

1 and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making
2 the medical assistance determination, to the county clerk of the county. The county
3 may be represented at such hearing. The department shall render its decision as
4 soon as possible after the hearing and shall send a certified copy of its decision to the
5 applicant or recipient, to the county clerk, and to any county officer charged with
6 administration of the Medical Assistance program. The decision of the department
7 shall have the same effect as an order of a county officer charged with the
8 administration of the Medical Assistance program. The decision shall be final, but
9 may be revoked or modified as altered conditions may require. The department shall
10 deny a petition for a hearing or shall refuse to grant relief if:

11 **SECTION 664.** 49.45 (5) (b) 1. d. of the statutes is created to read:

12 49.45 (5) (b) 1. d. The issue is an adverse benefit determination described in
13 par. (ag) 1. to 7. made by a care management organization or managed care
14 organization and the person requesting the hearing has not exhausted the internal
15 appeal procedure with the organization.

16 **SECTION 664r.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

17 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
18 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
19 serve the developmentally disabled, that take into account direct care costs for a
20 sample of all of those facilities in this state and separate standards for payment of
21 allowable direct care costs, for facilities that primarily serve the developmentally
22 disabled, that take into account direct care costs for a sample of all of those facilities
23 in this state. The standards shall be adjusted by the department for regional labor
24 cost variations. The department shall in the single labor region that is composed of
25 Milwaukee, Ozaukee, Washington, and Waukesha counties include Racine County

1 and shall adjust payment so that the direct care cost targets of facilities in
2 Milwaukee, Ozaukee, Washington, and Waukesha counties are not reduced as a
3 result of including facilities in Racine County in this labor region. The department
4 shall treat as a single labor region the counties of Dane, Dodge, Iowa, Columbia,
5 Richland, Sauk, and Rock and shall adjust payment so that the direct care cost
6 targets of facilities in Dane, Iowa, Columbia, and Sauk counties are not reduced as
7 a result of including facilities in Dodge, Richland, and Rock Counties in this labor
8 region. For facilities in Douglas, Dunn, Pierce, and St. Croix counties, the
9 department shall perform the adjustment by use of the wage index that is used by
10 the federal department of health and human services for hospital reimbursement
11 under 42 USC 1395 to 1395ggg.

12 **SECTION 665.** 49.45 (6m) (c) 5. of the statutes is amended to read:

13 49.45 **(6m)** (c) 5. Admit only patients assessed ~~or who waive or are exempt from~~
14 ~~the requirement of assessment under s. 46.27 (6) (a) or, if required under s. 50.035~~
15 (4n) or 50.04 (2h), who have been referred to a resource center.

16 **SECTION 666.** 49.45 (6m) (L) of the statutes is amended to read:

17 49.45 **(6m)** (L) For purposes of ~~ss. 46.27 (11) (e) 7. and s. 46.277 (5) (e), the~~
18 department shall, by July 1 annually, determine the statewide medical assistance
19 daily cost of nursing home care and submit the determination to the department of
20 administration for review. The department of administration shall approve the
21 determination before payment may be made under ~~s. 46.27 (11) (e) 7. or 46.277 (5)~~
22 (e).

23 **SECTION 677.** 49.45 (29w) (b) 1. b. of the statutes is amended to read:

24 49.45 **(29w)** (b) 1. b. "Telehealth" is means a service provided from a remote
25 location using a combination of interactive video, audio, and externally acquired

1 images through a networking environment between an individual or a provider at
2 an originating site and a provider at a remote location with the service being of
3 sufficient audio and visual fidelity and clarity as to be functionally equivalent to
4 face-to-face contact; or, in circumstances determined by the department, an
5 asynchronous transmission of digital clinical information through a secure
6 electronic communications system from one provider to another provider.
7 “Telehealth” does not include telephone conversations or Internet-based
8 communications between providers or between providers and individuals.

9 **SECTION 678.** 49.45 (29y) (d) of the statutes is repealed.

10 **SECTION 680.** 49.45 (41) of the statutes is amended to read:

11 49.45 (41) ~~MENTAL HEALTH CRISIS~~ CRISIS INTERVENTION SERVICES. (a) In this
12 subsection, “~~mental health~~ crisis intervention services” means crisis intervention
13 services for the treatment of mental illness, intellectual disability, substance abuse,
14 and dementia that are provided by a ~~mental health~~ crisis intervention program
15 operated by, or under contract with, a county, if the county is certified as a medical
16 assistance provider.

17 (b) If a county elects to become certified as a provider of ~~mental health~~ crisis
18 intervention services, the county may provide ~~mental health~~ crisis intervention
19 services under this subsection in the county to medical assistance recipients through
20 the medical assistance program. A county that elects to provide the services shall
21 pay the amount of the allowable charges for the services under the medical
22 assistance program that is not provided by the federal government. The department
23 shall reimburse the county under this subsection only for the amount of the allowable
24 charges for those services under the medical assistance program that is provided by
25 the federal government.

1 **SECTION 681.** 49.45 (41) (c) of the statutes is created to read:

2 49.45 (41) (c) Notwithstanding par. (b), if a county elects to deliver crisis
3 intervention services under the Medical Assistance program on a regional basis
4 according to criteria established by the department, all of the following apply:

5 1. After January 1, 2020, the department shall require the county to annually
6 contribute for the crisis intervention services an amount equal to 75 percent of the
7 annual average of the county's expenditures for crisis intervention services under
8 this subsection in calendar years 2016, 2017, and 2018, as determined by the
9 department.

10 2. The department shall reimburse the provider of crisis intervention services
11 in the county the amount of allowable charges for those services under the Medical
12 Assistance program, including both the federal share and nonfederal share of those
13 charges, that exceeds the amount of the county contribution required under subd. 1.

14 3. If a county submits a certified cost report under s. 49.45 (52) (b) to claim
15 federal medical assistance funds, the claim based on certified costs made by a county
16 for amounts under subd. 2. ^{cannot} ~~may not~~ include any part of the nonfederal share of the
17 amount under subd. 2. APP 1
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18 **SECTION 682.** 49.45 (47) (b) of the statutes is amended to read:

19 49.45 (47) (b) No person may receive reimbursement under s. 46.27 (11) for the
20 provision of services to clients in an adult day care center unless the adult day care
21 center is certified by the department under sub. (2) (a) 11. as a provider of medical
22 assistance.

23 **SECTION 683.** 49.45 (47) (dm) of the statutes is created to read:

24 49.45 (47) (dm) Every 24 months, on a schedule determined by the department,
25 an adult day care center shall submit through an online system prescribed by the

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

7 **SECTION 686.** 49.46 (1) (a) 14. of the statutes is amended to read:

8 49.46 (1) (a) 14. Any person who would meet the financial and other eligibility
9 requirements for home or community-based services under s. ~~46.27 (11)~~, 46.277, or
10 46.2785 but for the fact that the person engages in substantial gainful activity under
11 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law permits
12 federal financial participation for medical assistance coverage of the person and if
13 funding is available for the person under s. ~~46.27 (11)~~, 46.277, or 46.2785.

14 **SECTION 687.** 49.46 (1) (em) of the statutes is amended to read:

15 49.46 (1) (em) To the extent approved by the federal government, for the
16 purposes of determining financial eligibility and any cost-sharing requirements of
17 an individual under par. (a) 6m., 14., or 14m., (d) 2., or (e), the department or its
18 designee shall exclude any assets accumulated in a person's independence account,
19 as defined in s. 49.472 (1) (c), and any income or assets from retirement benefits
20 earned or accumulated from income or employer contributions while employed and
21 receiving ~~state-funded benefits under s. 46.27~~ or medical assistance under s. 49.472.

22 **SECTION 689.** 49.46 (2) (b) 8. of the statutes is amended to read:

23 49.46 (2) (b) 8. Home or community-based services, if provided under s. ~~46.27~~
24 (11), 46.275, 46.277, 46.278, 46.2785, 46.99, or under the family care benefit if a

1 waiver is in effect under s. 46.281 (1d), or under the disabled children's long-term
2 support program, as defined in s. 46.011 (1g).

3 **SECTION 691.** 49.46 (2) (b) 15. of the statutes is amended to read:

4 49.46 (2) (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45
5 (41).

6 **SECTION 696.** 49.47 (4) (as) 1. of the statutes is amended to read:

7 49.47 (4) (as) 1. The person would meet the financial and other eligibility
8 requirements for home or community-based services under s. ~~46.27 (11)~~, 46.277, or
9 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d)
10 but for the fact that the person engages in substantial gainful activity under 42 USC
11 1382c (a) (3).

12 **SECTION 697.** 49.47 (4) (as) 3. of the statutes is amended to read:

13 49.47 (4) (as) 3. Funding is available for the person under s. ~~46.27 (11)~~, 46.277,
14 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d).

15 **SECTION 698.** 49.47 (4) (b) (intro.) of the statutes is amended to read:

16 49.47 (4) (b) (intro.) Eligibility exists if the applicant's property, subject to the
17 exclusion of any amounts under the Long-Term Care Partnership Program
18 established under s. 49.45 (31), any amounts in an independence account, as defined
19 in s. 49.472 (1) (c), or any retirement assets that accrued from employment while the
20 applicant was eligible for the community options program under s. 46.27 (11), 2017
21 stats., or any other Medical Assistance program, including deferred compensation
22 or the value of retirement accounts in the Wisconsin Retirement System or under the
23 federal Social Security Act, does not exceed the following:

24 **SECTION 706.** 49.472 (3) (b) of the statutes is amended to read:

1 49.472 (3) (b) The individual's assets do not exceed \$15,000. In determining
2 assets, the department may not include assets that are excluded from the resource
3 calculation under 42 USC 1382b (a), assets accumulated in an independence
4 account, and, to the extent approved by the federal government, assets from
5 retirement benefits accumulated from income or employer contributions while
6 employed and receiving medical assistance under this section or state-funded
7 benefits under s. 46.27, 2017 stats. The department may exclude, in whole or in part,
8 the value of a vehicle used by the individual for transportation to paid employment.

