a copy of the proceedings in all such actions, regardless of whether the legislature intervenes. This bill repeals those provisions.

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

SECTION 1. 13.365 of the statutes is repealed.

SECTION 2. 13.56 (2) of the statutes is amended to read:

13.56 **(2)** PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint committee for review of administrative rules or their designated agents shall accept service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that the legislature should be represented in the proceeding, it shall request the joint committee on legislative organization to ~~intervene in~~ <u>designate the legislature's representative for</u> the proceeding ~~as provided under s. 806.04 (11)~~. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 3. 13.90 (2) of the statutes is amended to read:

13.90 **(2)** The cochairpersons of the joint committee on legislative organization or their designated agent shall accept service made under ~~ss.~~ <u>s.</u> 806.04 (11) ~~and~~

~~893.825 (2)~~. If the committee, the senate organization committee, or the assembly organization committee determines that the legislature should ~~intervene~~ be represented in the proceeding ~~as provided under s. 803.09 (2m), the assembly shall represent the assembly, the senate shall represent the senate, and the joint committee on legislative organization shall represent the legislature~~, that committee shall designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 4. 165.08 (1) of the statutes is amended to read:

165.08 **(1)** Any civil action prosecuted by the department by direction of any officer, department, board, or commission~~, or any~~ shall be compromised or discontinued when so directed by such officer, department, board, or commission. Any civil action prosecuted by the department on the initiative of the attorney general, or at the request of any individual may be compromised or discontinued with the approval of ~~an intervenor under s. 803.09 (2m) or, if there is no intervenor, by submission of a proposed plan to the joint committee on finance for the approval of the committee. The compromise or discontinuance may occur only if the joint committee on finance approves the proposed plan. No proposed plan may be submitted to the joint committee on finance if the plan concedes the unconstitutionality or other invalidity of a statute, facially or as applied, or concedes that a statute violates or is preempted by federal law, without the approval of the joint committee on legislative organization~~ the governor.

****NOTE: This is reconciled s. 165.08 (1). This SECTION has been affected by drafts with the following LRB numbers: –2072/P1 and –2174/P1.

SECTION 5. 165.25 (1) of the statutes is amended to read:

165.25 **(1)** REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party. ~~The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time.~~ Nothing in this subsection deprives or relieves the attorney general or the department of justice of any authority or duty under this chapter.

SECTION 6. 165.25 (1m) of the statutes is amended to read:

165.25 **(1m)** REPRESENT STATE IN OTHER MATTERS. If requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. ~~The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time.~~ The public service commission may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 7. 165.25 (6) (a) 1. of the statutes is amended to read:

165.25 **(6)** (a) 1. At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employee, or agent of the department in any civil action or other

matter brought before a court or an administrative agency which is brought against the state department, or officer, employee, or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employee's, or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. The attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state ~~except that, if the action is for injunctive relief or there is a proposed consent decree, the attorney general may not compromise or settle the action without the approval of an intervenor under s. 803.09 (2m) or, if there is no intervenor, without first submitting a proposed plan to the joint committee on finance. If, within 14 working days after the plan is submitted, the cochairpersons of the committee notify the attorney general that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the attorney general may compromise or settle the action only with the approval of the committee. The attorney general may not submit a proposed plan to the joint committee on finance under this subdivision in which the plan concedes the unconstitutionality or other invalidity of a statute, facially or as applied, or concedes that a statute violates or is preempted by federal law, without the approval of the joint committee on legislative organization~~.

****NOTE: This is reconciled s. 165.25 (6) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: –2072/P1 and –2174/P1.

SECTION 8. 803.09 (2m) of the statutes is repealed.

SECTION 9. 806.04 (11) of the statutes is amended to read:

