

1 address of the certificate holder and the date on which the department issued the  
2 certificate.

3 (7) The department may inspect the business records of any dispensary doing  
4 business on a reservation or on an Indian tribe's trust land.

5 (8) Each dispensary shall collect and remit the surcharge imposed under this  
6 subchapter with the reports required to be filed under this section.

7 **139.973 Administration and enforcement.** (1) Sections 139.355, 139.365,  
8 139.39, and 139.40, as they apply to the tax under subch. II, apply to the  
9 administration and enforcement of this subchapter.

10 (2) If a dispensary fails to pay the surcharge under this subchapter, authorized  
11 personnel of the department, with the assistance of any law enforcement officer  
12 within his or her jurisdiction, may search the premises of the dispensary to seize any  
13 personal property or cash for payment of the unpaid surcharge.

14 **139.974 Police powers.** The duly authorized employees of the department  
15 have all necessary police powers to prevent violations of this subchapter.

16 **139.975 Timely filing.** The provisions on timely filing under s. 71.80 (18)  
17 apply to the surcharge under this subchapter.

18 **139.976 Bonds.** Section 78.11, as it applies to suppliers of motor vehicle fuel,  
19 applies to persons liable for the surcharge under this subchapter.

20 **139.977 Interest and penalties.** (1) The interest and penalties under s.  
21 139.44 (2) to (7) and (9) to (12) apply to this subchapter. In addition, a person who  
22 violates s. 139.972 (8) may be fined not more than \$10,000 or imprisoned for not more  
23 than 9 months or both.

24 (2) If a person fails to file any return or report required under s. 139.972 by the  
25 due date, unless the person shows that that failure was due to reasonable cause and

1 not due to neglect, the department shall add to the amount of surcharge required to  
2 be shown on that return 5 percent of the amount of the surcharge if the failure is for  
3 not more than one month, and an additional 5 percent of the surcharge for each  
4 additional month or fraction of a month during which the failure continues, but not  
5 more than 25 percent of the surcharge. For purposes of this subsection, the amount  
6 of the surcharge required to be shown on the return shall be reduced by the amount  
7 of surcharge that is paid on or before the due date and by the amount of any credit  
8 against the surcharge that may be claimed on the return.

9 **139.978 Personal liability.** Any officer, employee, fiduciary, or agent who is  
10 responsible for paying the surcharge, interest, penalties, or other charges under this  
11 subchapter incurred by another person, as defined in s. 77.51 (10), is personally  
12 liable for the surcharge, interest, penalties, or other charges. Sections 71.88 (1) (a)  
13 and (2) (a), 71.89, and 71.90, as they apply to appeals of income or franchise tax  
14 assessments, apply to appeals of assessments under this subchapter.

15 **139.9785 Prosecutions by attorney general.** Upon request by the secretary  
16 of revenue, the attorney general may represent this state or assist a district attorney  
17 in prosecuting any case arising under this subchapter.

18 **139.979 Rule-making authority.** (1) The department shall promulgate any  
19 rules necessary for the administration of this subchapter.

20 (2) Using the procedure under s. 227.24, the department may promulgate the  
21 rules required under sub. (1). Notwithstanding s. 227.24 (1) (c) and (2), emergency  
22 rules promulgated under this subsection remain in effect until January 1, 2023, or  
23 the date on which permanent rules take effect, whichever is sooner.  
24 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide  
25 evidence that promulgating a rule under this subsection as an emergency rule is

1 necessary for the preservation of the public peace, health, safety, or welfare and is  
2 not required to provide a finding of emergency for a rule promulgated under this  
3 subsection.

4 **SECTION 1738.** 145.20 (5) (am) of the statutes is amended to read:

5 145.20 (5) (am) Each governmental unit responsible for the regulation of  
6 private on-site wastewater treatment systems shall adopt and begin the  
7 administration of the program established under par. (a) before October 1, 2019  
8 2024. As part of adopting and administering the program, the governmental unit  
9 shall conduct and maintain an inventory of all the private on-site wastewater  
10 treatment systems located in the governmental unit and ~~shall complete the initial~~  
11 ~~inventory before October 1, 2017. In order to be. The governmental unit is not~~  
12 eligible for grant funding under s. 145.245, ~~a governmental unit must comply with~~  
13 ~~these deadlines~~ until the governmental unit completes the initial inventory.

14 **SECTION 1739.** 146.44 of the statutes is created to read:

15 **146.44 Medical Cannabis Registry Program. (1) DEFINITIONS.** In this  
16 section:

17 (a) "Applicant" means a person who is applying for a registry identification card  
18 under sub. (2) (a) or (ac).

19 (ag) "Bona fide practitioner-patient relationship" means a relationship  
20 between the practitioner and the patient that includes all of the following:

21 1. An assessment of the patient's medical history and current medical condition  
22 by the practitioner, including an in-person physical examination if appropriate.

23 2. A consultation between the practitioner and the patient with respect to the  
24 patient's debilitating medical condition or treatment.

1           3. Availability by the practitioner to provide follow-up care and treatment to  
2 the patient, including patient examinations.

3           (b) "Debilitating medical condition or treatment" means any of the following:

4           1. Cancer, glaucoma, acquired immunodeficiency syndrome, a positive test for  
5 the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV,  
6 Crohn's disease, a hepatitis C virus infection, Alzheimer's disease, amyotrophic  
7 lateral sclerosis, nail-patella syndrome, Ehlers-Danlos Syndrome, post-traumatic  
8 stress disorder, or the treatment of these conditions.

9           2. Opioid abatement or reduction or treatment for opioid addiction.

10          3. A chronic or debilitating disease or medical condition or the treatment of  
11 such a disease or condition that causes cachexia, severe pain, severe nausea,  
12 seizures, including those characteristic of epilepsy, or severe and persistent muscle  
13 spasms, including those characteristic of multiple sclerosis.

14          4. Any other medical condition or any other treatment for a medical condition  
15 designated as a debilitating medical condition or treatment as determined by the  
16 department.

17          (c) "Medication with tetrahydrocannabinols" means any of the following:

18          1. The use of tetrahydrocannabinols in any form by a qualifying patient to  
19 alleviate the symptoms or effects of the qualifying patient's debilitating medical  
20 condition or treatment.

21          2. The acquisition, possession, cultivation, or transportation of  
22 tetrahydrocannabinols in any form by a qualifying patient if done to facilitate his or  
23 her use of the tetrahydrocannabinols under subd. 1.

24          3. The acquisition, possession, cultivation, or transportation of  
25 tetrahydrocannabinols in any form by a primary caregiver of a qualifying patient,

1 the transfer of tetrahydrocannabinols in any form between a qualifying patient and  
2 his or her primary caregivers, or the transfer of tetrahydrocannabinols in any form  
3 between persons who are primary caregivers for the same qualifying patient if all of  
4 the following apply:

5 a. The acquisition, possession, cultivation, transportation, or transfer of the  
6 tetrahydrocannabinols is done to facilitate the qualifying patient's use of  
7 tetrahydrocannabinols under subd. 1. or 2.

8 b. It is not practicable for the qualifying patient to acquire, possess, cultivate,  
9 or transport the tetrahydrocannabinols independently, or the qualifying patient is  
10 under 18 years of age.

11 (cm) "Out-of-state registry identification card" means a document that is valid  
12 as provided under sub. (7) (f).

13 (cr) "Practitioner" means a physician, advanced practice nurse, a physician  
14 assistant, or other person licensed, registered, certified, or otherwise permitted to  
15 distribute, dispense, conduct research with respect to, administer or use in teaching  
16 or chemical analysis a controlled substance in the course of professional practice or  
17 research in this state.

18 (d) "Primary caregiver" means a person who has agreed to help a qualifying  
19 patient in his or her medication with tetrahydrocannabinols and who has a registry  
20 identification card.

21 (e) "Qualifying patient" means a person who has been diagnosed in the course  
22 of a bona fide practitioner-patient relationship as having or undergoing a  
23 debilitating medical condition or treatment but does not include a person under the  
24 age of 18 years unless all of the following apply:

1           1. The person's practitioner has explained the potential risks and benefits of  
2 medication with tetrahydrocannabinols to the person and to a parent, guardian, or  
3 person having legal custody of the person.

4           2. The parent, guardian, or person having legal custody provides the  
5 practitioner a written statement consenting to do all of the following:

6           a. Allow medication with tetrahydrocannabinols for the person.

7           b. Serve as a primary caregiver for the person.

8           c. Manage the person's medication with tetrahydrocannabinols.

9           (f) "Registrant" means a person to whom a registry identification card is issued.

10           (g) "Registry identification card" means a document issued by the department  
11 under sub. (4) that identifies a person as a qualifying patient or primary caregiver.

12           (h) "Written certification" means a statement written by a person's practitioner  
13 if all of the following apply:

14           1. The statement indicates that, in the practitioner's professional opinion, the  
15 person has or is undergoing a debilitating medical condition or treatment and the  
16 potential benefits of medication with tetrahydrocannabinols would likely outweigh  
17 the health risks for the person.

18           2. The statement indicates that the opinion described in subd. 1. was made in  
19 the course of a bona fide practitioner-patient relationship.

20           3. The statement is signed by the practitioner or is contained in the person's  
21 medical records.

22           **(2) APPLICATION.** (a) An adult who is claiming to be a qualifying patient may  
23 apply for a registry identification card by submitting to the department all of the  
24 following:

1           1. A signed application form that contains the applicant's name, address, and  
2 date of birth.

3           2. A written certification.

4           3. The name, address, and telephone number of the applicant's current  
5 practitioner, as listed in the written certification.

6           4. A registration fee shall be an amount determined by the department but not  
7 less than \$100.

8           5. Any information that the department determines is necessary for a  
9 background check under par. (am).

10          (ac) A person who is at least 21 years of age may apply for a registry  
11 identification card as a primary caregiver by submitting to the department all of the  
12 following:

13           1. A signed application form that contains the applicant's name, address, and  
14 date of birth.