9 **SECTION 707.** 49.472 (3) (f) of the statutes is amended to read:

10 49.472 (3) (f) The individual maintains premium payments under sub. (4) (am)
11 and, if applicable and to the extent approved by the federal government, premium
12 payments calculated by the department in accordance with sub. (4) (bm), unless the
13 individual is exempted from premium payments under sub. (4) (dm) ~~or (5).~~

14 **SECTION 708.** 49.472 (4) (am) of the statutes is amended to read:

15 49.472 (4) (am) To the extent approved by the federal government and except
16 as provided in pars. (dm) and (em) ~~and sub. (5)~~, an individual who receives medical
17 assistance under this section shall pay a monthly premium of \$25 to the department.

18 **SECTION 709.** 49.472 (5) of the statutes is repealed.

19 **SECTION 722.** 49.849 (1) (e) of the statutes is amended to read:

20 49.849 (1) (e) "Public assistance" means any services provided as a benefit
21 under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance
22 under subch. IV, ~~long-term community support services funded under s. 46.27 (7),~~
23 or aid under s. 49.68, 49.683, 49.685, or 49.785.

24 **SECTION 723.** 49.849 (2) (a) (intro.) of the statutes is amended to read:

1 49.849 (2) (a) (intro.) Subject to par. (b), the department may collect from the
2 property of a decedent by affidavit under sub. (3) (b) or by lien under sub. (4) (a) an
3 amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the
4 long-term community support services under s. 46.27, 2017 stats., that is
5 recoverable under s. 46.27 (7g) (c) 1., 2017 stats., or the aid under s. 49.68, 49.683,
6 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), and that was paid
7 on behalf of the decedent or the decedent's spouse, if all of the following conditions
8 are satisfied:

9 **SECTION 724.** 49.849 (6) (a) of the statutes is renumbered 49.849 (6).

10 **SECTION 725.** 49.849 (6) (b) of the statutes is repealed.

11 **SECTION 728.** 50.03 (3) (b) (intro.) of the statutes is amended to read:

12 50.03 (3) (b) (intro.) The application for a license and, except as otherwise
13 provided in this subchapter, the report of a licensee shall be in writing upon forms
14 provided by the department and shall contain such information as the department
15 requires, including the name, address and type and extent of interest of each of the
16 following persons:

17 **SECTION 729.** 50.03 (4) (c) 1. of the statutes is amended to read:

18 50.03 (4) (c) 1. A community-based residential facility license is valid until it
19 is revoked or suspended under this section. Every 24 months, on a schedule
20 determined by the department, a community-based residential facility licensee
21 shall submit through an online system prescribed by the department a biennial
22 report in the form and containing the information that the department requires,
23 including payment of ~~the fees required~~ any fee due under s. 50.037 (2) (a). If a
24 complete biennial report is not timely filed, the department shall issue a warning to
25 the licensee. The department may revoke a community-based residential facility

1 license for failure to timely and completely report within 60 days after the report date
2 established under the schedule determined by the department.

3 **SECTION 730.** 50.033 (2m) of the statutes is amended to read:

4 50.033 (2m) REPORTING. Every 24 months, on a schedule determined by the
5 department, a licensed adult family home shall submit through an online system
6 prescribed by the department a biennial report in the form and containing the
7 information that the department requires, including payment of the any fee ~~required~~
8 due under sub. (2). If a complete biennial report is not timely filed, the department
9 shall issue a warning to the licensee. The department may revoke the license for
10 failure to timely and completely report within 60 days after the report date
11 established under the schedule determined by the department.

12 **SECTION 731.** 50.034 (1) (a) of the statutes is amended to read:

13 50.034 (1) (a) No person may operate a residential care apartment complex that
14 provides living space for residents who are clients under s. ~~46.27 (11) or~~ 46.277 and
15 publicly funded services as a home health agency or under contract with a county
16 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that is a home health
17 agency unless the residential care apartment complex is certified by the department
18 under this section. The department may charge a fee, in an amount determined by
19 the department, for certification under this paragraph. The amount of any fee
20 charged by the department for certification of a residential care apartment complex
21 need not be promulgated as a rule under ch. 227.

22 **SECTION 732.** 50.034 (2m) of the statutes is created to read:

23 50.034 (2m) REPORTING. Every 24 months, on a schedule determined by the
24 department, a residential care apartment complex shall submit through an online
25 system prescribed by the department a report in the form and containing the

1 information that the department requires, including payment of any fee required
2 under sub. (1). If a complete report is not timely filed, the department shall issue a
3 warning to the operator of the residential care apartment complex. The department
4 may revoke a residential care apartment complex's certification or registration for
5 failure to timely and completely report within 60 days after the report date
6 established under the schedule determined by the department. Notwithstanding the
7 reporting schedule under this subsection, a certified residential care apartment
8 complex shall continue to pay required fees on the schedule established in rules
9 promulgated by the department.

10 **SECTION 733.** 50.034 (3) (a) 1. of the statutes is repealed.

11 **SECTION 734.** 50.034 (5m) of the statutes is amended to read:

12 50.034 (5m) PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (5p), when~~
13 When a residential care apartment complex first provides written material
14 regarding the residential care apartment complex to a prospective resident, the
15 residential care apartment complex shall also provide the prospective resident
16 information specified by the department concerning the services of a resource center
17 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
18 functional screening and a financial and cost-sharing screening to determine the
19 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

20 **SECTION 735.** 50.034 (5n) (intro.) of the statutes is amended to read:

21 50.034 (5n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (5p), when~~ When a
22 residential care apartment complex first provides written material regarding the
23 residential care apartment complex to a prospective resident who is at least 65 years
24 of age or has developmental disability or a physical disability and whose disability
25 or condition is expected to last at least 90 days, the residential care apartment

1 complex shall refer the prospective resident to a resource center under s. 46.283,
2 unless any of the following applies:

3 **SECTION 736.** 50.034 (5p) of the statutes is repealed.

4 **SECTION 737.** 50.034 (6) of the statutes is amended to read:

5 50.034 (6) FUNDING. Funding for supportive, personal or nursing services that
6 a person who resides in a residential care apartment complex receives, other than
7 private or 3rd-party funding, may be provided only under s. ~~46.27 (11) (e) 7. or 46.277~~
8 (5) (e), except if the provider of the services is a certified medical assistance provider
9 under s. 49.45 or if the funding is provided as a family care benefit under ss. 46.2805
10 to 46.2895.

11 **SECTION 738.** 50.035 (4m) of the statutes is amended to read:

12 50.035 (4m) PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (4p), when~~
13 When a community-based residential facility first provides written material
14 regarding the community-based residential facility to a prospective resident, the
15 community-based residential facility shall also provide the prospective resident
16 information specified by the department concerning the services of a resource center
17 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
18 functional screening and a financial and cost-sharing screening to determine the
19 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

20 **SECTION 739.** 50.035 (4n) (intro.) of the statutes is amended to read:

21 50.035 (4n) REQUIRED REFERRAL. (intro.) When a community-based residential
22 facility first provides written information regarding the community-based
23 residential facility to a prospective resident who is at least 65 years of age or has
24 developmental disability or a physical disability and whose disability or condition is
25 expected to last at least 90 days, the community-based residential facility shall refer

1 the individual to a resource center under s. 46.283 ~~or, if the secretary has not certified~~
2 ~~under s. 46.281 (3) that a resource center is available in the area of the~~
3 ~~community-based residential facility to serve individuals in an eligibility group to~~
4 ~~which the prospective resident belongs, to the county department that administers~~
5 ~~a program under ss. 46.27 or 46.277, unless any of the following applies:~~

6 **SECTION 740.** 50.035 (4p) of the statutes is repealed.

7 **SECTION 741.** 50.04 (2g) (a) of the statutes is amended to read:

8 50.04 (2g) (a) ~~Subject to sub. (2i), a~~ A nursing home shall, within the time
9 period after inquiry by a prospective resident that is prescribed by the department
10 by rule, inform the prospective resident of the services of a resource center under s.
11 46.283, the family care benefit under s. 46.286, and the availability of a functional
12 screening and a financial and cost-sharing screening to determine the prospective
13 resident's eligibility for the family care benefit under s. 46.286 (1).

14 **SECTION 742.** 50.04 (2h) (a) (intro.) of the statutes is amended to read:

15 50.04 (2h) (a) (intro.) ~~Subject to sub. (2i), a~~ A nursing home shall, within the
16 time period prescribed by the department by rule, refer to a resource center under
17 s. 46.283 a person who is seeking admission, who is at least 65 years of age or has
18 developmental disability or physical disability and whose disability or condition is
19 expected to last at least 90 days, unless any of the following applies:

20 **SECTION 743.** 50.04 (2i) of the statutes is repealed.

21 **SECTION 744.** 50.04 (2m) of the statutes is repealed.

22 **SECTION 745.** 50.06 (7) of the statutes is amended to read:

23 50.06 (7) An individual who consents to an admission under this section may
24 request that ~~an assessment be conducted for the incapacitated individual under the~~
25 ~~long-term support community options program under s. 46.27 (6) or, if the secretary~~

1 ~~has certified under s. 46.281 (3) that a resource center is available for the individual,~~
2 a functional screening and a financial and cost-sharing screening to determine
3 eligibility for the family care benefit under s. 46.286 (1). If admission is sought on
4 behalf of the incapacitated individual or if the incapacitated individual is about to
5 be admitted on a private pay basis, the individual who consents to the admission may
6 waive the requirement for a financial and cost-sharing screening under s. 46.283 (4)
7 (g), unless the incapacitated individual is expected to become eligible for medical
8 assistance within 6 months.

9 **SECTION 747.** 51.06 (8) (b) 6. of the statutes is amended to read:

10 51.06 (8) (b) 6. The extent of Medical Assistance provided to relocated or
11 diverted individuals that is in addition to Medical Assistance provided to the
12 individuals under s. ~~46.27 (11)~~, 46.275, 46.277, or 46.278, as a family care benefit
13 under ss. 46.2805 to 46.2895, or under any other home-based or community-based
14 program for which the department has received a waiver under 42 USC 1396n (c).