806.04 **(11)** PARTIES. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the

declaration, and no declaration may prejudice the right of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, the municipality shall be made a party, and shall be entitled to be heard. If a statute, ordinance or franchise is alleged to be unconstitutional, ~~or to be in violation of or preempted by federal law, or if the construction or validity of a statute is otherwise challenged,~~ the attorney general shall also be served with a copy of the proceeding and be entitled to be heard. ~~If a statute is alleged to be unconstitutional, or to be in violation of or preempted by federal law, or if the construction or validity of a statute is otherwise challenged, the speaker of the assembly, the president of the senate, and the senate majority leader shall also be served with a copy of the proceeding, and the assembly, the senate, and the state legislature are entitled to be heard. If the assembly, the senate, or the joint committee on legislative organization intervenes as provided under s. 803.09 (2m), the assembly shall represent the assembly, the senate shall represent the senate, and the joint committee on legislative organization shall represent the legislature.~~ In any proceeding under this section in which the constitutionality, construction or application of any provision of ch. 227, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule as defined in s. 227.01 (13) is placed in issue by the parties, the joint committee for review of administrative rules shall be served with a copy of the petition and, with the approval of the joint committee on legislative organization, shall be made a party and be entitled to be heard. <u>In any proceeding under this section in which the constitutionality, construction or application of any provision of ch. 13, 20, 111, 227 or 230 or subch. I, III or IV of ch. 16 or s. 753.075, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule as defined in s. 227.01 (13) is placed in issue by the parties, the</u>

joint committee on legislative organization shall be served with a copy of the petition and the joint committee on legislative organization, the senate committee on organization or the assembly committee on organization may intervene as a party to the proceedings and be heard.

SECTION 10. 809.13 of the statutes is amended to read:

809.13 Rule (Intervention). A person who is not a party to an appeal may file in the court of appeals a petition to intervene in the appeal. A party may file a response to the petition within 11 days after service of the petition. The court may grant the petition upon a showing that the petitioner's interest meets the requirements of s. 803.09 (1)~~,~~ or (2)~~, or (2m)~~.

SECTION 11. Subchapter VIII (title) of chapter 893 [precedes 893.80] of the statutes is amended to read:

CHAPTER 893

SUBCHAPTER VIII

CLAIMS AGAINST GOVERNMENTAL

BODIES, OFFICERS AND EMPLOYEES~~;~~

~~STATUTORY CHALLENGES~~

SECTION 12. 893.825 of the statutes is repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2175/P1
MPG:cjs

DOA:.....Quinn, BB0446 – WEDC Board Membership (Act 369)

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

1. WEDC board membership

Under the law prior to 2017 Wisconsin Act 369, the board of directors of WEDC consisted of 12 voting members as follows:

1. Six members appointed by the governor, subject to senate confirmation, to serve at the pleasure of the governor.

2. Three members appointed by the speaker of the assembly, consisting of one majority and one minority party representative to the assembly and one person employed in the private sector, all of whom serve at the speaker's pleasure.

3. Three members appointed by the senate majority leader, consisting of one majority and one minority party senator and one person employed in the private sector, all of whom serve at the majority leader's pleasure.

Act 369 provides for two compositions of the WEDC board, one to be in effect until September 1, 2019, and the second to be in effect after that date. After September 1, 2019, the act provides for a 16–voting member board, consisting of six members nominated by the governor; four members appointed by the assembly speaker; four members appointed by the senate majority leader; one member appointed by the assembly minority leader; and one member appointed by the senate

minority leader. Before September 1, 2019, the act authorizes the assembly speaker and the senate majority leader to each appoint one additional board member, resulting in a board with 18 voting members until that date.

This bill restores prior law with respect to the membership of the WEDC board.

2. WEDC CEO

Under the law prior to 2017 Wisconsin Act 369, the chief executive officer of WEDC was nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under Act 369, the chief executive officer of WEDC is appointed by the board of directors of WEDC until September 1, 2019, at which point the governor again nominates the chief executive officer. This bill repeals that provision in Act 369.

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

SECTION 1. 238.02 (1) of the statutes is amended to read:

238.02 **(1)** There is created an authority, which is a public body corporate and politic, to be known as the "Wisconsin Economic Development Corporation." The members of the board shall consist of 6 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor; ~~4~~ 3 members appointed by the speaker of the assembly, consisting of one majority and one minority party representative to the assembly, appointed as are the members of standing committees in the assembly, and one person employed in the private sector, to serve ~~4–year terms; one member appointed by the minority leader of the assembly to serve a 4–year term; 4~~ at the speaker's pleasure; and 3 members appointed by the senate majority leader, consisting of one majority and one minority party senator, appointed as are members of standing committees in the senate, and one person employed in the private sector, to serve ~~4–year terms; and one member appointed by the minority leader of the senate to serve a 4–year term. Neither the speaker of the assembly nor the senate majority leader may appoint more than 2 members of the legislature to the board~~ at the majority leader's pleasure. The

secretary of administration and the secretary of revenue shall also serve on the board as nonvoting members. The board shall elect a chairperson from among its nonlegislative voting members. ~~A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.~~

SECTION 2. 238.02 (2) of the statutes is amended to read:

238.02 **(2)** A majority of the ~~appointed~~ voting members of the board ~~currently serving~~ constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the ~~appointed~~ voting members present.