15           2. A copy of a written certification or copy of a registration identification card  
16 for each qualifying patient for whom the applicant will be the primary caregiver.

17           3. A registration fee shall be an amount determined by the department, but not  
18 less than \$100.

19           4. Any information that the department determines is necessary for a  
20 background check under par. (am).

21          (am) 1. In this paragraph:

22           a. "Background check" means a search of department of justice records to  
23 determine whether an applicant for a registry identification card has been convicted  
24 of a disqualifying offense.

1           b. "Disqualifying offense" means a violent crime under s. 165.84 (7) (ab) or a  
2 substantially similar violation of federal law that is a felony.

3           2. The department shall convey the information provided by an applicant  
4 under par. (a) or (ac) to the department of justice, and the department of justice shall  
5 perform a background check on the applicant.

6           3. If the department of justice determines that the applicant has been convicted  
7 of a disqualifying offense, the department of health services shall deny the  
8 application unless at least 10 years has passed since the completion of any sentence  
9 imposed for any disqualifying offense, including any period of incarceration, parole,  
10 and extended supervision, and any period of probation imposed for a disqualifying  
11 offense.

12           (b) The department shall promulgate rules specifying how a parent, guardian,  
13 or person having legal custody of a child may apply for a registry identification card  
14 for the child and the circumstances under which the department may approve or  
15 deny the application.

16           **(3) PROCESSING THE APPLICATION.** The department shall verify the information  
17 the applicant submitted under sub. (2) (a) or (ac) and shall approve or deny the  
18 application within 30 days after receiving it. The department may deny an  
19 application submitted under sub. (2) (a) or (ac) only if one of the following applies:

20           (a) The applicant did not provide the required information or provided false  
21 information.

22           (b) The department is required to deny the application under sub. (2) (am) 3.

23           (c) The department is required to deny the application under the rules  
24 promulgated under sub. (2) (b).



1           **(4) ISSUING A REGISTRY IDENTIFICATION CARD.** The department shall issue an  
2 applicant a registry identification card within 5 days after approving the application  
3 under sub. (3). Unless voided under sub. (5) (b) or (c), a registry identification card  
4 expires 2 years from the date of issuance. A registry identification card shall contain  
5 all of the following:

6           (a) The name, address, and date of birth of all of the following:

7           1. The registrant.

8           2. Each primary caregiver, if the registrant is a qualifying patient.

9           3. Each qualifying patient, if the registrant is a primary caregiver.

10          (b) The date of issuance and expiration date of the registry identification card.

11          (c) A photograph of the registrant.

12          (d) Other information the department may require by rule.

13           **(4m) ANNUAL FEE.** Primary caregivers shall pay an annual fee determined by  
14 the department but not less than \$250.

15           **(5) ADDITIONAL INFORMATION TO BE PROVIDED BY REGISTRANT.** (a) 1. An adult  
16 registrant shall notify the department of any change in the registrant's name and  
17 address. An adult registrant who is a qualifying patient shall notify the department  
18 of any change in his or her practitioner, of any significant improvement in his or her  
19 health as it relates to his or her debilitating medical condition or treatment, and if  
20 a primary caregiver stops helping the registrant in the registrant's medication with  
21 tetrahydrocannabinols. A registrant who is a primary caregiver shall notify the  
22 department if the registrant becomes a primary caregiver for an additional  
23 qualifying patient and shall include with the notice a copy of a written certification  
24 or copy of a registration identification card for each additional qualifying patient.

1           2. If a qualifying patient is a child, a primary caregiver for the child shall  
2 provide the department with any information that the child, if he or she were an  
3 adult qualifying patient, would have to provide under subd. 1. within 10 days after  
4 the date of the change to which the information relates.

5           (b) If a registrant fails to notify the department within 10 days after any change  
6 for which notification is required under par. (a) 1., his or her registry identification  
7 card is void. If a registrant fails to comply with par. (a) 2., the registry identification  
8 card for the qualifying patient to whom the information under par. (a) 2. relates is  
9 void.

10           (c) If a qualifying patient's registry identification card becomes void under par.  
11 (b), the registry identification card for each of the qualifying patient's primary  
12 caregivers with regard to that qualifying patient is void. The department shall send  
13 written notice of this fact to each such primary caregiver.

14           **(6) RECORDS.** (a) The department shall maintain a list of all registrants.

15           (b) Notwithstanding s. 19.35 and except as provided in par. (c) and sub. (2) (am),  
16 the department may not disclose information from an application submitted or a  
17 registry identification card issued under this section.

18           (c) The department may disclose to a law enforcement agency, upon the request  
19 of the law enforcement agency, only information necessary to verify that a person  
20 possesses a valid registry identification card.

21           **(7) RULES.** The department may promulgate rules to implement the Medical  
22 Cannabis Registry Program.

23           **(8) EMERGENCY RULES.** Using the procedure under s. 227.24, the department  
24 may promulgate rules under this section. Notwithstanding s. 227.24 (1) (c) and (2),  
25 emergency rules promulgated under this subsection remain in effect until January

1 1, 2023, or the date on which permanent rules take effect, whichever is sooner.  
2 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide  
3 evidence that promulgating a rule under this subsection as an emergency rule is  
4 necessary for the preservation of the public peace, health, safety, or welfare and is  
5 not required to provide a finding of emergency for a rule promulgated under this  
6 subsection.

7 **SECTION 1740.** 146.63 (2) (a) of the statutes is amended to read:

8 146.63 (2) (a) Subject to subs. (4) and (5), the department shall distribute  
9 grants from the appropriation under s. 20.435 (1) ~~(f)~~ (4) (bf) to assist rural hospitals  
10 and groups of rural hospitals in procuring infrastructure and increasing case volume  
11 to the extent necessary to develop accredited graduate medical training programs.  
12 The department shall distribute the grants under this paragraph to rural hospitals  
13 and groups of rural hospitals that apply to receive a grant under sub. (3) and that  
14 satisfy the criteria established by the department under par. (b) and the eligibility  
15 requirement under sub. (6).

16 **SECTION 1741.** 146.63 (6) (intro.) of the statutes is amended to read:

17 146.63 (6) **ELIGIBILITY.** (intro.) A rural hospital or group of rural hospitals may  
18 only receive a grant under sub. (3) if the plan to use the funds involves developing  
19 an accredited graduate medical training program in ~~any of the following specialties~~  
20 a specialty, including any of the following:

21 **SECTION 1742.** 146.64 (2) (c) 1. of the statutes is amended to read:

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

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

3 **SECTION 1743.** 146.64 (4) (intro.) of the statutes is amended to read:

4 146.64 (4) ELIGIBILITY. (intro.) A hospital that has an accredited graduate  
5 medical training program in ~~any of the following specialties~~ a specialty, including  
6 any of the following, may apply to receive a grant under sub. (3):

7 **SECTION 1744.** 146.81 (1) (c) of the statutes is amended to read:

8 146.81 (1) (c) A dentist or dental therapist licensed under ch. 447.

9 **SECTION 1745.** 146.89 (1) (d) 2. of the statutes is amended to read:

10 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates  
11 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program  
12 under s. 119.23 ~~or that, pursuant to s. 115.999 (3), 119.33 (2) (e) 3., or 119.9002 (3)~~  
13 ~~(e), is responsible for the operation and general management of a school transferred~~  
14 ~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch.~~  
15 ~~115, or subch. II of ch. 119.~~

\*\*\*\*NOTE: This is reconciled s. 146.89 (1) (d) 2. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

16 **SECTION 1746.** 146.89 (1) (g) 1. of the statutes is amended to read:

17 146.89 (1) (g) 1. A public elementary school, ~~including an elementary school~~  
18 ~~transferred to an opportunity schools and partnership program under s. 119.33,~~  
19 ~~subch. IX of ch. 115, or subch. II of ch. 119.~~

\*\*\*\*NOTE: This is reconciled s. 146.89 (1) (g) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

20 **SECTION 1747.** 146.89 (1) (r) 1. of the statutes is amended to read:

21 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist, dental  
22 therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or

1 nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant  
2 under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist  
3 under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

4 **SECTION 1748.** 146.89 (1) (r) 5. of the statutes is amended to read:

5 146.89 (1) (r) 5. An individual who holds a valid, unexpired license,  
6 certification, or registration issued by another state or territory that authorizes or  
7 qualifies the individual to perform acts that are substantially the same as those acts  
8 that an individual who is described in subds. 1. to 4., except a dentist, dental  
9 therapist, or dental hygienist, is licensed or certified to perform and who performs  
10 acts that are within the scope of that license, certification, or registration.

11 **SECTION 1749.** 146.89 (3) (b) 8. of the statutes is amended to read:

12 146.89 (3) (b) 8. Dental services, including tooth extractions and other  
13 procedures done under local anesthesia only and any necessary suturing related to  
14 the extractions, performed by a dentist or dental therapist who is a volunteer health  
15 provider; and dental hygiene services, performed by a dental hygienist who is a  
16 volunteer health provider.

17 **SECTION 1750.** 146.89 (3m) (intro.) of the statutes is amended to read:

18 146.89 (3m) (intro.) A volunteer health care provider who is a dentist or dental  
19 therapist may provide dental services or a volunteer health care provider who is a  
20 dental hygienist may provide dental hygiene services, to persons who are recipients  
21 of Medical Assistance, if all of the following apply:

22 **SECTION 1751.** 146.997 (1) (d) 3. of the statutes is amended to read:

23 146.997 (1) (d) 3. A dentist or dental therapist licensed under ch. 447.