15 **SECTION 748.** 51.42 (3) (ar) 3. of the statutes is amended to read:

16 51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities
17 program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b),
18 the county board of supervisors in a county with a single-county department of
19 community programs or the county boards of supervisors in counties with a
20 multicounty department of community programs transfer the powers and duties of
21 the county department under s. 51.437 to the county department of community
22 programs. The county board of supervisors in a county with a single-county
23 department of community programs and the county boards of supervisors in counties
24 with a multicounty department of community programs may designate the county
25 department of community programs to which these powers and duties have been

1 transferred as the administrative agency of ~~the long-term support community~~
2 ~~options program under s. 46.27 (3) (b) 1. and 5.~~ and the community integration
3 programs under ss. 46.275, 46.277 and 46.278.

4 **SECTION 749.** 51.421 (1) of the statutes is amended to read:

5 51.421 (1) PURPOSE. In order to provide the least restrictive and most
6 appropriate care and treatment for persons with serious and persistent mental
7 illness, community support programs should be available in all parts of the state.
8 In order to integrate community support programs with other long-term care
9 programs, community support programs shall be coordinated, to the greatest extent
10 possible, ~~with the community options program under s. 46.27,~~ with the protective
11 services system in a county, with the medical assistance program under subch. IV of
12 ch. 49 and with other care and treatment programs for persons with serious and
13 persistent mental illness.

14 **SECTION 750.** 51.422 (1) of the statutes is amended to read:

15 51.422 (1) PROGRAM CREATION. The department shall create 2 or 3 new, regional
16 comprehensive opioid treatment programs, and in the 2017-19 fiscal biennium,
17 shall create 2 or 3 additional regional comprehensive opioid and methamphetamine
18 treatment programs, to provide treatment for opioid and opiate addiction and
19 methamphetamine addiction in underserved, high-need areas. The department
20 shall obtain and review proposals for opioid and methamphetamine treatment
21 programs in accordance with its request-for-proposal procedures. ~~A program under~~
22 ~~this section may not offer methadone treatment.~~

23 **SECTION 751.** 51.422 (2) of the statutes is amended to read:

24 51.422 (2) PROGRAM COMPONENTS. An opioid or methamphetamine treatment
25 program created under this section shall offer an assessment to individuals in need

1 of service to determine what type of treatment is needed. The program shall
2 transition individuals to a certified residential program, if that level of treatment is
3 necessary. The program shall provide counseling, medication-assisted treatment,
4 including both long-acting opioid antagonist and partial agonist medications that
5 have been approved by the federal food and drug administration if for treating opioid
6 addiction, and abstinence-based treatment. The program shall transition
7 individuals who have completed treatment to county-based or private
8 post-treatment care.

9 **SECTION 752.** 51.441 of the statutes is created to read:

10 **51.441 Comprehensive mental health consultation program.** The
11 department shall convene a statewide group of interested persons, including at least
12 one representative of the Medical College of Wisconsin, to develop a concept paper,
13 business plan, and standards for a comprehensive mental health consultation
14 program that incorporates general psychiatry, geriatric psychiatry, addiction
15 medicine and psychiatry, a perinatal psychiatry consultation program, and the child
16 psychiatry consultation program under s. 51.442.

17 **SECTION 753.** 54.21 (2) (g) of the statutes is amended to read:

18 54.21 (2) (g) The current and likely future effect of the proposed transfer of
19 assets on the ward's eligibility for public benefits, including medical assistance ~~or a~~
20 ~~benefit under s. 46.27.~~

21 **SECTION 754.** 54.34 (1) (k) of the statutes is amended to read:

22 54.34 (1) (k) Whether the proposed ward is a recipient of a public benefit,
23 including medical assistance ~~or a benefit under s. 46.27.~~

24 **SECTION 760c.** 59.69 (10) (ab) of the statutes is renumbered 59.69 (10) (ab)
25 (intro.) and amended to read:

1 59.69 (10) (ab) (intro.) In this subsection "~~noneconforming use~~":

2 3. "Nonconforming use" means a use of land, a dwelling, or a building that
3 existed lawfully before the current zoning ordinance was enacted or amended, but
4 that does not conform with the use restrictions in the current ordinance.

5 SECTION 760g. 59.69 (10) (ab) 1. of the statutes is created to read:

6 59.69 (10) (ab) 1. "Contiguous" means sharing a common boundary or being
7 separated only by a waterway, section line, public road, private road, transportation
8 right-of-way, or utility right-of-way.

9 SECTION 760k. 59.69 (10) (ab) 1m. of the statutes is created to read:

10 59.69 (10) (ab) 1m. "Contiguous parcel" means any parcel of land, up to a
11 cumulative limit of 80 acres, that, as of January 1, 2001, is contiguous to and is
12 located in the same political subdivision as land on which a quarry existed lawfully
13 before the quarry became a nonconforming use, is under the common ownership,
14 leasehold, or control of the person who owns, leases, or controls the land on which the
15 quarry is located, and is shown to have been intended for quarry operations prior to
16 the effective date of the ordinance that rendered the use nonconforming. For
17 purposes of this subdivision, if the contiguous parcel of land was commonly owned,
18 leased, or controlled on January 1, 2001, there is a presumption that the contiguous
19 parcel of land was intended for quarry operations prior to the effective date of the
20 ordinance that rendered the use nonconforming.

21 SECTION 760p. 59.69 (10) (ab) 2. of the statutes is created to read:

22 59.69 (10) (ab) 2. "Nonconforming quarry site" means land on which a quarry
23 existed lawfully before the quarry became a nonconforming use, including any
24 contiguous parcel. The nonconforming status of any contiguous parcel shall be
25 subject to the requirement that, on a 5 year rolling average, 75 percent of the quarry

1 materials extracted from the contiguous parcel shall be used for
2 infrastructure-related projects, as determined by the quarry operator. If this 75
3 percent requirement is not met as to any contiguous parcel, the nonconforming
4 status of the contiguous parcel may be suspended. This definition does not preclude

5 A a determination that a particular parcel of land is nonconforming under subd. 3. or
6 common law. *is cumulative of this definition*

7 SECTION 760t. 59.69 (10) (ab) 4. of the statutes is created to read:

8 59.69 (10) (ab) 4. "Quarry" has the meaning given in s. 66.04135 (2) (c).

9 SECTION 760w. 59.69 (10) (ab) 5. of the statutes is created to read:

10 59.69 (10) (ab) 5. "Quarry operations" has the meaning given in s. 66.04135 (2)
11 (d).

12 SECTION 760y. 59.69 (10) (ap) of the statutes is created to read:

13 59.69 (10) (ap) Notwithstanding par. (am), an ordinance enacted under this
14 section may not ^{cannot} prohibit the continued operation of a quarry at a nonconforming
15 quarry site. For purposes of this paragraph, the continued operation of a quarry
16 includes conducting quarry operations in an ^{undisturbed} area of a nonconforming quarry site (in)
17 which quarry operations have not previously been conducted. Nothing in this section
18 shall be construed as modifying or limiting an operator's reclamation obligations
19 under a reclamation permit.

20 SECTION 761. 59.796 of the statutes is repealed.

21 SECTION 761c. 60.61 (5) (ab) of the statutes is renumbered 60.61 (5) (ab) (intro.)
22 and amended to read:

23 60.61 (5) (ab) (intro.) In this subsection "~~nonconforming use~~";

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AA1 65,

AA1 68,

AA1 64,

AA1 66,
AA1 67,

AA1 69,

1 2. “Nonconforming use” means a use of land, a dwelling, or a building that
2 existed lawfully before the current zoning ordinance was enacted or amended, but
3 that does not conform with the use restrictions in the current ordinance.

4 **SECTION 761e.** 60.61 (5) (ab) 1. of the statutes is created to read:

5 60.61 (5) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69
6 (10) (ab) 2.

7 **SECTION 761g.** 60.61 (5) (ab) 3. of the statutes is created to read:

8 60.61 (5) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

9 **SECTION 761k.** 60.61 (5) (ab) 4. of the statutes is created to read:

10 60.61 (5) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2)
11 (d).

12 **SECTION 761p.** 60.61 (5) (as) of the statutes is created to read:

13 60.61 (5) (as) Notwithstanding par. (am), an ordinance enacted under this

14 ^{AA1} section ^{cannot} may not prohibit the continued operation of a quarry at a nonconforming

15 quarry site. For purposes of this paragraph, the continued operation of a quarry

16 ^{AA1} includes conducting quarry operations in an ^{undisturbed} area of a nonconforming quarry site ^{AA1} (in ^{71,}

17 ^{AA1} which quarry operations have not previously been conducted. Nothing in this section

18 shall be construed as modifying or limiting an operator’s reclamation obligations
19 under a reclamation permit.

20 **SECTION 766c.** 62.23 (7) (ab) of the statutes is renumbered 62.23 (7) (ab) (intro.)
21 and amended to read:

22 62.23 (7) (ab) *Definition Definitions.* (intro.) In this subsection
23 “nonconforming use”:

1 2. “Nonconforming use” means a use of land, a dwelling, or a building that
2 existed lawfully before the current zoning ordinance was enacted or amended, but
3 that does not conform with the use restrictions in the current ordinance.

4 **SECTION 766g.** 62.23 (7) (ab) 1. of the statutes is created to read:

5 62.23 (7) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69
6 (10) (ab) 2.

7 **SECTION 766n.** 62.23 (7) (ab) 3. of the statutes is created to read:

8 62.23 (7) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

9 **SECTION 766r.** 62.23 (7) (ab) 4. of the statutes is created to read:

10 62.23 (7) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2)
11 (d).

12 **SECTION 766w.** 62.23 (7) (hd) of the statutes is created to read:

13 62.23 (7) (hd) *Nonconforming quarry sites.* Notwithstanding par. (h), an
14 ordinance enacted under this section may not ^{cannot} prohibit the continued operation of a
15 quarry at a nonconforming quarry site. For purposes of this paragraph, the
16 continued operation of a quarry includes conducting quarry operations in an ^{undisturbed} area of
17 a nonconforming quarry site in which quarry operations have not previously been
18 conducted. Nothing in this section shall be construed as modifying or limiting an
19 operator’s reclamation obligations under a reclamation permit.