SECTION 3. 2017 Wisconsin Act 369, section 102 (2m), (2s), (2t) and (2v) are repealed.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2188/P4
JK:wlj&cjs

DOA:.....Gilchrist, BB0451 – Increase in county and municipal aid

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

1. Increase in county and municipal aid

This bill increases the amount that each county and municipality annually receives as a county and municipal aid payment. Currently, a county or municipality receives a payment equal to what it received in 2012. The bill increases that amount by 2 percent.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 79.01 (2d) of the statutes is renumbered 79.01 (2d) (intro.) and amended to read:

79.01 **(2d)** (intro.) There is established an account in the general fund entitled the "County and Municipal Aid Account." The total amount to be distributed ~~in 2011~~

to counties and municipalities from the county and municipal aid account is as follows:

(a) In 2011, $824,825,715 ~~and the total amount to be distributed to counties and municipalities in~~.

(b) Beginning in 2012~~, and in each year thereafter, from the county and municipal aid account is~~ and ending in 2019, $748,075,715.

SECTION 2. 79.01 (2d) (c) of the statutes is created to read:

79.01 **(2d)** (c) In 2020, and in each year thereafter, $763,137,229.

SECTION 3. 79.035 (5) of the statutes is renumbered 79.035 (5) (a) and amended to read:

79.035 **(5)** (a) Except as provided in sub. (6), for the ~~distribution~~ distributions beginning in 2013 and ~~subsequent years~~ ending in 2019, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012.

SECTION 4. 79.035 (5) (b) of the statutes is created to read:

79.035 (5) (b) Except as provided in sub. (6), for the distribution in 2020 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012, increased by 2 percent.

(END)

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2195/P1
MPG:ahe

DOA:.....Rice, BB0452 – New DEHCR appropriation

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Housing quality standards grants

This bill requires DOA to award grants to owners of rental housing units in Wisconsin for purposes of satisfying applicable housing quality standards.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 16.3077 of the statutes is created to read:

3 **16.3077 Housing quality standards grants.** From the appropriation under
4 s. 20.505 (7) (bp), the department shall award grants to owners of rental housing
5 units in this state for purposes of satisfying applicable housing quality standards.

6 **SECTION 2.** 20.505 (7) (bp) of the statutes is created to read:

1 20.505 **(7)** (bp) *Housing quality standards grants*. The amounts in the schedule
2 for housing quality standards grants under s. 16.3077.

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

3 **(END)**

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB–2232/P2
EVM&MED:amn

DOA:.....Aslesen, BB0453 – Driver's cards

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

1. Driver's cards

Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 (REAL ID) were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that DOT follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID.

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation, which may be the same as item 1, above, showing the applicant's date of birth; 3) proof of the applicant's social security number or verification that the

applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card (noncompliant REAL ID) is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. Also, an applicant may, in lieu of item 1 above, provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to the department and, in lieu of items 2 and 4 above, provide documentation deemed acceptable to the department. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a noncompliant REAL ID, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States. The bill does not change any current law requirements related to driver qualifications such as minimum age or successful completion of knowledge and driving skills tests.

Under current law, most driver's licenses issued by DOT are issued for an initial two-year period and must be renewed every eight years thereafter. In general, an applicant for renewal of a driver's license must pass an eyesight test and have his or her photograph taken with each renewal. Most identification cards issued by DOT are issued for an initial period of eight years and are renewable for eight-year periods thereafter, and applicants, generally, must have their photograph taken with each renewal.

Under this bill, an applicant for a noncompliant REAL ID who does not provide a social security number is issued a noncompliant REAL ID that displays, on its face, the words "Not valid for voting purposes. Not evidence of citizenship or immigration status." and that has a four-year renewal period rather than an eight-year renewal period. With each renewal, DOT has discretion whether or not to take a new photograph and, for a driver's license, give an eyesight test. However, DOT must take a new photograph and, for a driver's license, give an eyesight test at least once every eight years.

With limited exceptions, DOT may not disclose social security numbers obtained from operator's license or identification card applicants. This bill prohibits DOT from disclosing the fact that an applicant has verified to DOT that the applicant does not have a social security number, except that DOT may disclose this information to the Elections Commission.