24 **SECTION 1752.** 153.05 (2r) (intro.) of the statutes is amended to read:

1           153.05 (2r) (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the  
2 appropriation account under s. 20.515 (1) ~~(ut)~~ (w) the department of employee trust  
3 funds may expend up to \$150,000, and from the appropriation accounts under s.  
4 20.435 (1) (fn), (hg), and (hi) the department of health services, in its capacity as a  
5 public health authority, may expend moneys, to contract with a data organization to  
6 perform services under this subchapter that are specified for the data organization  
7 under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health services  
8 to perform or contract for the performance of these services. As a condition of the  
9 contract under this subsection, all of the following apply:

10           **SECTION 1753.** 155.01 (7) of the statutes is amended to read:

11           155.01 (7) "Health care provider" means a nurse licensed or permitted under  
12 ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed  
13 under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical  
14 therapist, physical therapist assistant, occupational therapist, or occupational  
15 therapy assistant licensed under ch. 448, a person practicing Christian Science  
16 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.  
17 455, a partnership thereof, a corporation or limited liability company thereof that  
18 provides health care services, a cooperative health care association organized under  
19 s. 185.981 that directly provides services through salaried employees in its own  
20 facility, or a home health agency, as defined in s. 50.49 (1) (a).

21           **SECTION 1754.** 165.08 (1) of the statutes is amended to read:

22           165.08 (1) Any civil action prosecuted by the department by direction of any  
23 officer, department, board, or commission, ~~or any~~ shall be compromised or  
24 discontinued when so directed by such officer, department, board, or commission.  
25 Any civil action prosecuted by the department on the initiative of the attorney

1 general, or at the request of any individual may be compromised or discontinued with  
2 the approval of ~~an intervenor under s. 803.09 (2m) or, if there is no intervenor, by~~  
3 ~~submission of a proposed plan to the joint committee on finance for the approval of~~  
4 ~~the committee. The compromise or discontinuance may occur only if the joint~~  
5 ~~committee on finance approves the proposed plan. No proposed plan may be~~  
6 ~~submitted to the joint committee on finance if the plan concedes the~~  
7 ~~unconstitutionality or other invalidity of a statute, facially or as applied, or concedes~~  
8 ~~that a statute violates or is preempted by federal law, without the approval of the~~  
9 ~~joint committee on legislative organization~~ the governor.

\*\*\*\*NOTE: This is reconciled s. 165.08 (1). This SECTION has been affected by drafts with the following LRB numbers: -2072/P1 and -2174/P1.

10 **SECTION 1755.** 165.10 of the statutes is repealed.

11 **SECTION 1756.** 165.25 (1) of the statutes is amended to read:

12 165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in  
13 ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), appear for the state and prosecute or  
14 defend all actions and proceedings, civil or criminal, in the court of appeals and the  
15 supreme court, in which the state is interested or a party, and attend to and prosecute  
16 or defend all civil cases sent or remanded to any circuit court in which the state is  
17 a party. ~~The joint committee on legislative organization may intervene as permitted~~  
18 ~~under s. 803.09 (2m) at any time.~~ Nothing in this subsection deprives or relieves the  
19 attorney general or the department of justice of any authority or duty under this  
20 chapter.

21 **SECTION 1757.** 165.25 (1m) of the statutes is amended to read:

22 165.25 (1m) REPRESENT STATE IN OTHER MATTERS. If requested by the governor  
23 or either house of the legislature, appear for and represent the state, any state

1 department, agency, official, employee or agent, whether required to appear as a  
2 party or witness in any civil or criminal matter, and prosecute or defend in any court  
3 or before any officer, any cause or matter, civil or criminal, in which the state or the  
4 people of this state may be interested. ~~The joint committee on legislative~~  
5 ~~organization may intervene as permitted under s. 803.09 (2m) at any time.~~ The  
6 public service commission may request under s. 196.497 (7) that the attorney general  
7 intervene in federal proceedings. All expenses of the proceedings shall be paid from  
8 the appropriation under s. 20.455 (1) (d).

9 **SECTION 1758.** 165.25 (6) (a) 1. of the statutes is amended to read:

10 165.25 (6) (a) 1. At the request of the head of any department of state  
11 government, the attorney general may appear for and defend any state department,  
12 or any state officer, employee, or agent of the department in any civil action or other  
13 matter brought before a court or an administrative agency which is brought against  
14 the state department, or officer, employee, or agent for or on account of any act  
15 growing out of or committed in the lawful course of an officer's, employee's, or agent's  
16 duties. Witness fees or other expenses determined by the attorney general to be  
17 reasonable and necessary to the defense in the action or proceeding shall be paid as  
18 provided for in s. 885.07. The attorney general may compromise and settle the action  
19 as the attorney general determines to be in the best interest of the state ~~except that,~~  
20 ~~if the action is for injunctive relief or there is a proposed consent decree, the attorney~~  
21 ~~general may not compromise or settle the action without the approval of an~~  
22 ~~intervenor under s. 803.09 (2m) or, if there is no intervenor, without first submitting~~  
23 ~~a proposed plan to the joint committee on finance. If, within 14 working days after~~  
24 ~~the plan is submitted, the cochairpersons of the committee notify the attorney~~  
25 ~~general that the committee has scheduled a meeting for the purpose of reviewing the~~



1 ~~proposed plan, the attorney general may compromise or settle the action only with~~  
2 ~~the approval of the committee. The attorney general may not submit a proposed plan~~  
3 ~~to the joint committee on finance under this subdivision in which the plan concedes~~  
4 ~~the unconstitutionality or other invalidity of a statute, facially or as applied, or~~  
5 ~~concedes that a statute violates or is preempted by federal law, without the approval~~  
6 ~~of the joint committee on legislative organization.~~

\*\*\*\*NOTE: This is reconciled s. 165.25 (6) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: -2072/P1 and -2174/P1.

7 **SECTION 1759.** 165.25 (10g) of the statutes is created to read:

8 165.25 (10g) REPORT ON SETTLEMENT FUNDS. Semiannually submit a report to  
9 the department of administration and the joint committee on finance regarding  
10 money received by the department of justice under a settlement agreement. To the  
11 extent permitted by the terms of each settlement agreement, the report shall specify  
12 all of the following for each reporting period:

13 (a) The total amount of settlement funds received.

14 (b) The amount of settlement funds received that have a purpose specified by  
15 the terms of the settlement.

16 (c) The amount of settlement funds received that do not have a purpose  
17 specified by the terms of the settlement.

18 (d) The cases from which settlement funds are received.

19 (e) The purposes for which settlement funds are used, and the amounts  
20 expended for each purpose.

21 **SECTION 1760.** 165.25 (11m) of the statutes is created to read:

1           165.25 (11m) FALSE CLAIMS. Diligently investigate possible violations of s.  
2           20.9315, and, if the department determines that a person has committed an act that  
3           is punishable under s. 20.9315, may bring a civil action against that person.

4           **SECTION 1761.** 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

5           **SECTION 1762.** 165.28 (1) of the statutes is renumbered 115.94 (1) and amended  
6           to read:

7           115.94 (1) In conjunction with the department of ~~public instruction~~ justice,  
8           create model practices for school safety. The department of ~~public instruction~~ justice  
9           shall provide any resources or staff requested by the office to create the model  
10          practices. The office shall also consult the Wisconsin School Safety Coordinators  
11          Association and the Wisconsin Safe and Healthy Schools Training and Technical  
12          Assistance Center when creating the model practices.

13          **SECTION 1763.** 165.28 (2) of the statutes is renumbered 115.94 (2).

14          **SECTION 1764.** 165.28 (3) of the statutes is renumbered 165.25 (20) and  
15          amended to read:

16          165.25 (20) TRAINING ON SCHOOL SAFETY. Offer, or contract with another party  
17          to offer, training to school staff on school safety. Training subjects may include  
18          trauma informed care and how adverse childhood experiences have an impact on a  
19          child's development and increase needs for counseling or support. If a school receives  
20          under s. 165.88 115.945 (2) (b) a grant for the training under this subsection, the  
21          office department may charge a fee for the training.

22          **SECTION 1765.** 165.68 (1) (a) 3. of the statutes is repealed and recreated to read:

23          165.68 (1) (a) 3. Conduct that is in violation of s. 940.225, 944.30 (1m), 948.02,  
24          948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in  
25          violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

1           **SECTION 1766.** 165.83 (1) (c) 1. of the statutes is amended to read:

2           165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~  
3 ~~of 17~~ an adult and that is a felony or a misdemeanor.

4           **SECTION 1767.** 165.83 (1) (c) 2. of the statutes is amended to read:

5           165.83 (1) (c) 2. An act that is committed by a ~~person~~ minor who has attained  
6 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or  
7 misdemeanor if committed by an adult.

8           **SECTION 1768.** 165.88 (title) of the statutes is renumbered 115.945 (title).

9           **SECTION 1769.** 165.88 (1) (intro.) and (a) of the statutes are consolidated,  
10 renumbered 115.945 (1) and amended to read:

11           115.945 (1) DEFINITIONS DEFINITION. In this section: ~~(a)~~ “Independent,  
12 “independent charter school” means a charter school established under s. 118.40 (2r)  
13 or (2x).

14           **SECTION 1770.** 165.88 (1) (b), (c) and (d) of the statutes are repealed.

15           **SECTION 1771.** 165.88 (2) of the statutes is renumbered 115.945 (2), and  
16 115.945 (2) (a) and (b), as renumbered, are amended to read:

17           115.945 (2) (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the  
18 department ~~of justice~~ shall award grants for expenditures related to improving  
19 school safety. The department shall accept applications for a grant under this  
20 subsection from school boards, operators of independent charter schools, governing  
21 bodies of private schools, and tribal schools.

22           (b) The department ~~of justice~~, in consultation with the department of ~~public~~  
23 ~~instruction~~ justice, shall develop a plan for use in awarding grants under this  
24 subsection. The department ~~of justice~~ shall include in the plan a description of what  
25 types of expenditures are eligible to be funded by grant proceeds. Eligible

## SECTION 1771

1 expenditures shall include expenditures to comply with the model practices created  
2 in s. ~~165.28~~ 115.94 (1); expenditures for training under s. ~~165.28 (3)~~ 165.25 (20);  
3 expenditures for safety-related upgrades to school buildings, equipment, and  
4 facilities; and expenditures necessary to comply with s. 118.07 (4) (cf).  
5 Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch.  
6 227.