20 **SECTION 777m.** 66.04135 of the statutes is created to read:

21 **66.04135 Quarries extracting certain nonmetallic minerals. (1)**
22 CONSTRUCTION. (a) Nothing in this section may be construed to affect the authority
23 of a political subdivision to regulate land use for a purpose other than quarry
24 operations.

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1 (b) Nothing in this section may be construed to exempt a quarry from a
2 regulation of general applicability placed by a political subdivision that applies to
3 other property in the political subdivision that is not a quarry unless the regulation
4 is inconsistent with this section.

5 (2) DEFINITIONS. In this section:

6 (a) "Permit" means a form of approval granted by a political subdivision for the
7 operation of a quarry.

8 (b) "Political subdivision" means a city, village, town, or county.

9 (c) "Quarry" means the surface area from which nonmetallic minerals,
10 including soil, clay, sand, gravel, and construction aggregate, that are used primarily
11 for a public works project or a private construction or transportation project are
12 extracted and processed.

13 (d) "Quarry operations" means the extraction and processing of minerals at a
14 quarry and all related activities, including blasting, vehicle and equipment access
15 to the quarry, and loading and hauling of material to and from the quarry.

16 (3) LIMITATIONS ON LOCAL REGULATION. (a) *Permits*. 1. Consistent with the
17 requirements and limitations in this subsection, except as provided in subd. 2., a
18 political subdivision may require a quarry operator to obtain a zoning or nonzoning
19 permit to conduct quarry operations.

20 2. A political subdivision may not require a quarry operator to obtain a zoning
21 or nonzoning permit to conduct quarry operations unless prior to the establishment
22 of quarry operations the political subdivision enacts an ordinance that requires the
23 permit. A political subdivision may not require a quarry operator to obtain a
24 nonzoning permit to conduct quarry operations if the quarry operation operates
25 under a previously issued zoning permit.

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1 (b) *Applicability of local limit.* If a political subdivision enacts a nonzoning
 2 ordinance regulating the operation of a quarry that was not in effect when quarry
 3 operations began at a quarry, the limit does not apply ^e *cannot be applied* to that quarry or to land that
 4 is contiguous, as defined in s. 59.69 (10) (ab) 1., to the land on which the quarry is
 5 located, is under the common ownership, leasehold, or control of the person who
 6 owns, leases, or controls the land on which the quarry is located, and is located in the
 7 same political subdivision.

8 (c) *Blasting.* 1. In this paragraph, "affected area" means an area within a
 9 certain radius of a blasting site that may be affected by a blasting operation, as
 10 determined using a formula established by the department of safety and professional
 11 services by rule that takes into account a scaled-distance factor and the weight of
 12 explosives to be used.

13 2. Except as provided under subds. 3. and 4., a political subdivision *cannot* may not ^{AA1 80}
 14 limit blasting at a quarry.

15 3. A political subdivision may require the operator of a quarry to do any of the
 16 following:

17 a. Before beginning a blasting operation at the quarry, provide notice of the
 18 blasting operation to each political subdivision in which any part of the quarry is
 19 located and to owners of dwellings or other structures within the affected area.

20 b. Before beginning a blasting operation at the quarry, cause a 3rd party to
 21 conduct a building survey of any dwellings or other structures within the affected
 22 area.

23 c. Before beginning a blasting operation at the quarry, cause a 3rd party to
 24 conduct a survey of and test any wells within the affected area.

1 d. Provide evidence of insurance to each political subdivision in which any part
2 of the quarry is located.

3 e. Provide copies of blasting logs to each political subdivision in which any part
4 of the quarry is located.

5 f. Provide maps of the affected area to each political subdivision in which any
6 part of the quarry is located.

7 g. Provide copies of any reports submitted to the department of safety and
8 professional services relating to blasting at the quarry.

9 4. A political subdivision may suspend a permit for a violation of the
10 requirements under s. 101.15 relating to blasting and rules promulgated by the
11 department of safety and professional services under s. 101.15 (2) (e) relating to
12 blasting only if the department of safety and professional services determines that
13 a violation of the requirements or rules has occurred and only for the duration of the
14 violation as determined by the department of safety and professional services.

15 (d) *Water quality or quantity.* 1. Except as provided under subds. 2. to 5., a
16 political subdivision ~~may not~~ ^{cannot} do any of the following with respect to the operation of
17 a quarry:

18 a. Establish or enforce a water quality standard.

19 b. Issue permits, including permits for discharges to the waters of the state, or
20 any other form of approval related to water quality or quantity.

21 c. Impose any restriction related to water quality or quantity.

22 d. Impose any requirements related to monitoring of water quality or quantity.

23 2. A political subdivision may take actions related to water quality that are
24 specifically required or authorized by state law.

1 3. A political subdivision may require the operator of a quarry to conduct and
2 provide water quality and quantity baseline testing and ongoing quality testing, to
3 occur not more frequently than annually, of all wells within 1,000 feet of the
4 perimeter of a quarry site when a new high capacity well is added to an existing
5 quarry site or a new quarry site is established. A testing requirement under this
6 subdivision ~~may not~~ ^{cannot} impose any standard that is more stringent than the standards
7 for groundwater quality required by rules promulgated by the department of natural
8 resources. The political subdivision may request a report of well testing results
9 within 30 days of the completion of testing, and the quarry operator shall provide the
10 results within that time. Any person offered the opportunity to have a well tested
11 under this subdivision but who knowingly refuses testing waives any claim against
12 a quarry operator related to the condition of the well if, within 90 days of the offer,
13 the quarry operator records with the register of deeds for the county in which the well
14 is located a written and sworn certification that the person refused the offer.

15 4. A political subdivision that imposes a requirement to conduct any ongoing
16 water quality or quantity testing of wells adjacent to an existing quarry prior to the
17 effective date of this subdivision [LRB inserts date], may continue to do so.

18 5. In addition to the ability to enforce properly adopted local regulations as
19 allowed by this section, a political subdivision may suspend a permit authorizing the
20 operation of a quarry for a violation of state law or rules promulgated by the
21 department of natural resources relating to water quality or quantity only if the
22 department of natural resources determines that a violation of state law or rules has
23 occurred and only for the duration of the violation, as determined by the department
24 of natural resources.

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(e) *Air quality.* 1. Notwithstanding s. 285.73, and except as provided under subds. 2. to 4., a political subdivision may not ^{do} ~~do~~ any of the following with respect to the operation of a quarry:

a. Establish or enforce an ambient air quality standard, standard of performance for new stationary sources, or other emission limitation related to air quality.

b. Issue permits or any other form of approval related to air quality.

c. Impose any restriction related to air quality.

d. Impose any requirement related to monitoring air quality.

2. A political subdivision may require the operator of a quarry to use best management practices to limit off-site fugitive dust and may enforce properly adopted fugitive dust regulations.

3. A political subdivision may take actions related to air quality that are specifically required or authorized by state law.

4. In addition to the ability to enforce properly adopted local regulations as allowed by this section, a political subdivision may suspend a permit authorizing the operation of a quarry for a violation of state law or rules promulgated by the department of natural resources relating to air quality only if the department of natural resources determines that a violation of state law or rules has occurred and only for the duration of the violation, as determined by the department of natural resources.

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(f) *Quarry permit requirements.* 1. A political subdivision may not ^{add} ~~add~~ a condition to a permit during the duration of the permit unless the permit holder consents.

1 2. If a political subdivision requires a quarry to comply with another political
2 subdivision's ordinance as a condition for obtaining a permit, the political
3 subdivision that grants the permit ~~may not~~ ^{cannot} require the quarry operator to comply
4 with a provision of the other political subdivision's ordinance that is enacted after the
5 permit is granted and while the permit is in effect.

6 3. a. A town ~~may not~~ ^{cannot} require, as a condition for granting a permit to a quarry
7 operator, that the quarry operator satisfy a condition that a county requires in order
8 to grant a permit that is imposed by a county ordinance enacted after the county
9 grants a permit to the quarry operator.

10 b. A county ~~may not~~ ^{cannot} require, as a condition for granting a permit to a quarry
11 operator, that the quarry operator satisfy a condition that a town requires in order
12 to grant a permit that is imposed by a town ordinance enacted after the town grants
13 a permit to the quarry operator.

14 **SECTION 778g.** 66.0420 (7) (b) of the statutes is renumbered 66.0420 (7) (b) 1.,
15 and 66.0420 (7) (b) 1. (intro.), as renumbered, is amended to read:

16 66.0420 (7) (b) 1. (intro.) The Except as provided in subd. 2m., the percentage
17 applied to a video service provider's gross receipts under par. (a) 1. for each
18 municipality shall be 5 percent or one of the following percentages, whichever is less:

19 **SECTION 778r.** 66.0420 (7) (b) 2m. of the statutes is created to read:

20 66.0420 (7) (b) 2m. The percentage applied to a video service provider's gross
21 receipts under par. (a) 1. for a municipality shall be the percentage that applied
22 under subd. 1. on December 31, 2018, less one of the following:

23 a. Beginning on January 1, 2020, 0.5 percent.

24 b. Beginning on January 1, 2021, 1.0 percent.

25 **SECTION 790m.** 66.0602 (2m) (b) 1. of the statutes is amended to read:

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1 66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage
2 collection, fire protection, snow plowing, or street sweeping, ~~or storm water~~
3 ~~management~~, except that garbage collection may not be a covered service for any
4 political subdivision that owned and operated a landfill on January 1, 2013. With
5 regard to fire protection, "covered service" does not include the production, storage,
6 transmission, sale and delivery, or furnishing of water for public fire protection
7 purposes.

8 SECTION 828. 70.11 (1) of the statutes is amended to read:

9 70.11 (1) PROPERTY OF THE STATE. Property owned by this state except land
10 contracted to be sold by the state. This exemption shall not apply to land conveyed
11 after September, 1933, to this state or for its benefit while the grantor or others for
12 the grantor's benefit are permitted to occupy the land or part thereof in consideration
13 for the conveyance; nor shall it apply to land devised to the state or for its benefit
14 while another person is permitted by the will to occupy the land or part thereof. This
15 exemption shall not apply to any property acquired by the department of veterans
16 affairs under s. 45.32 (5) and (7), 2017 stats., or to the property of insurers
17 undergoing rehabilitation or liquidation under ch. 645. Property exempt under this
18 subsection includes general property owned by the state and leased to a private,
19 nonprofit corporation that operates an Olympic ice training center, regardless of the
20 use of the leasehold income.