This bill also prohibits discrimination on the basis of a person's status as a holder or a nonholder of a noncompliant REAL ID, adding this license status as a prohibited basis for discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 66.1011 (1) of the statutes is amended to read:

66.1011 **(1)** DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, disability, as defined in s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national origin, marital status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), status as a holder or nonholder of a license under s. 343.03 (3m), lawful source of income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and 106.50 and also of local interest under this section and s. 66.0125. The enactment of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and does not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances that prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

SECTION 2. 66.1201 (2m) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

66.1201 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, or sexual orientation; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic

abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); or whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t)~~; or national origin~~.

****NOTE: This is reconciled s. 66.1201 (2m). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 3. 66.1213 (3) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

66.1213 **(3)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, or sexual orientation; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); or whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t)~~; or national origin~~.

****NOTE: This is reconciled s. 66.1213 (3). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 4. 66.1301 (2m) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

66.1301 **(2m)** DISCRIMINATION. Persons entitled to any right, benefit, facility, or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of

sex, race, color, creed, national origin, or sexual orientation; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); or whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t)~~; or national origin~~.

****NOTE: This is reconciled s. 66.1301 (2m). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 5. 66.1333 (3) (e) 2. of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, or sexual orientation; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); or whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t)~~; or national origin~~.

****NOTE: This is reconciled s. 66.1333 (3) (e) 2. This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 6. 86.195 (5) (c) of the statutes is amended to read:

86.195 **(5)** (c) *Conformity with discrimination laws.* Each business identified as a motorist service on a specific information sign shall, as a condition of eligibility for erection, installation and maintenance of a sign under this section, give written

assurance to the department that the business conforms with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex ~~or~~, national origin, or status as a holder or nonholder of a license under s. 343.03 (3m).

SECTION 7. 106.50 (1) of the statutes is amended to read:

106.50 **(1)** INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a holder or nonholder of a license under s. 343.03 (3m), status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single–family residences that are owner–occupied. The legislature finds that the sale and rental of single–family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

SECTION 8. 106.50 (1m) (h) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

106.50 **(1m)** (h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin,

marital status, or family status; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic abuse, sexual assault, or stalking; whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); lawful source of income; age; or ancestry.

****NOTE: This is reconciled s. 106.50 (1m) (h). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 9. 106.50 (1m) (nm) of the statutes is amended to read:

106.50 **(1m)** (nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a holder or nonholder of a license under s. 343.03 (3m), status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

SECTION 10. 106.50 (5m) (f) 1. of the statutes is amended to read:

106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, ancestry, national origin, religion, creed, status as a holder or nonholder of a license under s. 343.03 (3m), status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd. 2., age.

SECTION 11. 106.52 (3) (a) 1. of the statutes is amended to read:

106.52 **(3)** (a) 1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation

or amusement because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3m).

SECTION 12. 106.52 (3) (a) 2. of the statutes is amended to read:

106.52 **(3)** (a) 2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3m).

SECTION 13. 106.52 (3) (a) 3. of the statutes is amended to read:

106.52 **(3)** (a) 3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3m) or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

SECTION 14. 106.52 (3) (a) 4. of the statutes is amended to read:

106.52 **(3)** (a) 4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3m).

SECTION 15. 106.52 (3) (a) 5. of the statutes is amended to read:

106.52 **(3)** (a) 5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under

s. 343.03 (3m), regarding the use of any private facilities commonly rented to the public.

SECTION 16. 111.31 (1) of the statutes is amended to read:

111.31 **(1)** The legislature finds that the practice of unfair discrimination in employment against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, substantially and adversely affects the general welfare of the state. Employers, labor organizations, employment agencies, and licensing agencies that deny employment opportunities and discriminate in employment against properly qualified individuals solely because of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3m), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, deprive those individuals of the earnings that are necessary to maintain a just and decent standard of living.

SECTION 17. 111.31 (2) of the statutes is amended to read:

111.31 **(2)** It is the intent of the legislature to protect by law the rights of all individuals to obtain gainful employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction

record, military service, status as a holder or nonholder of a license under s. 343.03 (3m), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, and to encourage the full, nondiscriminatory utilization of the productive resources of the state to the benefit of the state, the family, and all the people of the state. It is the intent of the legislature in promulgating this subchapter to encourage employers to evaluate an employee or applicant for employment based upon the individual qualifications of the employee or applicant rather than upon a particular class to which the individual may belong.