7 **SECTION 1772.** 165.88 (3) of the statutes is renumbered 115.945 (3).

8 **SECTION 1773.** 165.88 (4) of the statutes is renumbered 115.945 (4) and  
9 amended to read:

10 115.945 (4) **REPORT.** The department of justice shall submit an annual report  
11 to the cochairpersons of the joint committee on finance providing an account of the  
12 grants awarded under sub. (2) and the expenditures made with the grant moneys.

13 **SECTION 1774.** 165.95 (2) of the statutes is amended to read:

14 165.95 (2) The department of justice shall make grants to counties and to tribes  
15 to enable them to establish and operate programs, including suspended and deferred  
16 prosecution programs and programs based on principles of restorative justice, that  
17 provide alternatives to prosecution and incarceration for criminal offenders who  
18 abuse alcohol or other drugs. The department of justice shall make the grants from  
19 the appropriations under s. 20.455 (2) (ek), (em), (jd), (kn), and (kv). The department  
20 of justice shall collaborate with the departments of corrections and health and family  
21 services in establishing this grant program.

22 **SECTION 1775.** 165.986 (title), (1), (2), (3) and (7) (intro.), (a) and (b) of the  
23 statutes are amended to read:

24 **165.986 (title) Beat patrol and community policing officers; grant**  
25 **program. (1)** The department of justice shall provide grants from the appropriation

1 under s. 20.455 (2) (kb) to cities to employ additional uniformed law enforcement  
2 officers whose primary duty is beat patrolling or who are assigned to community  
3 policing. A city is eligible for a grant under this subsection in fiscal year 1994-95 if  
4 the city has a population of 25,000 or more. A city may receive a grant for a calendar  
5 year if the city applies for a grant before September 1 of the preceding calendar year.  
6 Grants shall be awarded to the 10 eligible cities submitting an application for a grant  
7 that have the highest rates of violent crime index offenses in the most recent full  
8 calendar year for which data is available under the uniform crime reporting system  
9 of the federal bureau of investigation.

10 (2) A city applying to the department of justice for a grant under sub. (1) shall  
11 include a proposed plan of expenditure of the grant moneys. The grant moneys that  
12 a city receives under sub. (1) may be used for salary and fringe benefits only. Except  
13 as provided in sub. (3), the positions for which funding is sought must be created on  
14 or after April 21, 1994, and result in a net increase in the number of uniformed law  
15 enforcement officers assigned to beat patrol duties or community policing.

16 (3) During the first 6 months of the first year of a grant under sub. (1), a city  
17 may, with the approval of the department, use part of the grant for the payment of  
18 salary and fringe benefits for overtime provided by uniformed law enforcement  
19 officers whose primary duty is beat patrolling or who are assigned to community  
20 policing. A city may submit a request to the department for a 3-month extension of  
21 the use of the grant for the payment of overtime costs. To be eligible to use part of  
22 the first year's grant for overtime costs, the city shall provide the department with  
23 all of the following:

24 (a) The reasons why uniformed law enforcement officers assigned to beat patrol  
25 duties or community policing need to work overtime.

1 (b) The status of the hiring and training of new uniformed law enforcement  
2 officers who will have beat patrol duties or will be assigned to community policing.

3 (c) Documentation that a sufficient amount of the grant for the first year will  
4 be available, during the period remaining after the payment of overtime costs, to pay  
5 the salary and fringe benefits of the same number of uniformed officers whose  
6 primary duty is beat patrolling or who are assigned to community policing that the  
7 grant originally planned to pay.

8 (7) (intro.) From the appropriation under s. 20.455 (2) ~~(je)~~ (bm), the department  
9 shall make grants in amounts determined by the department to cities with a  
10 population of 25,000 or more to reimburse overtime costs for uniformed law  
11 enforcement officers whose primary duty is beat patrolling or who are assigned to  
12 community policing, except that the department may award no more than \$400,000  
13 to a city for a calendar year. The grants may be used for salary and fringe benefits  
14 only. The grants may be awarded only to the 10 eligible cities submitting an  
15 application for a grant that have the highest rates of violent crime index offenses in  
16 the most recent full calendar year for which data is available under the uniform  
17 crime reporting system of the federal bureau of investigation. A city may receive a  
18 grant for a calendar year if the city applies before September 1 of the preceding  
19 calendar year and provides the department all of the following:

\*\*\*\*NOTE: This is reconciled s. 165.986 (7) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: -2025/P1 and -2081/P1.

20 (a) The reasons why uniformed law enforcement officers assigned to beat patrol  
21 duties or community policing need to work overtime.

22 (b) The status of the hiring and training of new uniformed law enforcement  
23 officers who will have beat patrol duties or will be assigned to community policing.

1 SECTION 1776. Subchapter II (title) of chapter 168 [precedes 168.21] of the  
2 statutes is amended to read:

3 CHAPTER 168

4 SUBCHAPTER II

5 STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND  
6 PETROLEUM STORAGE TANKS

7 SECTION 1777. 185.983 (1) (intro.) of the statutes is amended to read:

8 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
9 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
10 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
11 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
12 631.95, 632.72 (2), 632.728, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,  
13 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.885, 632.89, 632.895 (5) and  
14 (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but  
15 the sponsoring association shall:

16 SECTION 1778. 186.113 (14) (a) of the statutes is repealed.

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

18 SECTION 1779. 196.025 (7) (title) and (a) (intro.) of the statutes are repealed.

19 SECTION 1780. 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and  
20 amended to read:

21 16.954 (3) (a) In cooperation with the other state agencies, collect, analyze,  
22 interpret, and maintain the comprehensive data needed for effective state agency  
23 clean and renewable energy planning and effective review of those plans by the  
24 governor and the legislature.

SECTION 1781. 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

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1           **SECTION 1782.** 196.025 (7) (a) 3. of the statutes is renumbered 16.954 (3) (h)  
2 and amended to read:

3           16.954 (3) (h) ~~Prepare~~ In consultation with the public service commission,  
4 prepare and maintain contingency plans for responding to critical energy shortages  
5 so that when the shortages occur they can be dealt with quickly and effectively.

6           **SECTION 1783.** 196.025 (7) (b) of the statutes is renumbered 196.38 (1).

7           **SECTION 1784.** 196.025 (7) (c) of the statutes is renumbered 196.38 (2) and  
8 amended to read:

9           196.38 (2) The commission may require a public utility to provide energy  
10 billing and use data regarding public schools, if the commission determines that the  
11 data is necessary to provide technical assistance ~~in the planning and~~  
12 ~~implementation of energy efficiency and renewable resources~~ under sub. (1) in public  
13 schools, including those with the highest energy costs.

14           **SECTION 1785.** 196.218 (5) (a) 12. of the statutes is repealed.

15           **SECTION 1786.** 196.31 (2m) of the statutes is amended to read:

16           196.31 (2m) From the appropriation under s. 20.155 (1) (j), the commission  
17 may make grants that, in the aggregate, do not exceed an annual total of \$300,000  
18 \$500,000 to one or more nonstock, nonprofit corporations that are described under  
19 section 501 (c) (3) of the Internal Revenue Code, and that have a history of advocating  
20 at the commission on behalf of ratepayers of this state, for the purpose of offsetting  
21 the general expenses of the corporations, including salary, benefit, rent, and utility  
22 expenses. The commission may impose conditions on grants made under this  
23 subsection and may revoke a grant if the commission finds that such a condition is  
24 not being met.

25           **SECTION 1787.** 196.374 (3) (b) 2. of the statutes is amended to read:



1           196.374 (3) (b) 2. The commission shall require each energy utility to spend 1.2  
2 percent of its annual operating revenues derived from retail sales to fund the utility's  
3 programs under sub. (2) (b) 1., the utility's ordered programs, the utility's share of  
4 the statewide energy efficiency and renewable resource programs under sub. (2) (a)  
5 1., and the utility's share, as determined by the commission under subd. 4., of the  
6 costs incurred by the commission in administering this section. Subject to subd. 3.,  
7 the commission may require each energy utility to spend more than 1.2 percent of  
8 its annual operating revenues to fund these programs and costs.

9           **SECTION 1788.** 196.374 (3) (b) 3. of the statutes is created to read:

10           196.374 (3) (b) 3. The commission shall submit to the joint committee on  
11 finance any proposal to require each energy utility to spend more than 1.2 percent  
12 of its annual operating revenues to fund the programs specified in subd. 2. If the  
13 cochairpersons of the committee do not notify the commission within 10 working  
14 days after the commission submits such a proposal that the committee has scheduled  
15 a meeting to review the proposal, the commission may require each energy utility to  
16 spend the percentage specified in the proposal. If, within 10 working days after the  
17 commission submits a proposal, the cochairpersons of the committee notify the  
18 commission that the committee has scheduled a meeting to review the proposal, and,  
19 within 90 days of providing the notice, the committee either approves or does not  
20 object to the proposal, the commission may require each energy utility to spend the  
21 percentage specified in the proposal. If, within 90 days after providing the notice,  
22 the committee objects to the proposal, the commission may not require each energy  
23 utility to spend the percentage specified in the proposal.

24           **SECTION 1789.** 196.38 (title) of the statutes is created to read:

25           **196.38 (title) Technical assistance to governmental units.**

1           **SECTION 1790.** 196.38 (3) of the statutes is created to read:

2           196.38 (3) The commission shall consult with the office of sustainability and  
3 clean energy in implementing this section.