21 SECTION 849. 71.05 (1) (c) 14. of the statutes is created to read:

22 71.05 (1) (c) 14. The Wisconsin Health and Educational Facilities Authority
23 under s. 231.03 (6), if the bonds or notes are issued in an amount totaling \$35,000,000
24 or less, and to the extent that the interest income received is not otherwise exempt
25 under this subsection.

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1 **SECTION 857.** 71.05 (6) (b) 17. of the statutes is repealed.

2 **SECTION 858.** 71.05 (6) (b) 18. of the statutes is repealed.

3 **SECTION 859.** 71.05 (6) (b) 19. c. of the statutes is amended to read:

4 71.05 (6) (b) 19. c. For taxable years beginning before January 1, 2020, for a
5 person who is a nonresident or a part-year resident of this state, modify the amount
6 calculated under subd. 19. b. by multiplying the amount by a fraction the numerator
7 of which is the person's net earnings from a trade or business that are taxable by this
8 state and the denominator of which is the person's total net earnings from a trade
9 or business.

10 **SECTION 860.** 71.05 (6) (b) 19. cm. of the statutes is created to read:

11 71.05 (6) (b) 19. cm. For taxable years beginning after December 31, 2019, for
12 a person who is a nonresident or a part-year resident of this state, modify the amount
13 calculated under subd. 19. b. by multiplying the amount by a fraction the numerator
14 of which is the person's wages, salary, tips, unearned income, and net earnings from
15 a trade or business that are taxable by this state and the denominator of which is the
16 person's total wages, salary, tips, unearned income, and net earnings from a trade
17 or business. In this subdivision, for married persons filing separately "wages, salary,
18 tips, unearned income, and net earnings from a trade or business" means the
19 separate wages, salary, tips, unearned income, and net earnings from a trade or
20 business of each spouse, and for married persons filing jointly "wages, salary, tips,
21 unearned income, and net earnings from a trade or business" means the total wages,
22 salary, tips, unearned income, and net earnings from a trade or business of both
23 spouses.

24 **SECTION 861.** 71.05 (6) (b) 19. d. of the statutes is amended to read:

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1 71.05 (6) (b) 19. d. ~~Reduce~~ For taxable years beginning before January 1, 2020,
2 reduce the amount calculated under subd. 19. b. or c. to the person's aggregate net
3 earnings from a trade or business that are taxable by this state.

4 **SECTION 862.** 71.05 (6) (b) 19. dm. of the statutes is created to read:

5 71.05 (6) (b) 19. dm. For taxable years beginning after December 31, 2019,
6 reduce the amount calculated under subd. 19. b. or cm. to the person's aggregate
7 wages, salary, tips, unearned income, and net earnings from a trade or business that
8 are taxable by this state.

9 **SECTION 863.** 71.05 (6) (b) 20. of the statutes is repealed.

10 **SECTION 864.** 71.05 (6) (b) 36. of the statutes is repealed.

11 **SECTION 865.** 71.05 (6) (b) 37. of the statutes is repealed.

12 **SECTION 866.** 71.05 (6) (b) 39. of the statutes is repealed.

13 **SECTION 867.** 71.05 (6) (b) 40. of the statutes is repealed.

14 **SECTION 868.** 71.05 (6) (b) 41. of the statutes is repealed.

15 **SECTION 877q.** 71.06 (1q) (b) of the statutes is amended to read:

16 71.06 (1q) (b) On all taxable income exceeding \$7,500 but not exceeding
17 \$15,000, 5.84 percent, except that for taxable years beginning after December 31,
18 2018, 5.21 percent.

19 **SECTION 877r.** 71.06 (2) (i) 2. of the statutes is amended to read:

20 71.06 (2) (i) 2. On all taxable income exceeding \$10,000 but not exceeding
21 \$20,000, 5.84 percent, except that for taxable years beginning after December 31,
22 2018, 5.21 percent.

23 **SECTION 877s.** 71.06 (2) (j) 2. of the statutes is amended to read:

1 71.06 (2) (j) 2. On all taxable income exceeding \$5,000 but not exceeding
2 \$10,000, 5.84 percent, except that for taxable years beginning after December 31,
3 2018, 5.21 percent.

4 **SECTION 882.** 71.07 (5) (a) 15. of the statutes is amended to read:

5 71.07 (5) (a) 15. The amount claimed as a deduction for medical care insurance
6 under section 213 of the Internal Revenue Code that is exempt from taxation under
7 s. 71.05 (6) (b) ~~17. to 20. 19., 35., 36., 37., 38., 39., 40., 41.,~~ and 42. and the amount
8 claimed as a deduction for a long-term care insurance policy under section 213 (d)
9 (1) (D) of the Internal Revenue Code, as defined in section 7702B (b) of the Internal
10 Revenue Code that is exempt from taxation under s. 71.05 (6) (b) 26.

11 **SECTION 883.** 71.07 (5m) (e) of the statutes is created to read:

12 71.07 (5m) (e) *Sunset.* No credit may be claimed under this subsection for
13 taxable years beginning after December 31, 2018.

14 **SECTION 923.** 71.26 (1m) (o) of the statutes is created to read:

15 71.26 (1m) (o) Those issued by the Wisconsin Health and Educational Facilities
16 Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling
17 \$35,000,000 or less, and to the extent that the interest income received is not
18 otherwise exempt under this subsection.

19 **SECTION 961.** 71.45 (1t) (n) of the statutes is created to read:

20 71.45 (1t) (n) Those issued by the Wisconsin Health and Educational Facilities
21 Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling
22 \$35,000,000 or less, and to the extent that the interest income received is not
23 otherwise exempt under this subsection.

24 **SECTION 973.** 71.52 (6) of the statutes is amended to read:

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1 71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the
2 following amounts, to the extent not included in Wisconsin adjusted gross income:
3 maintenance payments (except foster care maintenance and supplementary
4 payments excludable under section 131 of the internal revenue code), support money,
5 cash public assistance (not including credit granted under this subchapter and
6 amounts under s. 46.27, 2017 stats.), cash benefits paid by counties under s. 59.53
7 (21), the gross amount of any pension or annuity (including railroad retirement
8 benefits, all payments received under the federal social security act and veterans
9 disability pensions), nontaxable interest received from the federal government or
10 any of its instrumentalities, nontaxable interest received on state or municipal
11 bonds, worker's compensation, unemployment insurance, the gross amount of "loss
12 of time" insurance, compensation and other cash benefits received from the United
13 States for past or present service in the armed forces, scholarship and fellowship gifts
14 or income, capital gains, gain on the sale of a personal residence excluded under
15 section 121 of the internal revenue code, dividends, income of a nonresident or
16 part-year resident who is married to a full-year resident, housing allowances
17 provided to members of the clergy, the amount by which a resident manager's rent
18 is reduced, nontaxable income of an American Indian, nontaxable income from
19 sources outside this state and nontaxable deferred compensation. Intangible drilling
20 costs, depletion allowances and depreciation, including first-year depreciation
21 allowances under section 179 of the internal revenue code, amortization,
22 contributions to individual retirement accounts under section 219 of the internal
23 revenue code, contributions to Keogh plans, net operating loss carry-backs and
24 carry-forwards, capital loss carry-forwards, and disqualified losses deducted in
25 determining Wisconsin adjusted gross income shall be added to "income". "Income"

1 does not include gifts from natural persons, cash reimbursement payments made
2 under title XX of the federal social security act, surplus food or other relief in kind
3 supplied by a governmental agency, the gain on the sale of a personal residence
4 deferred under section 1034 of the internal revenue code or nonrecognized gain from
5 involuntary conversions under section 1033 of the internal revenue code. Amounts
6 not included in adjusted gross income but added to "income" under this subsection
7 in a previous year and repaid may be subtracted from income for the year during
8 which they are repaid. Scholarship and fellowship gifts or income that are included
9 in Wisconsin adjusted gross income and that were added to household income for
10 purposes of determining the credit under this subchapter in a previous year may be
11 subtracted from income for the current year in determining the credit under this
12 subchapter. A marital property agreement or unilateral statement under ch. 766 has
13 no effect in computing "income" for a person whose homestead is not the same as the
14 homestead of that person's spouse.

15 **SECTION 980.** 71.58 (7) (a) of the statutes is amended to read:

16 71.58 (7) (a) For an individual, means income as defined under s. 71.52 (6), plus
17 nonfarm business losses, plus amounts under s. 46.27, 2017 stats., less net operating
18 loss carry-forwards, less first-year depreciation allowances under section 179 of the
19 internal revenue code and less the first \$25,000 of depreciation expenses in respect
20 to the farm claimed by all of the individuals in a household.

21 **SECTION 1034g.** 73.10 (2) (c) of the statutes is created to read:

22 73.10 (2) (c) Beginning in 2021, each municipality that is eligible to receive a
23 payment under s. 79.097 shall submit with the information required under pars. (a)
24 and (b) the actual annual revenues received under s. 66.0420 (7).

25 **SECTION 1037.** 77.25 (7) of the statutes is amended to read:

1 77.25 (7) By a subsidiary corporation to its parent corporation for no
2 consideration, nominal consideration or in sole consideration of cancellation,
3 surrender or transfer of capital stock between parent and subsidiary corporation.

4 **SECTION 1038.** 77.25 (10) of the statutes is amended to read:

5 77.25 (10) Solely in order to provide or release security for a debt or obligation,
6 if the debt or obligation was not incurred as the result of a conveyance.

7 **SECTION 1066e.** 78.12 (4) (a) 2. of the statutes is repealed.