SECTION 18. 111.31 (3) of the statutes is amended to read:

111.31 **(3)** In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified individuals regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3m), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters. Nothing in this subsection requires an affirmative action program to correct an imbalance in the work force. This subchapter shall be liberally construed for the accomplishment of this purpose.

SECTION 19. 111.321 of the statutes is amended to read:

111.321 Prohibited bases of discrimination. Subject to ss. 111.33 to 111.365, no employer, labor organization, employment agency, licensing agency, or

other person may engage in any act of employment discrimination as specified in s. 111.322 against any individual on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3m), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters.

SECTION 20. 194.025 of the statutes is amended to read:

194.025 Discrimination prohibited. No motor carrier may engage in any practice, act or omission which results in discrimination on the basis of race, creed, sex ~~or~~, national origin, or status as a holder or nonholder of a license under s. 343.03 (3m).

SECTION 21. 224.77 (1) (o) of the statutes is amended to read:

224.77 **(1)** (o) In the course of practice as a mortgage banker, mortgage loan originator, or mortgage broker, except in relation to housing designed to meet the needs of elderly individuals, treat a person unequally solely because of sex, race, color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national origin, age, or ancestry, the person's lawful source of income, or the sex, marital status, status as a holder or nonholder of a license under s. 343.03 (3m), or status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), of the person maintaining a household.

SECTION 22. 230.01 (2) (b) of the statutes is amended to read:

230.01 **(2)** (b) It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties

and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation, ~~or~~ political affiliation, or status as a holder or nonholder of a license under s. 343.03 (3m).

SECTION 23. 230.18 of the statutes is amended to read:

230.18 Discrimination prohibited. No question in any form of application or in any evaluation used in the hiring process may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced except that the director may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in a state institutional program. No discriminations may be exercised in the recruitment, application, or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because of age, sex, disability, race, color, sexual orientation, national origin, ~~or~~ ancestry, or status as a holder or nonholder of a license under s. 343.03 (3m) except as otherwise provided.

SECTION 24. 234.29 of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

234.29 Equality of occupancy and employment. The authority shall require that occupancy of housing projects assisted under this chapter be open to all regardless of sex, race, religion, or sexual orientation; status as a holder or nonholder of a license under s. 343.03 (3m); status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); whether the person holds, or has applied for, a registry identification card, as defined in s. 146.44 (1) (g), has been the subject

of a written certification, as defined in s. 146.44 (1) (h), or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or creed, and that contractors and subcontractors engaged in the construction of economic development or housing projects, shall provide an equal opportunity for employment, without discrimination as to sex, race, religion, sexual orientation, or creed.

****NOTE: This is reconciled s. 234.29. This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 25. 343.03 (3m) of the statutes is amended to read:

343.03 **(3m)** NONCITIZEN LIMITED-TERM LICENSE. If the issuance of any license described under sub. (3) requires the license applicant to present any documentary proof specified in s. 343.14 (2) (es) ~~2. to 7.~~ 1m. b. to g. or (im) 2m. b., the license shall display on the front side of the license, in addition to any legend or label described in sub. (3), a legend identifying the license as limited term or, if the license authorizes the operation of a commercial motor vehicle, as a nondomiciled license. This noncitizen limited–term license may not be renewed except as provided in s. 343.165 (4) (c). A nondomiciled license may not be issued to a resident of Canada or Mexico. Section 344.62 applies to a person operating a motor vehicle under the authorization of a license issued under this subsection.

SECTION 26. 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and amended to read:

343.14 **(2)** (br) 1. ~~If~~ Except as provided in subd. 2., if the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number and is not eligible for a social security number. The statement shall provide the basis or reason that the applicant is not eligible for a social security number, as well as any information

requested by the department that may be needed by the department for purposes of verification under s. 343.165 (1) (c). The form of the statement shall be prescribed by the department, with the assistance of the department of children and families. A license that is issued or renewed under s. 343.17 in reliance on a statement submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

SECTION 27. 343.14 (2) (br) 2. of the statutes is created to read:

343.14 **(2)** (br) 2. If the applicant does not have a social security number and the application is for an operator's license that contains the marking specified in s. 343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b), a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department, with the assistance of the department of children and families. A license that is issued or renewed under s. 343.17 in reliance on a statement submitted under this subdivision is invalid if the statement is false.