4           **SECTION 1791.** 196.491 (3g) (a) of the statutes is amended to read:

5           196.491 (3g) (a) A person who receives a certificate of public convenience and  
6 necessity for a high-voltage transmission line that is designed for operation at a  
7 nominal voltage of 345 kilovolts or more under sub. (3) shall pay the ~~department of~~  
8 ~~administration~~ commission an annual impact fee as specified in the rules  
9 promulgated by the ~~department of administration~~ commission under s. ~~16.969~~  
10 196.492 (2) (a) and shall pay the ~~department of administration~~ commission a  
11 one-time environmental impact fee as specified in the rules promulgated by the  
12 ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (b).

13           **SECTION 1792.** 196.504 (title) of the statutes is amended to read:

14           **196.504** (title) **~~Broadband expansion grant program; Broadband~~**  
15 **~~Forward! community certification service.~~**

16           **SECTION 1793.** 196.504 (1) (b) of the statutes is amended to read:

17           196.504 (1) (b) “Underserved” means ~~served by fewer than 2 broadband service~~  
18 providers an area of this state in which households or businesses lack access to  
19 broadband service of at least 25 megabits per second download speed and 3 megabits  
20 per second upload speed.

21           **SECTION 1794.** 196.504 (1) (c) (intro.) of the statutes is renumbered 196.504 (1)  
22 (c) and amended to read:

23           196.504 (1) (c) “Unserved area” means an area of this state ~~that is not served~~  
24 ~~by an Internet service provider offering Internet service that is all of the following:~~

1 in which households or businesses lack access to broadband service of at least 10  
2 megabits per second download speed and one megabit per second upload speed.

3 **SECTION 1795.** 196.504 (1) (c) 1. and 2. of the statutes are repealed.

4 **SECTION 1796.** 196.504 (1m) of the statutes is created to read:

5 196.504 (1m) It is the goal of the state to ensure that no later than January 1,  
6 2025, all businesses and homes in this state have access to high-speed broadband  
7 that provides minimum download speeds of at least 25 megabits per second and  
8 minimum upload speeds of at least 3 megabits per second.

9 **SECTION 1797.** 196.504 (2) (a) of the statutes is amended to read:

10 196.504 (2) (a) To make broadband expansion grants to eligible applicants for  
11 the purpose of constructing broadband infrastructure in underserved areas  
12 designated under par. (d). Grants awarded under this section shall be paid from the  
13 appropriations under s. 20.155 (3) (a), (r), and (rm).

\*\*\*\*NOTE: This is reconciled s. 196.504 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -1950/P1 and -2068/P1.

14 **SECTION 1798.** 215.21 (2) of the statutes is amended to read:

15 215.21 (2) LENDING AREA. Except for loans made under s. 45.37, 2017 stats., the  
16 lending area of an association is limited to that area within a radius of 100 miles of  
17 the association's office.

18 **SECTION 1799.** 227.01 (3m) of the statutes is repealed.

\*\*\*\*NOTE: I have omitted any treatment reversing changes to the definition of rule  
under s. 227.01 (13). The changes in Act 369 were purely technical. MPG

19 **SECTION 1800.** 227.01 (13) (Lw) of the statutes is created to read:

20 227.01 (13) (Lw) Adjusts the minimum wage under s. 104.035 (8m).

21 **SECTION 1801.** 227.01 (13) (t) of the statutes is created to read:

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## SECTION 1801

1 227.01 (13) (t) Ascertain and determines prevailing wage rates under ss.  
2 66.0903, 103.49, 103.50, and 229.8275, except that any action or inaction which  
3 ascertain and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50,  
4 and 229.8275 is subject to judicial review under s. 227.40.

5 **SECTION 1802.** 227.01 (13) (zo) of the statutes is created to read:

6 227.01 (13) (zo) Determines policies relating to medical cannabis under s. 94.57  
7 (2).

8 **SECTION 1803.** 227.05 of the statutes, as created by 2017 Wisconsin Act 369,  
9 is repealed.

10 **SECTION 1804.** Subchapter II (title) of chapter 227 [precedes 227.10] of the  
11 statutes is amended to read:

12 **CHAPTER 227**

13 **SUBCHAPTER II**

14 **ADMINISTRATIVE RULES AND GUIDANCE DOCUMENTS**

15 **SECTION 1805.** 227.10 (2g) of the statutes is repealed.

16 **SECTION 1806.** 227.11 (title) of the statutes is amended to read:

17 **227.11 (title) Agency Extent to which chapter confers rule-making**  
18 **authority.**

19 **SECTION 1807.** 227.11 (3) of the statutes is repealed.

20 **SECTION 1808.** 227.112 of the statutes is repealed.

21 **SECTION 1809.** 227.13 of the statutes is amended to read:

22 **227.13 Advisory committees and informal consultations.** An agency may  
23 use informal conferences and consultations to obtain the viewpoint and advice of  
24 interested persons with respect to contemplated rule making. An agency may also  
25 appoint a committee of experts, interested persons or representatives of the public

1 to advise it with respect to any contemplated rule making. Such a The committee  
2 shall have advisory powers only. ~~Whenever an agency appoints a committee under~~  
3 ~~this section, the agency shall submit a list of the members of the committee to the~~  
4 ~~joint committee for review of administrative rules.~~

5 **SECTION 1810.** 227.26 (2) (im) of the statutes is repealed.

6 **SECTION 1811.** 227.40 (1) of the statutes is amended to read:

7 227.40 (1) Except as provided in sub. (2), the exclusive means of judicial review  
8 of the validity of a rule ~~or guidance document~~ shall be an action for declaratory  
9 judgment as to the validity of the rule ~~or guidance document~~ brought in the circuit  
10 court for the county where the party asserting the invalidity of the rule ~~or guidance~~  
11 ~~document~~ resides or has its principal place of business or, if that party is a  
12 nonresident or does not have its principal place of business in this state, in the circuit  
13 court for the county where the dispute arose. The officer or other agency whose rule  
14 ~~or guidance document~~ is involved shall be the party defendant. The summons in the  
15 action shall be served as provided in s. 801.11 (3) and by delivering a copy to that  
16 officer or, if the agency is composed of more than one person, to the secretary or clerk  
17 of the agency or to any member of the agency. The court shall render a declaratory  
18 judgment in the action only when it appears from the complaint and the supporting  
19 evidence that the rule ~~or guidance document~~ or its threatened application interferes  
20 with or impairs, or threatens to interfere with or impair, the legal rights and  
21 privileges of the plaintiff. A declaratory judgment may be rendered whether or not  
22 the plaintiff has first requested the agency to pass upon the validity of the rule ~~or~~  
23 ~~guidance document~~ in question.

24 **SECTION 1812.** 227.40 (2) (intro.) of the statutes is amended to read:

1           227.40 (2) (intro.) The validity of a rule ~~or guidance document~~ may be  
2 determined in any of the following judicial proceedings when material therein:

3           **SECTION 1813.** 227.40 (2) (e) of the statutes is amended to read:

4           227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), 106.50,  
5 106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for  
6 review of decisions and orders of administrative agencies if the validity of the rule  
7 ~~or guidance document~~ involved was duly challenged in the proceeding before the  
8 agency in which the order or decision sought to be reviewed was made or entered.

9           **SECTION 1814.** 227.40 (3) (ag) of the statutes is amended to read:

10          227.40 (3) (ag) In any judicial proceeding other than one under sub. (1) or (2),  
11 in which the invalidity of a rule ~~or guidance document~~ is material to the cause of  
12 action or any defense thereto, the assertion of that invalidity shall be set forth in the  
13 pleading of the party maintaining the invalidity of the rule ~~or guidance document~~ in  
14 that proceeding. The party asserting the invalidity of the rule ~~or guidance document~~  
15 shall, within 30 days after the service of the pleading in which the party sets forth  
16 the invalidity, apply to the court in which the proceedings are had for an order  
17 suspending the trial of the proceeding until after a determination of the validity of  
18 the rule ~~or guidance document~~ in an action for declaratory judgment under sub. (1).

        \*\*\*\*NOTE: Above and in the treatment of other provisions referencing guidance  
documents, I have omitted treatment of changes in Act 369 that were purely technical.  
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19          **SECTION 1815.** 227.40 (3) (ar) of the statutes is amended to read:

20          227.40 (3) (ar) Upon the hearing of the application, if the court is satisfied that  
21 the validity of the rule ~~or guidance document~~ is material to the issues of the case, an  
22 order shall be entered staying the trial of said proceeding until the rendition of a final  
23 declaratory judgment in proceedings to be instituted forthwith by the party asserting

1 the invalidity of the rule ~~or guidance document~~. If the court finds that the asserted  
2 invalidity of the rule ~~or guidance document~~ is not material to the case, an order shall  
3 be entered denying the application for stay.

4 **SECTION 1816.** 227.40 (3) (b) of the statutes is amended to read:

5 227.40 (3) (b) Upon the entry of a final order in the declaratory judgment  
6 action, it shall be the duty of the party who asserts the invalidity of the rule ~~or~~  
7 ~~guidance document~~ to formally advise the court of the outcome of the declaratory  
8 judgment action so brought as ordered by the court. After the final disposition of the  
9 declaratory judgment action the court shall be bound by and apply the judgment so  
10 entered in the trial of the proceeding in which the invalidity of the rule ~~or guidance~~  
11 ~~document~~ is asserted.

12 **SECTION 1817.** 227.40 (3) (c) of the statutes is amended to read:

13 227.40 (3) (c) Failure to set forth the invalidity of a rule ~~or guidance document~~  
14 in a pleading or to commence a declaratory judgment proceeding within a reasonable  
15 time pursuant to the order of the court or to prosecute the declaratory judgment  
16 action without undue delay shall preclude the party from asserting or maintaining  
17 that the rule ~~or guidance document~~ is invalid.

18 **SECTION 1818.** 227.40 (4) (a) of the statutes is amended to read:

19 227.40 (4) (a) In any proceeding pursuant to this section for judicial review of  
20 a rule ~~or guidance document~~, the court shall declare the rule ~~or guidance document~~  
21 invalid if it finds that it violates constitutional provisions or exceeds the statutory  
22 authority of the agency or was promulgated ~~or adopted~~ without compliance with  
23 statutory rule-making ~~or adoption~~ procedures.