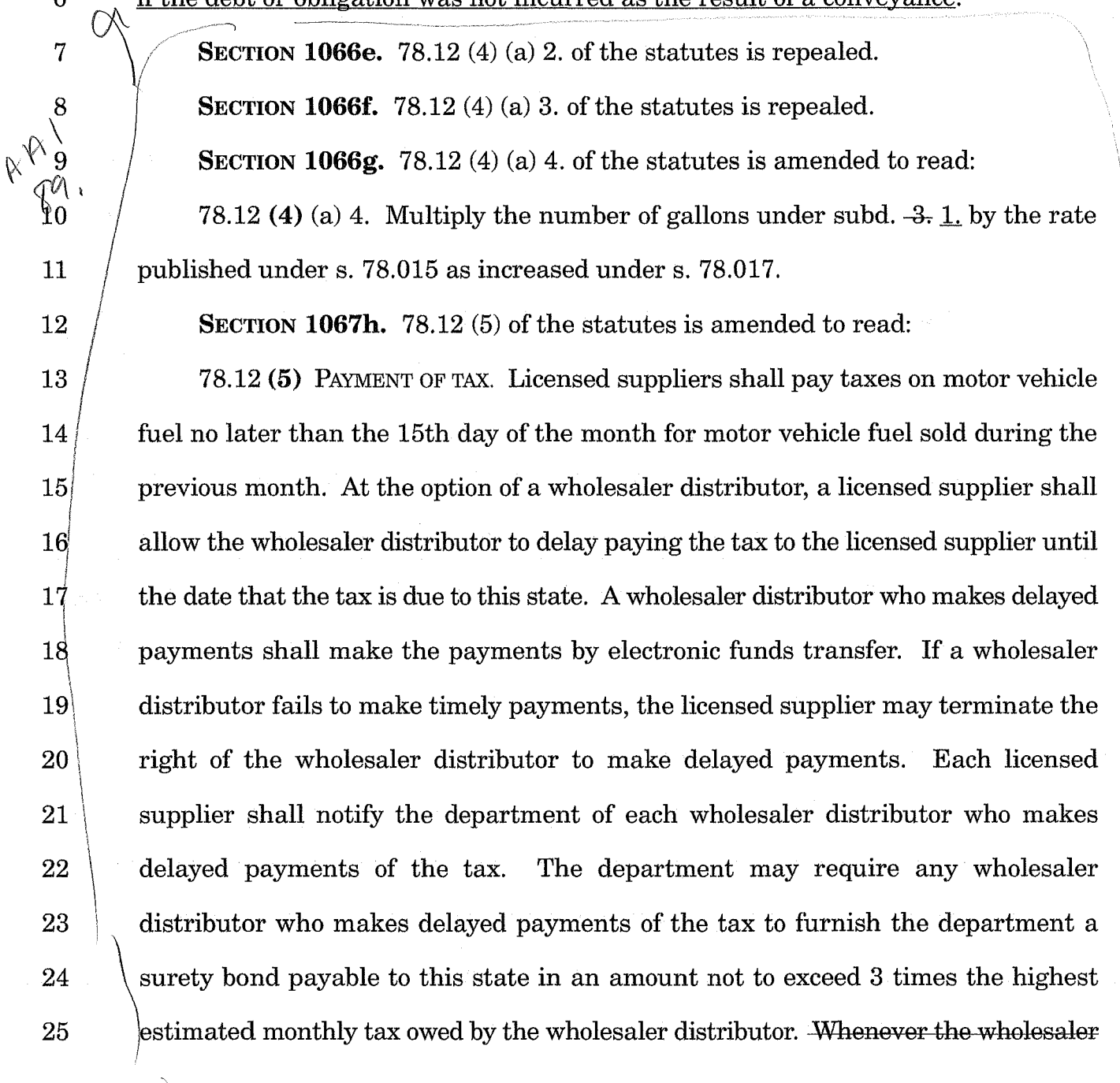
8 **SECTION 1066f.** 78.12 (4) (a) 3. of the statutes is repealed.

9 **SECTION 1066g.** 78.12 (4) (a) 4. of the statutes is amended to read:

10 78.12 (4) (a) 4. Multiply the number of gallons under subd. ~~3.~~ 1. by the rate
11 published under s. 78.015 as increased under s. 78.017.

12 **SECTION 1067h.** 78.12 (5) of the statutes is amended to read:

13 78.12 (5) PAYMENT OF TAX. Licensed suppliers shall pay taxes on motor vehicle
14 fuel no later than the 15th day of the month for motor vehicle fuel sold during the
15 previous month. At the option of a wholesaler distributor, a licensed supplier shall
16 allow the wholesaler distributor to delay paying the tax to the licensed supplier until
17 the date that the tax is due to this state. A wholesaler distributor who makes delayed
18 payments shall make the payments by electronic funds transfer. If a wholesaler
19 distributor fails to make timely payments, the licensed supplier may terminate the
20 right of the wholesaler distributor to make delayed payments. Each licensed
21 supplier shall notify the department of each wholesaler distributor who makes
22 delayed payments of the tax. The department may require any wholesaler
23 distributor who makes delayed payments of the tax to furnish the department a
24 surety bond payable to this state in an amount not to exceed 3 times the highest
25 estimated monthly tax owed by the wholesaler distributor. ~~Whenever the wholesaler~~



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1 ~~distributor pays the licensed supplier, the licensed supplier shall credit the~~
2 ~~wholesaler distributor's account for the amount of tax reduction that results from the~~
3 ~~calculation under s. 78.12 (4) (a) 2.~~

4 **SECTION 1067i.** 78.20 of the statutes, as affected by 2019 Wisconsin Act ... (this
5 act), is repealed.

6 **SECTION 1067j.** 78.20 (6) of the statutes is created to read: AA1 90.

7 78.20 (6) A refund ~~may not~~ ^{cannot} be claimed under this section for fuel purchased
8 after September 30, 2019. ^{December 31 of the year in which this}
9 ^{subsection takes effect... LRB}

SECTION 1067p. 78.68 (10) of the statutes is amended to read: ^{inserts date]}

10 78.68 (10) Except as provided in ss. 78.19, ~~78.20 (2)~~ and 78.75 (1m) (b), s. 71.75
11 (2) and (4) to (7) as it applies to the taxes under ch. 71 applies to the taxes under this
12 chapter. Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93, 71.935, and 73.03
13 (52), (52m), and (52n), as they apply to refunds of the taxes under ch. 71 apply to the
14 refund of the taxes under this chapter.

15 **SECTION 1073g.** 79.097 of the statutes is created to read:

16 **79.097 State aid; video service provider fee.** (1) (a) In 2020, each
17 municipality that assesses a fee under s. 66.0420 (7) shall receive a payment equal
18 to 0.5 percent of the gross receipts, as reported under sub. (2) (a), used as the basis
19 for the actual fee revenues received by the municipality in 2018.

20 (b) In 2021, each municipality that assesses a fee under s. 66.0420 (7) shall
21 receive a payment equal to 1 percent of the gross receipts, as reported under sub. (2)
22 (b), used as the basis for the actual fee revenues received by the municipality in 2019.

23 (c) Beginning in 2022 and ending in 2029, annually, each municipality that
24 assesses a fee under s. 66.0420 (7) shall receive a payment under this section equal
25 the amount it received in 2021.

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1 **(2)** Each municipality that is eligible to receive a payment under this section
2 shall report to the department of revenue the following information:

3 (a) On or before August 15, 2019, the 2018 actual fee revenues from s. 66.0420
4 (7) and the estimated gross receipts on which the fee revenues are based.

5 (b) On or before August 15, 2020, the 2019 actual fee revenues from s. 66.0420
6 (7) and the estimated gross receipts on which the fee revenues are based.

7 (c) Any other information, provided in the time and manner determined by the
8 department, that the department considers necessary for the administration of this
9 section.

10 **(3)** (a) Annually, on or before October 1, the department of revenue shall notify
11 each municipality that is eligible to receive a payment under this section of the
12 amount of the payment that the municipality shall receive in the following year.

13 (b) The department of revenue shall certify the amount of the payment due to
14 each taxing jurisdiction under sub. (1) to the department of administration, and the
15 department of administration shall make the payment on or before the 4th Monday
16 in July.

17 **SECTION 1078.** 84.013 (3) (af) of the statutes is created to read:

18 84.013 (3) (af) I 43 extending approximately 14.3 miles between Silver Spring
19 Drive in the city of Glendale and STH 60 in the village of Grafton, in Milwaukee and
20 Ozaukee counties.

21 **SECTION 1078d.** 84.013 (3) (b) of the statutes is created to read:

22 84.013 (3) (b) I 41 extending approximately 23 miles between STH 96 in the
23 town of Grand Chute and CTH "F" in the town of Lawrence, in Brown and Outagamie
24 counties, including all interchanges, and including work on local roads as necessary
25 for the completion of the project. As a component of this project, the department shall

1 construct an interchange of I 41 and local highways near the intersection of
2 Southbridge Road/French Road and Creamery Road in Brown County.

3 **SECTION 1079.** 84.016 (2) of the statutes is amended to read:

4 84.016 (2) Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95,
5 but subject to s. 86.255, this state's share of costs for any major interstate bridge
6 project, ~~including preliminary design work for the project,~~ may be funded only from
7 the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

8 **SECTION 1079m.** 84.062 of the statutes is created to read:

9 **84.062 Alternative project delivery.** (1) DEFINITIONS. In this section:

10 (a) "Alternative technical concepts" means a proposed alternative to the
11 technical requirements provided by the office in the request for proposals for a
12 project.

13 (b) "Best value design-build contract" means a design-build contract award
14 made following a calculation of value as provided in a request for proposals.

15 (c) "Design-build contract" means a contract for a project under which the
16 design, engineering, construction, and related services are provided by a single
17 design-builder.

18 (d) "Design-builder" means a private legal entity, consortium, or joint venture
19 that proposes to or executes a contract with the office to design, engineer, and
20 construct a project under this section.

21 (e) "Design-build project" means a project for which design, engineering,
22 construction, and related services are procured through a single contract with a
23 single private legal entity, consortium, or joint venture capable of providing the
24 necessary design, engineering, construction, and related services.

1 (f) "Design professional" means a person registered under s. 443.03 or 443.04
2 or a firm, partnership, or corporation registered under s. 443.08.

3 (g) "Director" means the director of the office of innovative program delivery
4 attached to the department under s. 15.463 (1).