SECTION 28. 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m., and 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

343.14 **(2)** (es) 1m. (intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and (b), and except as provided in subd. 2m., valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any of the following:

SECTION 29. 343.14 (2) (es) 2m. of the statutes is created to read:

343.14 **(2)** (es) 2m. Valid documentary proof under subd. 1m. is not required if the application is for an operator's license that contains the marking specified in s. 343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b).

SECTION 30. 343.14 (2j) of the statutes is amended to read:

343.14 **(2j)** Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of children and families for the sole purpose of administering s. 49.22, to the department of workforce development for the sole purpose of enforcing or administering s. 108.22, to the department of revenue for the purposes of administering state taxes and collecting debt, to the driver licensing agency of another jurisdiction, or to the elections commission for the sole purpose of allowing the chief election officer to comply with the terms of the agreement under s. 6.36 (1) (ae). <u>The department of transportation may not disclose to any person the fact that an applicant has provided verification under s. 343.165 (7) (c) 2. that the applicant does not have a social security number, except to the elections commission for purposes of administering the agreement described in s. 5.056.</u>

SECTION 31. 343.165 (1) (c) of the statutes is amended to read:

343.165 **(1)** (c) Proof of the applicant's social security number or, except as provided in <u>sub. (7) (c) 2. and</u> s. 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security number.

SECTION 32. 343.165 (1) (e) of the statutes is amended to read:

343.165 **(1)** (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., <u>and except as provided in sub. (7) (c) 1. and s. 343.14 (2) (es) 2m.,</u> the documentary proof described in s. 343.14 (2) (es) <u>1m</u>.

SECTION 33. 343.165 (3) (b) of the statutes is amended to read:

343.165 **(3)** (b) The department may not accept any foreign document, other than an official passport, to satisfy a requirement under sub. (1). This paragraph does not apply to an application processed under sub. (7) (c).

SECTION 34. 343.165 (3) (c) of the statutes is amended to read:

343.165 **(3)** (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents a social security number that is already registered to or associated with another person, the department shall direct the applicant to investigate and take appropriate action to resolve the discrepancy and shall not issue any operator's license or identification card until the discrepancy is resolved. The department shall adopt procedures for purposes of verifying that an applicant is not eligible for a social security number, except with respect to applications processed under sub. (7) (c).

SECTION 35. 343.165 (4) (b) of the statutes is amended to read:

343.165 **(4)** (b) The department shall establish an effective procedure to confirm or verify an applicant's information for purposes of any application described in par. (a). The procedure shall include verification of the applicant's social security number or, except with respect to applications processed under sub. (7) (c), ineligibility for a social security number.

SECTION 36. 343.165 (4) (d) of the statutes is amended to read:

343.165 **(4)** (d) With any license or identification card renewal following a license or identification card expiration established under s. 343.20 (1) (a) or (1m) or 343.50 (5) (bm) or (c) at other than an 8–year interval, the department may determine whether the applicant's photograph is to be taken, or if the renewal is for a license the applicant is to be examined, or both, at the time of such renewal, so long as the applicant's photograph is taken, and if the renewal is for a license the applicant is examined, with a license or card renewal at least once every 8 years and

the applicant's license or identification card at all times includes a photograph unless an exception under s. 343.14 (3m) or 343.50 (4g) applies.

SECTION 37. 343.165 (7) (a) (intro.) of the statutes is amended to read:

343.165 **(7)** (a) (intro.) ~~The~~ Subject to par. (c), the department may process an application for, and issue or renew, an operator's license or identification card without meeting the requirements under subs. (2) and (3) if all of the following apply:

SECTION 38. 343.165 (7) (c) of the statutes is created to read:

343.165 **(7)** (c) 1. Notwithstanding s. 343.14 (2) (f), in processing an application for, and issuing or renewing, an operator's license that contains the marking specified in s. 343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b), the department may not include any question or require any proof or documentation as to whether the applicant is a citizen or national of the United States or lawfully present in the United States.

2. For an application processed under this paragraph, if the applicant does not provide proof of the applicant's social security number, the applicant shall provide verification, in the manner described in s. 343.14 (2) (br) 2., that the applicant does not have a social security number.

3. Notwithstanding sub. (1) (a), for an application processed under this paragraph, an applicant may provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to the department, in lieu of the documentation required under sub. (1) (a).