24 **SECTION 1819.** 227.40 (6) of the statutes is amended to read:

1           227.40 (6) Upon entry of a final order in a declaratory judgment action under  
2 sub. (1) ~~with respect to a rule~~, the court shall send an electronic notice to the  
3 legislative reference bureau of the court's determination as to the validity or  
4 invalidity of the rule, in a format approved by the legislative reference bureau, and  
5 the legislative reference bureau shall publish a notice of that determination in the  
6 Wisconsin administrative register under s. 35.93 (2) and insert an annotation of that  
7 determination in the Wisconsin administrative code under s. 13.92 (4) (a).

8           **SECTION 1820.** 227.43 (1) (bm) of the statutes is repealed.

9           **SECTION 1821.** 227.43 (2) (am) of the statutes is repealed.

10          **SECTION 1822.** 227.43 (3) (bm) of the statutes is repealed.

11          **SECTION 1823.** 227.43 (4) (bm) of the statutes is repealed.

12          **SECTION 1824.** 227.57 (11) of the statutes is amended to read:

13           227.57 (11) Upon review of an agency action or decision affecting a property  
14 owner's use of the property owner's property, the court shall accord no deference to  
15 the agency's interpretation of law if the agency action or decision restricts the  
16 property owner's free use of the property owner's property.

17          **SECTION 1825.** 229.682 (2) of the statutes is created to read:

18           229.682 (2) **PREVAILING WAGE.** The construction of a baseball park facility that  
19 is financed in whole or in part by a district is subject to s. 66.0903.

20          **SECTION 1826.** 229.8275 of the statutes is created to read:

21           **229.8275 Prevailing wage.** A district may not enter into a contract under s.  
22 229.827 with a professional football team, as described in s. 229.823, or a related  
23 party that requires the team or related party to acquire and construct or renovate  
24 football stadium facilities that are part of any facilities that are leased by the district



1 to the team or to a related party unless the professional football team or related party  
2 agrees to all of the following:

3 (1) Not to allow any employee working on the football stadium facilities who  
4 would be entitled to receive the prevailing wage rate under s. 66.0903 and who would  
5 not be required or allowed to work more than the prevailing hours of labor, if the  
6 football stadium facilities were a project of public works subject to s. 66.0903, to be  
7 paid less than the prevailing wage rate or to be required or allowed to work more than  
8 the prevailing hours of labor, except as allowed under s. 66.0903 (4) (a).

9 (2) To require any contractor, subcontractor, or agent of a contractor or  
10 subcontractor performing work on the football stadium facilities to keep and allow  
11 inspection of records in the same manner as a contractor, subcontractor, or agent of  
12 a contractor or subcontractor performing work on a project of public works that is  
13 subject to s. 66.0903 is required to keep and allow inspection of records under s.  
14 66.0903 (10).

15 (3) To comply with s. 66.0903 in the same manner as a local governmental unit  
16 contracting for the erection, construction, remodeling, repairing, or demolition of a  
17 project of public works is required to comply with s. 66.0903 and to require any  
18 contractor, subcontractor, or agent of a contractor or subcontractor performing work  
19 on the football stadium facilities to comply with s. 66.0903 in the same manner as  
20 a contractor, subcontractor, or agent of a contractor or subcontractor performing  
21 work on a project of public works that is subject to s. 66.0903 is required to comply  
22 with s. 66.0903.

23 SECTION 1827. 230.08 (2) (wc) of the statutes is repealed.

24 SECTION 1828. 230.08 (2) (ya) of the statutes is created to read:

1WS  
633-22  
-2234  
P1

1 230.08 (2) (ya) The director of the office of sustainability and clean energy in  
2 the department of administration.

3 SECTION 1829. 234.03 (13m) of the statutes is amended to read:

4 234.03 (13m) To purchase and enter into commitments for the purchase of  
5 veterans housing loans made pursuant to s. 45.37, 2017 stats.

6 SECTION 1830. 234.18 of the statutes is amended to read:

7 **234.18 Limit on amount of outstanding bonds and notes.** The authority  
8 may not issue notes and bonds that are secured by a capital reserve fund to which  
9 s. 234.15 (4) applies if, upon issuance, the total aggregate outstanding principal  
10 amount of notes and bonds that are secured by a capital reserve fund to which s.  
11 234.15 (4) applies would exceed \$600,000,000 \$1,000,000,000. This section does not  
12 apply to bonds and notes issued to refund outstanding notes and bonds.

13 SECTION 1831. 234.29 of the statutes is amended to read:

14 **234.29 Equality of occupancy and employment.** The authority shall  
15 require that occupancy of housing projects assisted under this chapter be open to all  
16 regardless of sex, race, religion, or sexual orientation; status as a victim of domestic  
17 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u); whether the  
18 person holds, or has applied for, a registry identification card, as defined in s. 146.44  
19 (1) (g), has been the subject of a written certification, as defined in s. 146.44 (1) (h),  
20 or is or has been a member of a treatment team, as defined in s. 961.01 (20t); or creed,  
21 and that contractors and subcontractors engaged in the construction of economic  
22 development or housing projects, shall provide an equal opportunity for  
23 employment, without discrimination as to sex, race, religion, sexual orientation, or  
24 creed.

25 SECTION 1832. 234.40 (1) of the statutes is amended to read:

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25

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

4           **SECTION 1833.** 234.40 (3) of the statutes is amended to read:

5           234.40 (3) It is the intent of the legislature that the authority be used to finance  
6 the veterans housing program. ~~Nothing in this chapter shall be construed to~~  
7 ~~supersede the powers vested by subch. III of ch. 45 in the department of veterans~~  
8 ~~affairs for carrying out program responsibilities for which debt has been incurred by~~  
9 ~~the authority.~~

10          **SECTION 1834.** 234.41 (1) of the statutes is amended to read:

11          234.41 (1) There is established under the jurisdiction of the authority a  
12 veterans housing loan fund. All moneys resulting from the sale of bonds for the  
13 purpose of veterans housing pursuant to s. 45.37, 2017 stats., unless credited to the  
14 veterans capital reserve fund, shall be credited to the fund.

15          **SECTION 1835.** 234.41 (2) of the statutes is amended to read:

16          234.41 (2) The authority shall use moneys in the fund for the purpose of  
17 purchasing loans representing veterans housing loans pursuant to s. 45.37, 2017  
18 stats. All disbursements of funds under this section for purchasing mortgage loans  
19 shall be made payable to authorized lenders as defined in s. 45.31 (3), 2017 stats.,  
20 and eligible persons as defined in s. 45.31 (5), 2017 stats.

21          **SECTION 1836.** 234.43 (2) (c) of the statutes is amended to read:

22          234.43 (2) (c) For repayment of advances from the state made through s. 20.485  
23 (3) (b), 2017 stats.;

24          **SECTION 1837.** 238.02 (1) of the statutes is amended to read:

1           238.02 (1) There is created an authority, which is a public body corporate and  
2 politic, to be known as the "Wisconsin Economic Development Corporation." The  
3 members of the board shall consist of 6 members nominated by the governor, and  
4 with the advice and consent of the senate appointed, to serve at the pleasure of the  
5 governor; ~~4~~ 3 members appointed by the speaker of the assembly, consisting of one  
6 majority and one minority party representative to the assembly, appointed as are the  
7 members of standing committees in the assembly, and one person employed in the  
8 private sector, to serve ~~4~~-year terms; ~~one member appointed by the minority leader~~  
9 ~~of the assembly to serve a 4-year term;~~ ~~4~~ at the speaker's pleasure; and 3 members  
10 appointed by the senate majority leader, consisting of one majority and one minority  
11 party senator, appointed as are members of standing committees in the senate, and  
12 one person employed in the private sector, to serve ~~4~~-year terms; and ~~one member~~  
13 ~~appointed by the minority leader of the senate to serve a 4-year term.~~ Neither the  
14 speaker of the assembly nor the senate majority leader may appoint more than ~~2~~  
15 members of the legislature to the board at the majority leader's pleasure. The  
16 secretary of administration and the secretary of revenue shall also serve on the board  
17 as nonvoting members. The board shall elect a chairperson from among its  
18 nonlegislative voting members. ~~A vacancy on the board shall be filled in the same~~  
19 ~~manner as the original appointment to the board for the remainder of the unexpired~~  
20 ~~term, if any.~~

21           **SECTION 1838.** 238.02 (2) of the statutes is amended to read:

22           238.02 (2) A majority of the appointed voting members of the board currently  
23 servng constitutes a quorum for the purpose of conducting its business and  
24 exercising its powers and for all other purposes, notwithstanding the existence of any

1 vacancies. Action may be taken by the board upon a vote of a majority of the  
2 appointed voting members present.

3 **SECTION 1839.** 238.04 (15) of the statutes is repealed.

4 **SECTION 1840.** 238.07 (1) of the statutes is amended to read:

5 238.07 (1) Annually, by January October 1, the board shall submit to the chief  
6 clerk of each house of the legislature, for distribution to the legislature under s.  
7 13.172 (2), a report identifying the economic development projects that the board  
8 intends to develop and implement during the current calendar fiscal year.

9 **SECTION 1841.** 238.07 (2) (ag) of the statutes is amended to read:

10 238.07 (2) (ag) An accounting of the location, by municipality, of each job  
11 created or retained in the state in the previous fiscal year as a result of the program  
12 if the job meets the criteria for receiving a grant, loan award, or tax credit under the  
13 program.

14 **SECTION 1842.** 238.07 (2) (ar) of the statutes is amended to read:

15 238.07 (2) (ar) An accounting of the industry classification, by municipality, of  
16 each job created or retained in the state as a result of the program if the job meets  
17 the criteria for receiving a grant, loan award, or tax credit under the program.