5 (h) "Fixed price variable scope design-build contract" means a design-build
6 contract award made to the lowest qualified responsible bidder able to provide the
7 best qualitative scope of work at a price not to exceed a fixed price set by the office.

8 (i) "Low bid design-build contract" means a design-build contract award made
9 to the lowest qualified responsible bidder.

10 (j) "Member" means a private legal entity that is a member of a consortium or
11 joint venture that is a design-builder.

12 (k) "Office" means the office of innovative program delivery attached to the
13 department under s. 15.463 (1).

14 (L) "Project" means a project involving a highway improvement, as defined in
15 s. 84.06 (1) (am).
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16 (m) "Qualified responsible bidder" means a design-builder responding to a
17 request for qualifications and that is certified by the technical review committee.

18 (n) "Responsive cost proposal" means a proposal that clearly identifies the costs
19 of all services to be performed by the qualified responsible bidder, including all
20 related fees, wages, and equipment and material costs.

21 (o) "Responsive technical proposal" means a proposal that clearly
22 demonstrates a qualified responsible bidder's understanding of the design,
23 engineering, and construction services to be performed and clearly describes the
24 bidder's approach to the project.

1 (p) "Technical review committee" means the committee appointed under sub.
2 (3).

3 (q) "Value engineering change" means a proposal that provides for a product
4 of equal or improved quality to the product required by the department and that will
5 reduce the project cost, improve safety, or decrease the time to complete the project.

6 (2) DESIGN-BUILD PROJECTS. (a) The department shall administer a pilot
7 program under which not more than 6 contracts are awarded for design-build
8 projects to be completed no later than December 31, 2025. The director ^{cannot} ~~may not~~
9 designate a project as a design-build project unless the department is able to clearly
10 define the scope of work.

11 (b) The department ^{cannot} ~~may not~~ expend more than \$250,000,000 for 6 design-build AA-1
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12 contracts designated as follows:

13 1. One low bid design-build contract for a project with an estimated value of
14 not less than \$5,000,000 and not more than \$25,000,000.

15 2. One best value design-build contract for a project with an estimated value
16 of not less than \$25,000,000 and not more than \$75,000,000.

17 3. One fixed price variable scope design-build contract with an estimated value
18 of not less than \$25,000,000 and not more than \$75,000,000.

19 4. Three contracts designated by the director with a total estimated value of not
20 more than \$125,000,000. The department may enter into a low bid design-build
21 contract, best value design-build contract or a fixed price variable scope
22 design-build contract under this subdivision.

23 (c) For each project designated as a design-build project under par. (a), the
24 office shall prepare a written analysis supporting the office's determination that it
25 is the best interests of the state to make the designation. The written determination

1 and supporting materials are subject to inspection under s. 19.35. The written
2 analysis shall include all of the following:

3 1. The extent to which the department can adequately define the project
4 requirements in a proposed scope of design and construction.

5 2. The impact on the projected project schedule and completion date.

6 3. The impact on the projected cost of the project.

7 4. The impact on the quality factors of the project.

8 5. The availability of contractors with experience with design-build projects or
9 other innovative project delivery methods.

10 6. The capability of the department to manage a design-build project with
11 office employees and design consultants.

12 7. The capability of the department to oversee a design-build project with a
13 contractor with experience with design-build projects or other innovative project
14 delivery methods.

15 8. The availability of current department employees qualified to perform
16 design and engineering services required for the design-build project.

17 9. The original character of the product or the services.

18 10. The statutory authority for the designation of the project as a design-build
19 project and how the project furthers the department's statutory duties.

20 11. Whether the design-build project must comply with any federal rule or
21 regulation or any U.S. department of transportation requirement and a statement
22 that the design-build project is in compliance.

23 12. Any other criteria the office determines is necessary.

24 (d) For each project designated under par. (a), the office shall solicit requests
25 for qualifications, requests for proposals, and cost proposals as provided in this

1 section and, subject to sub. (7) (c) and (d), let each project by contract to a qualified
2 responsible bidder.

3 (e) No more than 6 months following the completion of a design-build project
4 designated under this subsection, the office shall prepare a report, with input from
5 the design-builder and the technical review committee, detailing the project, the
6 decision to designate the project as a design-build project, the type of design-build
7 contract let, and recommendations for statutory changes, if any. The office shall
8 provide this report to the joint committee on finance and the senate and assembly
9 standing committees having jurisdiction over transportation matters. The senate
10 and assembly standing committees having jurisdiction over transportation matters
11 shall schedule a hearing on the report not more than 30 days following distribution
12 of the report by the chief clerks of the senate and the assembly. This paragraph does
13 not apply to projects completed after December 31, 2025.

14 **(3) TECHNICAL REVIEW COMMITTEE.** (a) The secretary shall appoint 5 individuals
15 to a technical review committee to evaluate proposals submitted under this section.
16 The committee shall consist of the following:

17 1. An employee of the department representing a regional office of the
18 department who has at least 5 years of experience in the transportation construction
19 industry.

20 2. Two employees of the department representing the division of the
21 department responsible for transportation project development, each of whom have
22 at least 5 years of experience in the transportation construction industry.

23 3. One person representing a state association of architectural, engineering, or
24 design companies.

1 4. One person representing a state association of transportation construction
2 companies.

3 (b) The secretary ~~may not~~ ^{cannot} appoint to the technical review committee any person
4 associated, as defined in s. 19.42 (2), with a design-builder. No person appointed to
5 the technical review committee may review proposals under this section when the
6 proposed project could benefit the appointee or the appointee's immediate family, as
7 defined in s. 19.42 (7).

8 (c) A person appointed to the technical review committee is an agent of the
9 department under s. 895.46.

10 (d) Except as otherwise provided in this section, all records of the technical
11 review committee are open to public inspection and copying under s. 19.35 (1).

12 (4) BIDS. The office shall solicit design-build proposals in 2 phases. In the first
13 phase, the office shall solicit requests for qualifications under sub. (5) and requests
14 for proposals under sub. (6). The technical review committee shall certify responsible
15 bidders as provided in sub. (5) (c) and shall score technical proposals as provided in
16 sub. (6) (b). In the 2nd phase, the office shall solicit cost proposals and the technical
17 review committee shall evaluate cost proposals as provided in sub. (7).

18 (5) REQUEST FOR QUALIFICATIONS. (a) The office shall prepare a request for
19 qualifications that includes all of the following:

20 1. Minimum required qualifications for certification as a qualified bidder,
21 which shall include all of the following:

22 a. The design and construction experience of the design-builder or member,
23 personnel, and contractors who will manage the design, engineering, and
24 construction aspects of the project. The office ~~may not~~ ^{cannot} require a level of experience
25 that will unreasonably restrict competition.

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1 b. A requirement that the design-builder or member employ an individual who
2 has no fewer than 5 years of experience in highway construction specific to highway
3 improvement projects in this state.

4 c. A requirement that the design-builder or member be a design professional
5 or will employ or contract with a design professional.

6 d. A sworn statement of the design-builder's financial ability, equipment, and
7 experience in design-build project delivery and any other information the office
8 determines is necessary to determine a bidder's competency.

9 2. Minimum required qualifications for certification as a responsible bidder,
10 which shall include all of the following:

11 a. The design-builder is registered or authorized to do business in this state.

12 b. The design-builder submits a sworn statement that indicates that it has
13 adequate financial resources to complete the work described in the request for
14 qualifications, taking into account any other work the design-builder is currently
15 under contract to complete.

16 c. The design-builder is bondable for the term of the proposed contract and is
17 able to obtain a 100 percent performance bond and a separate 100 percent payment
18 bond.

19 d. If the department has previously contracted with the design-builder or a
20 member, the design-builder or member has a record of satisfactorily completing
21 projects. In making this determination, the technical review committee shall
22 consider if the design-builder or the member has completed all contracts in
23 accordance with drawings and specifications, diligently pursued execution of the
24 work and completed contracts according to the time schedule, fulfilled guarantee
25 requirements of contracts, and complied with applicable safety program

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1 requirements. The technical review committee may not ^{cannot} consider whether a
2 design-builder or member exercised legal rights specified in statute or rule or under
3 a contract with the department.

4 e. The design-builder or a member is not on a list maintained by the
5 department identifying persons ineligible to bid due to suspension or debarment or
6 on a list that the department of administration maintains for persons who violated
7 statutory provisions or administrative rules relating to construction.

8 f. The design-builder or a member has been in business for at least 12 months.

9 g. The design-builder or a member has served as a prime contractor on no fewer
10 than 5 projects administered by the department during the previous 5 calendar
11 years.

12 h. The design-builder can provide information to the technical review
13 committee upon request about ownership, management, and control of the
14 design-builder.

15 i. The design-builder or a member has not been debarred from any government
16 contracts and has not been found to have committed tax avoidance or evasion in any
17 jurisdiction in the previous 10 years.

18 j. The design-builder has not been disciplined under a professional license in
19 any jurisdiction in the previous 10 years.

20 k. No design professional employed by the design-builder or a member or that
21 the design-builder will contract with has been disciplined in any jurisdiction under
22 a license that is currently in use.

23 3. Information about bid procedures and the proposed project, including all of
24 the following:

25 a. The type of contract to be awarded.

- 1 b. The selection criteria for recommendation of design-builders for phase 2.
- 2 c. Project requirements, including a scope of work statement and a schedule.
- 3 d. The required completion date of the project.
- 4 e. A description of requirements for the technical proposal for the project.

5 (b) The office shall advertise the request for qualifications by publication of a
6 class 1 notice, as defined in s. 985.07 (1), in the official state newspaper and on the
7 department's Internet site. The office may place similar notices in publications likely
8 to inform potential bidders of the project. The office shall issue a request for
9 qualifications or provide information as to where the request for qualifications may
10 be obtained to any person, without regard to the qualifications of the person. The
11 office shall include in all advertisements under this paragraph the location and scope
12 of work, the amount of bid guarantee required, the date, time, and place of bid or
13 proposal opening, and the date when and place where plans will be available.