4. Notwithstanding sub. (1) (b) and (d), for an application processed under this paragraph, an applicant may provide any documentation deemed acceptable to the department, in lieu of the documentation required under sub. (1) (b) or (d).

SECTION 39. 343.17 (3) (a) 16. of the statutes is created to read:

343.17 **(3)** (a) 16. If the license is marked as provided in s. 343.03 (3r) and the license applicant did not provide a verified social security number with the license application, the words "Not valid for voting purposes. Not evidence of citizenship or immigration status."

SECTION 40. 343.20 (1) (a) of the statutes is amended to read:

343.20 **(1)** (a) Except as otherwise expressly provided in this chapter, probationary licenses issued under s. 343.085 shall expire 2 years from the date of the applicant's next birthday. Licenses issued after cancellation shall expire on the expiration date for the prior license at the time of cancellation. Subject to s. 343.125 (3), all other licenses and license endorsements shall expire 8 years after the date of issuance <u>or, if the license application was processed under s. 343.165 (7) (c) and the applicant did not provide a verified social security number, 4 years after the date of issuance</u>. The department may institute any system of initial license issuance which it deems advisable for the purpose of gaining a uniform rate of renewals. In order to put such a system into operation, the department may issue licenses which are valid for any period less than the ordinary effective period of such license. If the department issues a license that is valid for less than the ordinary effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (b) and (d) shall be prorated accordingly.

SECTION 41. 343.20 (1) (f) of the statutes is amended to read:

343.20 **(1)** (f) The department shall cancel an operator's license, regardless of the license expiration date, if the department receives information from a local, state, or federal government agency that the licensee no longer satisfies the requirements for issuance of a license under ss. 343.14 (2) (es) and 343.165 (1) (e). <u>This paragraph</u>

does not apply to an operator's license if the license application was processed under s. 343.165 (7) (c).

SECTION 42. 343.20 (1m) of the statutes is amended to read:

343.20 **(1m)** Notwithstanding sub. (1) (a), and except as provided in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2., 4., 5., 6., or 7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the United States is no longer authorized, sub. (1) shall apply except that, if the license was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal. This subsection does not apply to a license that contains the marking specified in s. 343.03 (3r).

SECTION 43. 343.20 (2) (a) of the statutes is amended to read:

343.20 **(2)** (a) At least 30 days prior to the expiration of an operator's license, the department shall provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address or, if desired by the licensee, by any electronic means offered by the department. If the license was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the licensee of the requirement under s. 343.165 (4) (c).

SECTION 44. 343.50 (3) (a) and (b) of the statutes are amended to read:

343.50 **(3)** (a) The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY." The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

(b) If an identification card is issued based upon the exception specified in s. 343.165 (7) or (8), the card shall, in addition to any other required legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a marking similar or identical to the marking described in s. 343.03 (3r) and, if applicable, the words specified in s. 343.17 (3) (a) 16.

SECTION 45. 343.50 (5) (b) of the statutes is amended to read:

343.50 **(5)** (b) Except as provided in pars. (bm), (c), and (d) and s. 343.165 (4) (c), an original or reinstated card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 8 years from the card's last expiration date.

SECTION 46. 343.50 (5) (bm) of the statutes is created to read:

343.50 **(5)** (bm) Notwithstanding par. (d), if the identification card application was processed under s. 343.165 (7) (c) and the applicant did not provide a verified

social security number, an original or reinstated card shall be valid for the succeeding period of 2 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 2 years from the card's last expiration date.

SECTION 47. 343.50 (5) (c) of the statutes is amended to read:

343.50 **(5)** (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this paragraph, an identification card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under par. (b), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the period specified in par. (b) except that, if the card was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal. This paragraph does not apply to an identification card that contains the marking specified in sub. (3) (b).

SECTION 48. 343.50 (6) of the statutes is amended to read:

343.50 **(6)** RENEWAL NOTICE. At least 30 days prior to the expiration of an identification card, the department shall provide to the card holder notice of renewal of the card either by mail at the card holder's last-known address or, if desired by the card holder, by any electronic means offered by the department. If the card was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder

of the requirement under s. 343.165 (4) (c). The department shall include with the notice information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The department may renew an identification card by mail or by any electronic means available to the department, but the department may not make consecutive renewals by mail or electronic means.