18 **SECTION 1843.** 238.08 of the statutes is renumbered 238.08 (1) and amended  
19 to read:

20 238.08 (1) All records of the corporation are open to the public as provided in  
21 s. 19.35 (1) except those records relating to pending grants, loans, or economic  
22 development projects that, in the opinion of the corporation, must remain  
23 confidential to protect the competitive nature of the grant, loan, or project and except  
24 records received from the department of revenue pursuant to an agreement under  
25 s. 71.78 (5).

\*\*\*\*NOTE: This is reconciled s. 238.08(1). This SECTION has been affected by drafts with the following LRB numbers: -1757/p2 and -1796/p1.

1           **SECTION 1844.** 238.08 (2) of the statutes is created to read:

2           238.08 (2) The corporation shall maintain on its Internet site a searchable,  
3 electronic database that allows any person to inspect all final contracts, including  
4 final amendments to these contracts, under which the corporation agrees to provide  
5 a grant, loan, or tax benefit. The corporation shall add a final contract or final  
6 amendment to the database no later than 30 days after the contract or amendment  
7 is executed.

8           **SECTION 1845.** 238.095 of the statutes is created to read:

9           **238.095 Contract requirements.** (1) All terms of each contract the  
10 corporation executes shall, at the time the contract is executed, be in compliance with  
11 all applicable state laws and all applicable corporation policies and procedures.

12           (2) Prior to executing a contract with a person for the award of a grant, loan,  
13 or tax credit, the corporation shall establish, through payroll records or other  
14 business records the corporation determines are sufficient, the number of full-time  
15 employees employed by the person for the purpose of accounting for each full-time  
16 job created or retained during the course of the contract.

17           (3) Each contract the corporation executes with a person for the award of a  
18 grant, loan, or tax credit shall require the person to submit to the corporation payroll  
19 records, or other business records the corporation determines are sufficient, to verify  
20 the number of full-time jobs created or retained during the course of the contract.  
21 The corporation shall adopt policies and procedures establishing standards to verify  
22 the business records and full-time job data.

23           **SECTION 1846.** 238.097 of the statutes is created to read:

1           **238.097 Underwriting staff review.** The corporation may not enter into a  
2 contract with a person for the award of a grant, loan, or tax credit before the  
3 corporation's underwriting staff completes a review of the person's application for the  
4 grant, loan, or tax credit, including an evaluation of all statutory requirements and  
5 all requirements under the corporation's policies and procedures that apply to the  
6 grant, loan, or tax credit.

7           **SECTION 1847.** 238.105 of the statutes is created to read:

8           **238.105 Job elimination or relocation.** (1) Each recipient of a grant, loan,  
9 or tax credit under this chapter shall report to the corporation each full-time job in  
10 this state that the recipient eliminates or relocates outside this state within 7  
11 business days after the job is eliminated or relocated and shall describe in detail the  
12 circumstances of that job elimination or relocation. If extenuating circumstances  
13 make it impossible for the recipient to submit the report within 7 business days, the  
14 recipient may submit the report within 30 days after the full-time job is eliminated  
15 or relocated.

16           (2) A recipient of a grant, loan, or tax credit under this chapter may not use the  
17 grant, loan, or tax credit to reduce net employment in this state or relocate jobs  
18 outside this state.

19           **SECTION 1848.** 238.115 (1) (f) of the statutes is amended to read:

20           238.115 (1) (f) The amount of tax credits the corporation determined each  
21 person identified under par. (e) was eligible to claim that, if already claimed that,  
22 must be repaid by the person as the result of ~~a~~ the ~~revocation for each person~~  
23 ~~identified under par. (e).~~

24           **SECTION 1849.** 238.116 of the statutes is created to read:

**238.116 Reporting of material changes in contracts for tax benefits. (1)**

Each contract the corporation executes with a taxpayer under which the taxpayer may be eligible to claim tax benefits in excess of \$5,000,000 during the term of the contract shall include a requirement that the taxpayer promptly notify the corporation of all of the following:

(a) Each material change to a project subject to the contract.

(b) All effects of each material change under par. (a) on the contract's performance goals or requirements, including job retention, creation, or training and capital expenditures, and any effect on the timing of the taxpayer's achievement of the performance goals or requirements.

(2) The corporation shall notify the joint committee on finance of any material change for which the corporation receives notice under sub. (1) and, for any contract under which a taxpayer may be eligible to claim tax benefits in excess of \$5,000,000 during the term of the contract, of any material change due to an amendment to the contract.

**SECTION 1850.** 238.117 of the statutes is created to read:

**238.117 Repayment of tax credits.** No later than 7 days after the corporation receives a repayment of tax credits under this chapter, the corporation shall remit the full amount of that payment to the secretary of administration for deposit in the general fund.

**SECTION 1851.** 238.135 of the statutes is amended to read:

**238.135 Grants to regional economic development organizations.** The corporation shall award annual grants to regional economic development organizations to fund economic development activities, including marketing activities. The total amount of grants awarded each year shall be at least \$1,000,000.



1 The amount of each a grant to fund marketing activities may not exceed \$100,000  
2 or the amount of matching funds the organization obtains from sources other than  
3 the corporation or the state, whichever is less.

4 **SECTION 1852.** 238.17 (1) of the statutes is renumbered 238.17 (1) (a) and  
5 amended to read:

6 238.17 (1) (a) ~~For~~ Except as provided in par. (b), for taxable years beginning  
7 after December 31, 2013, the corporation may certify a person to claim a tax credit  
8 under s. 71.07 (9m), 71.28 (6), or 71.47 (6), if the corporation determines that the  
9 person is conducting an eligible activity under s. 71.07 (9m), 71.28 (6), or 71.47 (6).  
10 No person may claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6) without  
11 first being certified under this subsection.

12 **SECTION 1853.** 238.17 (1) (b) of the statutes is created to read:

13 238.17 (1) (b) The corporation may not certify a person to claim a tax credit  
14 under s. 71.07 (9m) (a) 3., 71.28 (6) (a) 3., or 71.47 (6) (a) 3. for taxable years beginning  
15 after December 31, 2018.

16 **SECTION 1854.** 238.17 (2) of the statutes is amended to read:

17 238.17 (2) Beginning July 1, 2018, and ending on June 30, 2019, the  
18 corporation may not certify persons to claim more than a total of \$3,500,000 in tax  
19 credits for all projects undertaken on the same parcel. Beginning July 1, 2019, the  
20 corporation may not certify persons to claim more than a total of \$3,500,000 in tax  
21 credits for any project, regardless of the number of parcels on which the project is  
22 undertaken.

23 **SECTION 1855.** 238.30 (4m) of the statutes is amended to read:

24 238.30 (4m) "Member of a targeted group" means a person who resides in an  
25 area designated by the federal government as an economic revitalization area, a

1 person who is employed in an unsubsidized job but meets the eligibility requirements  
2 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who  
3 is employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or in a trial  
4 employment match program job subsidized employment placement, as defined in s.  
5 49.141 (1) (n) (Lm), a person who is eligible for child care assistance under s. 49.155,  
6 a person who is a vocational rehabilitation referral, an economically disadvantaged  
7 youth, an economically disadvantaged veteran, a supplemental security income  
8 recipient, a general assistance recipient, an economically disadvantaged ex-convict,  
9 a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the  
10 person has been certified in the manner under 26 USC 51 (d) (13) (A) by a designated  
11 local agency, as defined in 26 USC 51 (d) (12).

12 **SECTION 1856.** 238.306 (3) of the statutes is repealed.

13 **SECTION 1857.** 238.308 (4) (a) 4m. of the statutes is created to read:

14 238.308 (4) (a) 4m. In addition to any tax benefit awarded under subd. 4., an  
15 amount equal to up to 5 percent of the person's real property investment in a capital  
16 investment project, if the project satisfies subd. 4. and if the investment is made for  
17 purposes of energy efficiency or the generation of energy from renewable resources.  
18 The corporation shall include in any contract for the award of tax benefits under this  
19 subdivision a requirement that the recipient of the tax benefits provide  
20 documentation to the corporation verifying all expenditures under this subdivision  
21 and showing the energy efficiency or renewable energy impacts of those  
22 expenditures.

23 **SECTION 1858.** 238.399 (3) (a) of the statutes is amended to read:

24 238.399 (3) (a) The corporation may designate ~~any number of enterprise zones~~  
25 in this state not more than 35 enterprise zones.

1           **SECTION 1859.** 238.399 (3) (am) of the statutes is repealed.

2           **SECTION 1860.** 238.399 (3) (e) of the statutes is created to read:

3           238.399 (3) (e) If the corporation revokes all certifications for tax benefits  
4 within a designated enterprise zone, the corporation may cancel the designation of  
5 that enterprise zone. After canceling the designation of an enterprise zone, the  
6 corporation may designate a new enterprise zone subject to the limits of this  
7 subsection.

8           **SECTION 1861.** 250.048 of the statutes is created to read:

9           **250.048 Prescription drug importation program.** (1) IMPORTATION  
10 PROGRAM REQUIREMENTS. The department, in consultation with persons interested in  
11 the sale and pricing of prescription drugs and appropriate officials and agencies of  
12 the federal government, shall design and implement a prescription drug importation  
13 program for the benefit of residents of this state, that generates savings for residents,  
14 and that satisfies all of the following:

15           (a) The department shall designate a state agency to become a licensed  
16 wholesale distributor or to contract with a licensed wholesale distributor and shall  
17 seek federal certification and approval to import prescription drugs.

18           (b) The prescription drug importation program under this section shall comply  
19 with relevant requirements of 21 USC 384, including safety and cost savings  
20 requirements.

21           (c) The prescription drug importation program under this section shall import  
22 prescription drugs from Canadian suppliers regulated under any appropriate  
23 Canadian or provincial laws.