14 (c) The technical review committee shall certify at least 2 but not more than 4
15 design-builders as qualified responsible bidders. If the office does not receive at
16 least 2 responses to the request for qualifications or if the technical review committee
17 certifies only one design-builder as a qualified responsible bidder, the office may
18 re-advertise or cancel the project.

19 **(6) REQUEST FOR PROPOSALS.** (a) The office shall prepare a request for proposals
20 for each design-build contract that includes all the following:

21 1. The name, title, address, and telephone numbers of persons to whom
22 questions concerning the proposal should be directed.

23 2. The procedures to be followed for submitting proposals, including how
24 proposals must be delivered, the date and time by which they must be received, and
25 the name and address of the person who is to receive them.

1 3. The date and time of the pre-proposal conference, if any.

2 4. A requirement that a technical proposal and a cost proposal be submitted in
3 separate sealed proposals at the same time.

4 5. A clear description of the scope of all design, engineering, and construction
5 work.

6 6. The criteria for evaluating proposals and their relative weight, if applicable.

7 7. The design criteria package, including a description of drawings,
8 specifications, or other information to be submitted with the proposals, which shall
9 allow the design-builder to use innovative projects meeting the criteria.

10 8. The project schedule and budget limits, if any.

11 9. The proposed terms and conditions of the contract.

12 10. Requirements relating to performance bonds, payments bonds, and
13 insurance.

14 11. Amount of stipend, if any.

15 12. The procedures for awarding a contract.

16 13. A process for the technical review committee to review and accept
17 alternative technical concepts and value engineering change proposals.

18 14. A requirement that the design-builder perform not less than 30 percent of
19 the construction services under the contract with labor provided by employees of the
20 design-builder or member and equipment owned or rented by the design-builder or
21 member.

22 15. Any other information the office determines is necessary.

23 (b) The technical review committee shall evaluate each technical proposal,
24 which may include a confidential interview, and shall assign points in accordance
25 with the request for proposals and subject to all of the following:

1 1. For a project that will be awarded as either a low bid design-build contract
 2 or a fixed price variable scope design-build contract, the technical review committee
 3 shall determine whether technical proposals are responsive to the request for
 4 proposals without ranking or scoring the proposals.

5 2. For a project that will be awarded as a best value design-build contract, the
 6 technical review committee shall determine whether technical proposals are
 7 responsive to the request for proposals and score each responsive technical proposal
 8 as required by the request for proposals. The technical review committee may award
 9 not more than 20 percent of the points awarded to a technical proposal based on the
 10 design-builder's qualifications and ability to design, contract, and deliver the project
 11 in accordance with any deadline established in the request for proposals. The
 12 technical review committee may award a technical proposal not more than 55
 13 percent of the maximum number of combined points that may be awarded to a
 14 technical proposal and cost proposal.

15 (c) The office shall allow design-builders to include alternative technical
 16 concepts and value engineering changes in their proposals by describing the process
 17 for submission and evaluation of alternative technical concepts and value
 18 engineering changes in the request for proposals.

19 (d) The technical review committee ~~may not~~ ^{cannot} consider a proposal responsive
 20 unless the proposal includes a conceptual design, critical path method, bar schedule
 21 of the work to be performed or similar schematic, design plans and specifications,
 22 technical reports, and all other information required by the request for proposals.

23 The technical review committee ~~may not~~ ^{cannot} consider any price or fee included in the
 24 technical proposal.

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(e) The office shall notify the design-builder for each proposal that is determined to be responsive under par. (b) that the design-builder may submit a cost proposal under par. (7). The office shall reject all proposals that are determined to be nonresponsive under par. (b).

(7) COST PROPOSALS. (a) Design-builders notified under sub. (6) (e) may submit a cost proposal and the proposal shall include a fixed cost of design, engineering, and construction services prepared by a design professional that contains all design, engineering, construction, and quality assurance and quality control costs of the project.

(b) The technical review committee may open cost proposals only after the technical proposals have been reviewed as provided in sub. (6). At the time and place specified in the request for proposals, the technical review committee shall open cost proposals, read the proposals aloud, and, for a project that will be awarded as a best value design-build contract, make public the committee's scoring of the technical proposals.

(c) Following a review of cost proposals, the department may issue a notice of intent to award a contract, subject to all of the following:

1. For a low bid design-build contract, the contract shall be awarded to the qualified responsible bidder that submitted a responsive technical proposal and also submitted the lowest responsive cost proposal.

2. For a fixed price variable scope design-build contract, the contract shall be awarded to the qualified responsible bidder that submitted a responsive technical proposal and that submitted a responsive cost proposal that provides the maximum amount of services for the maximum fixed price set by the office or for an amount that is less than the maximum fixed price.

1 3. For a best value design-build contract, the contract shall be awarded to the
2 qualified responsible bidder with the highest adjusted score, which shall be
3 calculated by adding the bidder's technical proposal score to the bidder's cost
4 proposal score. The technical review committee shall award the lowest qualified
5 responsible bidder the maximum number of points that may be awarded to a cost
6 proposal under the request for proposals, but not less than 45 percent and not more
7 than 75 percent of the maximum number of combined points that may be awarded
8 to a technical proposal and cost proposal. For each remaining qualified responsible
9 bidder, the technical review committee shall calculate the score for the cost proposal
10 by reducing the maximum number of points that may be awarded to the cost proposal
11 by at least 1 percent for each percentage point by which the cost proposal exceeds the
12 lowest cost proposal.

13 (d) Following a review of cost proposals, the office may reject all proposals. If
14 the office rejects all proposals or does not execute a contract after issuing an intent
15 to award a contract under par. (c), the office may reissue the request for proposals
16 and allow only the qualified responsible bidders originally notified under sub. (6) (e)
17 to submit new proposals. The office may pay a reasonable stipulated fee to each
18 design-builder that provides a responsive but unsuccessful proposal in response to
19 the reissued request for proposals. If the reissued request for proposals specifies a
20 maximum fixed price, the office ~~may not~~ ^{cannot} award a stipend to a design-builder whose
21 proposal exceeds that price.

22 (e) Not less than 5 working days prior to executing a design-build contract, the
23 department shall provide notice to each unsuccessful qualified responsible bidder
24 that a notice of intent to award a contract has been issued.

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1 (f) The department and the technical review committee shall maintain the
2 confidentiality of information provided by design-builders as required by s. 84.01
3 (32).

4 (8) CONTRACT AWARD. (a) In this subsection:

5 1. "Construction services" means work necessary to construct a project,
6 including trucking services and materials purchased regardless of whether the
7 materials are installed by the design-builder.

8 2. "Specialty services" means work related to sanitary sewer systems, water
9 main systems, staking, electrical, landscaping and erosion control, traffic control,
10 signing, pavement marking, fencing, and other work identified by the office.

11 (b) No later than 10 days following the issuance of a notice of intent to award
12 a design-build contract, the office shall verify that the design-builder will perform
13 not less than 30 percent of the construction services under the contract with labor
14 provided by employees of the design-builder or member and equipment owned or
15 rented by the design-builder or member.

16 (c) The design-builder shall submit to the office in the form prescribed by the
17 office documentation of the construction services the design-builder or members will
18 perform and the dollar value of the services.

19 (d) The office shall calculate the percentage of total construction services
20 identified in the contract to be performed by the design-builder or members by
21 subtracting the value of specialty services to be performed from the total contract
22 amount and dividing the dollar value of construction services to be performed by the
23 design-builder or members by the difference. If the value of construction services
24 to be performed by the design-builder or members is less than 30 percent of the value

1 of all construction services required under the contract, the office shall cancel the
2 contract award.

3 (9) PROJECT DELIVERY. An individual identified in a response to a request for
4 qualifications or in a technical proposal may be replaced by a design-builder if the
5 office determines that the new individual meets the qualifications described in the
6 response to the request for qualifications or in the technical proposal and that the
7 individual's qualifications are at least equal to the qualifications of the individual
8 being replaced.

9 (10) LIABILITY. (a) Nothing in this section shall be construed as relieving a
10 design-builder of 3rd-party liability or liability for loss or damage to property of the
11 state or a county or municipality.

12 (b) All design services, including architectural and engineering services,
13 provided under a design-build contract are services and not products.

14 (11) STIPULATED FEE. (a) The department shall award a stipulated fee of not
15 less than three-tenths of 1 percent of the department's estimated cost of design and
16 construction as follows:

17 1. To each qualified responsible bidder that provides a responsive but
18 unsuccessful proposal when the office issues a notice of intent to award a contract.

19 If the request for proposals specifies a maximum fixed price, the office ~~may not~~ ^{cannot} award
20 a fee to a proposal that exceeds the maximum fixed price.

21 2. To all qualified responsible bidders that provide a responsive proposal, if the
22 office does not issue a notice of intent to award a contract.

23 3. To all qualified responsible bidders if the office cancels the solicitation before
24 the technical review committee reviews technical proposals.

1 (b) The department shall pay the fee to each qualified responsible bidder under
2 par. (a) no later than 90 days after the department issues a notice of intent to award
3 a contract, determines that it will not issue a notice of intent to award a contract, or
4 cancels the solicitation.

5 (c) In consideration for paying the fee, the department may use work product
6 contained in an unsuccessful proposal in connection with any proposed or awarded
7 design-build project without making any additional compensation to the
8 design-builder. If an unsuccessful design-builder waives the stipulated fee, the
9 department may not use work product in the design-builder's unsuccessful proposal.

10 (12) RULES. The department may promulgate rules necessary to implement
11 this section.

12 (13) APPEALS. (a) Any person aggrieved and directly affected by a decision of
13 the office to issue a request for qualifications or a request for proposals under this
14 section shall be entitled to judicial review of the decision as provided in chapter 227,
15 subject to the procedural requirements of s. 227.53 (1). A person shall be considered
16 a person aggrieved and directly affected by a decision of the office if any of the
17 following apply to a request for qualifications or a request for proposals issued by the
18 office under this section:

19 1. The request does not include qualifications, requirements, or other items
20 required under this section.

21 2. The request does not comply with procedural requirements under this
22 section.

23 3. The request contains material errors or omissions.

24 4. The request contains material discrepancies, deficiencies, or ambiguities
25 that prevent a person from submitting a responsive proposal.