SECTION 49. 343.50 (8) (c) 6. of the statutes is created to read:

343.50 **(8)** (c) 6. Notwithstanding any other provision of par. (b) and this paragraph, the department may not disclose to any person the fact that an applicant has provided verification under s. 343.165 (7) (c) 2. that the applicant does not have a social security number, except to the elections commission for purposes of administering the agreement described in s. 5.056.

SECTION 50. 343.50 (10) (c) of the statutes is amended to read:

343.50 **(10)** (c) Whenever the department receives information from a local, state, or federal government agency that the card holder no longer satisfies the requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A card cancelled under this paragraph may not be reinstated under sub. (5) until these requirements are again satisfied. <u>This paragraph does not apply to a card if the card application was processed under s. 343.165 (7) (c).</u>

SECTION 51. 452.14 (3) (n) of the statutes is amended to read:

452.14 **(3)** (n) Treated any person unequally solely because of sex, race, color, handicap, national origin, ancestry, marital status, lawful source of income, <u>status as a holder or nonholder of a license under s. 343.03 (3m),</u> or status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u).

SECTION 52. 632.35 of the statutes is amended to read:

632.35 Prohibited rejection, cancellation and nonrenewal. No insurer may cancel or refuse to issue or renew an automobile insurance policy wholly or partially because of one or more of the following characteristics of any person: age, sex, residence, race, color, creed, religion, national origin, ancestry, marital status ~~or~~, occupation, or status as a holder or nonholder of a license under s. 343.03 (3m).

SECTION 9344. Initial applicability; Transportation.

(1) DRIVER'S CARDS. The treatment of ss. 66.1011 (1), 66.1201 (2m) (by SECTION 2), 66.1213 (3) (by SECTION 3), 66.1301 (2m) (by SECTION 4), 66.1333 (3) (e) 2. (by SECTION 5), 86.195 (5) (c), 106.50 (1), (1m) (h) (by SECTION 8) and (nm), and (5m) (f) 1., 106.52 (3) (a) 1., 2., 3., 4., and 5., 111.31 (1), (2), and (3), 111.321, 194.025, 224.77 (1) (o), 230.01 (2) (b), 230.18, 234.29 (by SECTION 24), 343.03 (3m), 343.14 (2j), 343.165 (1) (c) and (e), (3) (b) and (c), (4) (b) and (d), and (7) (a) (intro.) and (c), 343.17 (3) (a) 16., 343.20 (1) (a) and (f), (1m), and (2) (a), 343.50 (3) (a) and (b), (5) (b), (bm), and (c), (6), (8) (c) 6., and (10) (c), 452.14 (3) (n), and 632.35, the renumbering and amendment of s. 343.14 (2) (br) and (es), and the creation of s. 343.14 (2) (br) 2. and (es) 2m. first apply to applications received by the department of transportation on the effective date of this subsection.

****NOTE: This is reconciled SECTION 9344 (1). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

SECTION 9444. Effective dates; Transportation.

(1) DRIVER'S CARDS. The treatment of ss. 66.1011 (1), 66.1201 (2m) (by SECTION 2), 66.1213 (3) (by SECTION 3), 66.1301 (2m) (by SECTION 4), 66.1333 (3) (e) 2. (by SECTION 5), 86.195 (5) (c), 106.50 (1), (1m) (h) (by SECTION 8) and (nm), and (5m) (f) 1., 106.52 (3) (a) 1., 2., 3., 4., and 5., 111.31 (1), (2), and (3), 111.321, 194.025, 224.77

(1) (o), 230.01 (2) (b), 230.18, 234.29 (by SECTION 24), 343.03 (3m), 343.14 (2j), 343.165 (1) (c) and (e), (3) (b) and (c), (4) (b) and (d), and (7) (a) (intro.) and (c), 343.17 (3) (a) 16., 343.20 (1) (a) and (f), (1m), and (2) (a), 343.50 (3) (a) and (b), (5) (b), (bm), and (c), (6), (8) (c) 6., and (10) (c), 452.14 (3) (n), and 632.35, the renumbering and amendment of s. 343.14 (2) (br) and (es), the creation of s. 343.14 (2) (br) 2. and (es) 2m., and SECTION 9344 (1) of this act take effect on the first day of the 4th month beginning after publication.

****NOTE: This is reconciled SECTION 9444 (1). This SECTION has been affected by drafts with the following LRB numbers: –1539/P8 and –2232/P1.

(END)