1 (d) The prescription drug importation program under this section shall have  
2 a process to sample the purity, chemical composition, and potency of imported  
3 prescription drugs.

4 (e) The prescription drug importation program under this section shall import  
5 only those prescription drugs for which importation creates substantial savings for  
6 residents of the state and only those prescription drugs that are not brand-name  
7 drugs and that have fewer than 4 competitor prescription drugs in the United States.

8 (f) The department shall ensure that prescription drugs imported under the  
9 program under this section are not distributed, dispensed, or sold outside of the  
10 state.

11 (g) The prescription drug importation program under this section shall ensure  
12 all of the following:

13 1. Participation by any pharmacy or health care provider in the program is  
14 voluntary.

15 2. Any pharmacy or health care provider participating in the program has the  
16 appropriate license or other credential in this state.

17 3. Any pharmacy or health care provider participating in the program charges  
18 a consumer or health plan the actual acquisition cost of the imported prescription  
19 drug that is dispensed.

20 (h) The prescription drug importation program under this section shall ensure  
21 that a payment by a health plan or health insurance policy for a prescription drug  
22 imported under the program reimburses no more than the actual acquisition cost of  
23 the imported prescription drug that is dispensed.

1 (i) The prescription drug importation program under this section shall ensure  
2 that any health plan or health insurance policy participating in the program does all  
3 of the following:

4 1. Maintains a formulary and claims payment system with current information  
5 on prescription drugs imported under the program.

6 2. Bases cost-sharing amounts for participants or insureds under the plan or  
7 policy on no more than the actual acquisition cost of the prescription drug imported  
8 under the program that is dispensed to the participant or insured.

9 3. Demonstrates to the department or a state agency designated by the  
10 department how premiums under the policy or plan are affected by savings on  
11 prescription drugs imported under the program.

12 (j) Any wholesale distributor importing prescription drugs under the program  
13 under this section shall limit its profit margin to the amount established by the  
14 department or a state agency designated by the department.

15 (k) The prescription drug importation program under this section may not  
16 import any generic prescription drug that would violate federal patent laws on  
17 branded products in this country.

18 (L) The prescription drug importation program under this section shall comply  
19 to the extent practical and feasible before the prescription drug to be imported comes  
20 into possession of the state's wholesale distributor and fully after the prescription  
21 drug to be imported is in possession of the state's wholesale distributor with tracking  
22 and tracing requirements of 21 USC 360eee to 360eee-1.

23 (m) The prescription drug importation program under this section shall  
24 establish a fee or other approach to finance the program that does not jeopardize  
25 significant savings to residents of the state.

1 (n) The prescription drug importation program under this section shall have  
2 an audit function that ensures all of the following:

3 1. The department has a sound methodology to determine the most  
4 cost-effective prescription drugs to include in the importation program under this  
5 section.

6 2. The department has a process in place to select Canadian suppliers that are  
7 high quality, high performing, and in full compliance with Canadian laws.

\*\*\*\*NOTE: I am unsure what exactly "high performing" means in this context. You  
may want to select more specific terms to reflect cost consciousness, efficiency, supplying  
a variety of prescription drugs, or whatever you would like "high performing" to mean.

8 3. Prescription drugs imported under the program are pure, unadulterated,  
9 potent, and safe.

10 4. The prescription drug importation program is complying with the  
11 requirements of this subsection.

12 5. The prescription drug importation program under this section is adequately  
13 financed to support administrative functions of the program while generating  
14 significant cost savings to residents of the state.

15 6. The prescription drug importation program under this section does not put  
16 residents of the state at a higher risk than if the program did not exist.

17 7. The prescription drug importation program under this section provides and  
18 is projected to continue to provide substantial cost savings to residents of the state.

19 (2) ANTICOMPETITIVE BEHAVIOR. The department, in consultation with the  
20 attorney general, shall identify the potential for and monitor anticompetitive  
21 behavior in industries affected by a prescription drug importation program.

22 (3) APPROVAL OF PROGRAM DESIGN; CERTIFICATION. No later than the first day of  
23 the 7th month beginning after the effective date of this subsection ... [LRB inserts

1 date], the department shall submit to the joint committee on finance a report that  
2 includes the design of the prescription drug importation program in accordance with  
3 this section. The department may not submit the proposed prescription drug  
4 importation program to the federal department of health and human services unless  
5 the joint committee on finance approves the proposed prescription drug  
6 implementation program. Within 14 days of the date of approval by the joint  
7 committee on finance of the proposed prescription drug importation program, the  
8 department shall submit to the federal department of health and human services a  
9 request for certification of the approved prescription drug importation program.

10 (4) IMPLEMENTATION OF CERTIFIED PROGRAM. After the federal department of  
11 health and human services certifies the prescription drug importation program  
12 submitted under sub. (3), the department shall begin implementation of the program  
13 and the program shall be fully operational by 180 days after the date of certification  
14 by the federal department of health and human services. The department shall do  
15 all of the following to implement the prescription drug importation program to the  
16 extent the action is in accordance with other state laws and the certification by the  
17 federal department of health and human services:

18 (a) Become a licensed wholesale distributor, designate another state agency to  
19 become a licensed wholesale distributor, or contract with a licensed wholesale  
20 distributor.

21 (b) Contract with one or more Canadian suppliers that meet the criteria in sub.  
22 (1) (c).

23 (c) Create an outreach and marketing plan to communicate with and provide  
24 information to health plans and health insurance policies, employers, pharmacies,

1 health care providers, and residents of the state on participating in the prescription  
2 drug importation program.

3 (d) Develop and implement a registration process for health plans and health  
4 insurance policies, pharmacies, and health care providers interested in participating  
5 in the prescription drug importation program.

6 (e) Create a publicly accessible source for listing prices of prescription drugs  
7 imported under the program.

8 (f) Create, publicize, and implement a method of communication to promptly  
9 answer questions from and address the needs of persons affected by the  
10 implementation of the program before the program is fully operational.

11 (g) Establish the audit functions under sub. (1) (n) with a timeline to complete  
12 each audit function every 2 years.

13 (h) Conduct any other activities determined by the department to be important  
14 to successful implementation of the prescription drug importation program under  
15 this section.

16 (5) REPORT. By January 1 and July 1 of each year, the department shall submit  
17 to the joint committee on finance a report including all of the following:

18 (a) A list of prescription drugs included in the importation program under this  
19 section.

20 (b) The number of pharmacies, health care providers, and health plans and  
21 health insurance policies participating in the prescription drug importation program  
22 under this section.

23 (c) The estimated amount of savings to residents of the state, health plans and  
24 health insurance policies, and employers resulting from the implementation of the  
25 prescription drug importation program under this section reported from the date of



1 the previous report under this subsection and from the date the program was fully  
2 operational.

3 (d) Findings of any audit functions under sub. (1) (n) completed since the date  
4 of the previous report under this subsection.

5 **SECTION 1862.** 250.10 (1m) (b) of the statutes is amended to read:

6 250.10 (1m) (b) Award in each fiscal year to qualified applicants grants totaling  
7 \$25,000 no less than \$50,000 for fluoride supplements, \$25,000 for a fluoride  
8 mouth-rinse program varnish and other evidence-based oral health activities,  
9 \$700,000 for school-based preventive dental services, and \$120,000 for a  
10 school-based dental sealant program \$100,000 for school-based restorative dental  
11 services.

12 **SECTION 1863.** 250.20 (3) of the statutes is amended to read:

13 250.20 (3) From the appropriation account under s. 20.435 (1) ~~(kb)~~ (cr), the  
14 department shall annually award grants for activities to improve the health status  
15 of economically disadvantaged minority group members. A person may apply, in the  
16 manner specified by the department, for a grant of up to \$50,000 in each fiscal year  
17 to conduct these activities. An awardee of a grant under this subsection shall  
18 provide, for at least 50 percent of the grant amount, matching funds that may consist  
19 of funding or an in-kind contribution. An applicant that is not a federally qualified  
20 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants  
21 awarded under this subsection. An applicant that provides maternal and child  
22 health services shall receive priority for grants awarded under this subsection.

23 **SECTION 1864.** 250.20 (4) of the statutes is amended to read:

24 250.20 (4) From the appropriation account under s. 20.435 (1) ~~(kb)~~ (cr), the  
25 department shall award a grant of up to \$50,000 in each fiscal year to a private

1 nonprofit corporation that applies, in the manner specified by the department, to  
2 conduct a public information campaign on minority health.

3 **SECTION 1865.** 252.14 (1) (ar) 3. of the statutes is amended to read:

4 252.14 (1) (ar) 3. A dentist or dental therapist licensed under ch. 447.

5 **SECTION 1866.** 253.06 (1) (a) of the statutes is renumbered 253.06 (1) (am) and  
6 amended to read:

7 253.06 (1) (am) “Authorized Approved food” means food identified by the  
8 department as an authorized food in accordance with 7 CFR 246.10 as acceptable for  
9 use under the federal special supplemental food nutrition program for women,  
10 infants and children under 42 USC 1786.

11 **SECTION 1867.** 253.06 (1) (ag) of the statutes is created to read:

12 253.06 (1) (ag) “Alternate participant” means a person who has been  
13 authorized by a participant to request benefits, participate in nutrition education,  
14 bring an infant or child to a Women, Infants, and Children program appointment,  
15 and have access to information in the participant’s file.

16 **SECTION 1868.** 253.06 (1) (b) of the statutes is repealed.

17 **SECTION 1869.** 253.06 (1) (br) of the statutes is created to read:

18 253.06 (1) (br) “Cardholder” means a participant; alternate participant;  
19 parent, legal guardian, or caretaker of a participant; or another person in possession  
20 of a Women, Infants, and Children program electronic benefit transfer card and the  
21 personal identification number for the card.

22 **SECTION 1870.** 253.06 (1) (c) of the statutes is repealed.

23 **SECTION 1871.** 253.06 (1) (cm) of the statutes is amended to read: