

1 department, or who reduces the hourly basic rate of pay normally paid to an
2 employee for work on a project on which a prevailing wage rate determination has
3 not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a
4 week in which the employee works both on a project on which a prevailing wage rate
5 determination has been issued and on a project on which a prevailing wage rate
6 determination has not been issued, is guilty of a Class I felony.

7 (2) Any individual employed pursuant to a public contract, as defined in s.
8 66.0901 (1) (c), or employed on a project on which a prevailing wage rate
9 determination has been issued by the department of workforce development under
10 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns
11 to the employer or agent of the employer any part of the compensation to which the
12 employee is entitled under his or her contract of employment or under the prevailing
13 wage determination issued by the department, or who gives up any part of the
14 compensation to which he or she is normally entitled for work on a project on which
15 a prevailing wage rate determination has not been issued under s. 66.0903 (3),
16 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the individual works
17 part-time on a project on which a prevailing wage rate determination has been
18 issued and part-time on a project on which a prevailing wage rate determination has
19 not been issued, is guilty of a Class C misdemeanor.

20 (3) Any employer or labor organization, or any agent or employee of an
21 employer or labor organization, who induces any individual who seeks to be or is
22 employed on a project on which a prevailing wage rate determination has been issued
23 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
24 (3), or 229.8275 (3) to allow any part of the wages to which that individual is entitled
25 under the prevailing wage rate determination issued by the department or local

1 governmental unit to be deducted from the individual's pay is guilty of a Class I
2 felony, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an
3 individual who is working on a project that is subject to 40 USC 3142.

4 (4) Any individual employed on a project on which a prevailing wage rate
5 determination has been issued by the department of workforce development under
6 s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who allows any part of the wages
7 to which that individual is entitled under the prevailing wage rate determination
8 issued by the department or local governmental unit to be deducted from his or her
9 pay is guilty of a Class C misdemeanor, unless the deduction would be allowed under
10 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to
11 40 USC 3142.

12 SECTION 2187. 946.50 (intro.) of the statutes is amended to read:

13 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
14 who intentionally fails to appear before the court assigned to exercise jurisdiction
15 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
16 does not return to that court for a dispositional hearing before attaining the age of
17 17 years becoming an adult is guilty of the following:

18 SECTION 2188. 947.20 of the statutes is repealed.

19 SECTION 2189. 947.21 of the statutes is repealed.

20 SECTION 2190. 948.01 (1) of the statutes is amended to read:

21 948.01 (1) "Child" means a person who has not attained the age of 18 years,
22 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~
23 ~~state or federal criminal law, "child" does not include a person who has attained the~~
24 ~~age of 17 years.~~

25 SECTION 2191. 948.11 (2) (am) (intro.) of the statutes is amended to read:

1 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and adult
2 who, with knowledge of the character and content of the description or narrative
3 account, verbally communicates, by any means, a harmful description or narrative
4 account to a child, with or without monetary consideration, is guilty of a Class I
5 felony if any of the following applies:

6 **SECTION 2192.** 948.45 (1) of the statutes is amended to read:

7 948.45 (1) Except as provided in sub. (2), any person 17 years of age or older
8 adult who, by any act or omission, knowingly encourages or contributes to the
9 truancy, as defined under s. 118.16 (1) (c), of a person 17 years of age or under child
10 is guilty of a Class C misdemeanor.

11 **SECTION 2193.** 948.60 (2) (d) of the statutes is amended to read:

12 948.60 (2) (d) A person under 17 years of age child who has violated this
13 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
14 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
15 under s. 938.183.

16 **SECTION 2194.** 948.61 (4) of the statutes is amended to read:

17 948.61 (4) A person under 17 years of age child who has violated this section
18 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
19 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
20 938.183.

21 **SECTION 2195.** 961.01 (5m) of the statutes is created to read:

22 961.01 (5m) "Debilitating medical condition or treatment" has the meaning
23 given in s. 146.44 (1) (b).

24 **SECTION 2196.** 961.01 (12v) of the statutes is created to read:

SECTION 2196

1 961.01 (12v) "Lockable, enclosed facility" means an enclosed indoor or outdoor
2 area that is lockable, or requires a security device, to permit access only by a member
3 of a qualifying patient's treatment team.

4 **SECTION 2197.** 961.01 (14c) of the statutes is created to read:

5 961.01 (14c) "Maximum authorized amount" means 12 live cannabis plants or
6 3 ounces of usable cannabis.

7 **SECTION 2198.** 961.01 (14g) of the statutes is created to read:

8 961.01 (14g) "Medication with tetrahydrocannabinols" has the meaning given
9 in s. 146.44 (1) (c).

10 **SECTION 2199.** 961.01 (17k) of the statutes is created to read:

11 961.01 (17k) "Out-of-state registry identification card" has the meaning given
12 in s. 146.44 (1) (cm).

13 **SECTION 2200.** 961.01 (19m) of the statutes is created to read:

14 961.01 (19m) "Primary caregiver" has the meaning given in s. 146.44 (1) (d).

15 **SECTION 2201.** 961.01 (20hm) of the statutes is created to read:

16 961.01 (20hm) "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

17 **SECTION 2202.** 961.01 (20ht) of the statutes is created to read:

18 961.01 (20ht) "Registry identification card" has the meaning given in s. 146.44
19 (1) (g).

20 **SECTION 2203.** 961.01 (20t) of the statutes is created to read:

21 961.01 (20t) "Treatment team" means a qualifying patient and his or her
22 primary caregivers.

23 **SECTION 2204.** 961.01 (21f) of the statutes is created to read:

24 961.01 (21f) "Usable cannabis" means cannabis leaves or flowers but does not
25 include seeds, stalks, or roots or any ingredients combined with the leaves or flowers.

1 **SECTION 2205.** 961.01 (21t) of the statutes is created to read:

2 961.01 (21t) "Written certification" has the meaning given in s. 146.44 (1) (h).

3 **SECTION 2206.** 961.14 (4) (t) 1. of the statutes is amended to read:

4 961.14 (4) (t) 1. Cannabidiol in a form without a psychoactive effect ~~that is~~
5 ~~dispensed as provided in s. 961.38 (1n) (a) or that is possessed as provided in s. 961.32~~
6 ~~(2m) (b).~~

7 **SECTION 2207.** 961.32 (2m) of the statutes is repealed.

8 **SECTION 2208.** 961.38 (1n) of the statutes is repealed.

9 **SECTION 2209.** 961.41 (1) (h) 1. of the statutes is renumbered 961.41 (1) (h) 1r.
10 and amended to read:

11 961.41 (1) (h) 1r. ~~Two hundred~~ More than 25 grams but not more than 200
12 ~~grams or less, or~~ more than 2 but not more than 4 ~~or fewer~~ plants containing
13 tetrahydrocannabinols, the person is guilty of a Class I felony.

14 **SECTION 2210.** 961.41 (1) (h) 1g. of the statutes is created to read:

15 961.41 (1) (h) 1g. Twenty-five grams or less, or 2 or fewer plants containing
16 tetrahydrocannabinols, the person is guilty of a Class I felony if the person is at least
17 17 years of age and distributes or delivers to a person who is no more than 17 years
18 of age and who is at least 3 years younger than the person distributing or delivering.

19 **SECTION 2211.** 961.41 (1m) (h) 1. of the statutes is amended to read:

20 961.41 (1m) (h) 1. ~~Two hundred~~ More than 25 grams but not more than 200
21 ~~grams or less, or~~ more than 2 but not more than 4 ~~or fewer~~ plants containing
22 tetrahydrocannabinols, the person is guilty of a Class I felony.

23 **SECTION 2212.** 961.41 (1q) (title) of the statutes is repealed and recreated to
24 read:

25 961.41 (1q) (title) TETRAHYDROCANNABINOLS PENALTY AND PROBABLE CAUSE.

1 SECTION 2213. 961.41 (1q) of the statutes is renumbered 961.41 (1q) (a).

2 SECTION 2214. 961.41 (1q) (b) and (c) of the statutes are created to read:

3 961.41 (1q) (b) The following are not sufficient to establish probable cause that
4 a violation of sub. (1) (h) has occurred:

5 1. Odor of marijuana.

6 2. The possession of not more than 25 grams of marijuana.

7 (c) No individual on parole, probation, extended supervision, supervised
8 release, or any other release may have the release revoked for possessing not more
9 than 25 grams of marijuana.

10 SECTION 2215. 961.41 (1r) of the statutes is amended to read:

11 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
12 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m), an amount includes the weight
13 of cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,
14 psilocybin, amphetamine, methamphetamine, tetrahydrocannabinols, synthetic
15 cannabinoids, or substituted cathinones, or any controlled substance analog of any
16 of these substances together with any compound, mixture, diluent, plant material
17 or other substance mixed or combined with the controlled substance or controlled
18 substance analog. In ~~addition, in~~ determining amounts under subs. (1) (h) ~~and~~, (1m)
19 (h), and (3g) (e), the amount of tetrahydrocannabinols ~~means anything included~~
20 ~~under s. 961.14 (4) (t) and includes~~ means the weight of any only marijuana.

21 SECTION 2216. 961.41 (3g) (e) of the statutes is amended to read:

22 961.41 (3g) (e) *Tetrahydrocannabinols*. If a person possesses or attempts to
23 possess more than 25 grams of tetrahydrocannabinols included under s. 961.14 (4)
24 (t), or a controlled substance analog of tetrahydrocannabinols, the person may be
25 fined not more than \$1,000 or imprisoned for not more than 6 months or both upon

1 a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For
2 purposes of this paragraph, an offense is considered a 2nd or subsequent offense if,
3 prior to the offender's conviction of the offense, the offender has at any time been
4 convicted of any felony or misdemeanor under this chapter or under any statute of
5 the United States or of any state relating to controlled substances, controlled
6 substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or
7 hallucinogenic drugs.

8 **SECTION 2217.** 961.436 of the statutes is created to read:

9 **961.436 Medical use defense in cases involving**
10 **tetrahydrocannabinols.** (1) A member of a qualifying patient's treatment team
11 has a defense to prosecution under s. 961.41 (1) (h) or (1m) (h) for manufacturing, or
12 possessing with intent to manufacture, tetrahydrocannabinols if all of the following
13 apply:

14 (a) The manufacture or possession is by the treatment team for medication with
15 tetrahydrocannabinols.

16 (b) The amount of cannabis does not exceed the maximum authorized amount.

17 (c) Any live cannabis plants are in a lockable, enclosed facility unless a member
18 of a qualifying patient's treatment team is accessing the plants or has the plants in
19 his or her possession.

20 (d) If the member is a primary caregiver, he or she is not a primary caregiver
21 to more than 10 qualifying patients.

22 ~~(2) A member of a qualifying patient's treatment team has a defense to~~
23 ~~prosecution under s. 961.41 (1) (h) or (1m) (h) for distributing or delivering, or~~
24 ~~possessing with intent to distribute or deliver, tetrahydrocannabinols to another~~
25 ~~member of the treatment team if all of the following apply:~~

1 (a) The distribution, delivery, or possession is by the treatment team for
2 medication with tetrahydrocannabinols.

3 (b) The amount of cannabis does not exceed the maximum authorized amount.

4 (c) Any live cannabis plants are in a lockable, enclosed facility unless a member
5 of a qualifying patient's treatment team is accessing the plants or has the plants in
6 his or her possession.

7 (d) If the member is a primary caregiver, he or she is not a primary caregiver
8 to more than 10 qualifying patients.

9 **(3)** (a) Except as provided in par. (b), a member of a qualifying patient's
10 treatment team has a defense to a prosecution under s. 961.41 (3g) (e) if all of the
11 following apply:

12 1. The possession or attempted possession is by the treatment team for
13 medication with tetrahydrocannabinols.

14 2. The amount of cannabis does not exceed the maximum authorized amount.

15 3. Any live cannabis plants are in a lockable, enclosed facility unless a member
16 of a qualifying patient's treatment team is accessing the plants or has the plants in
17 his or her possession.

18 4. If the member is a primary caregiver, he or she is not a primary caregiver
19 to more than 10 qualifying patients.

20 (b) A person may not assert the defense described in par. (a) if, while he or she
21 possesses or attempts to possess tetrahydrocannabinols, any of the following applies:

22 1. The person drives or operates a motor vehicle while under the influence of
23 tetrahydrocannabinols in violation of s. 346.63 (1) or a local ordinance in conformity
24 with s. 346.63 (1).

1 2. While under the influence of tetrahydrocannabinols, the person operates
2 heavy machinery or engages in any other conduct that endangers the health or
3 well-being of another person.

4 3. The person smokes cannabis in, on, or at any of the following places:

5 a. A school bus or a public transit vehicle.

6 b. The person's place of employment.

7 c. Public or private school premises.

8 d. A juvenile correctional facility.

9 e. A jail or adult correctional facility.

10 f. A public park, beach, or recreation center.

11 g. A youth center.

12 (4) For the purposes of a defense raised under sub. (1), (2), or (3) (a), a valid
13 registry identification card, a valid out-of-state registry identification card, or a
14 written certification is presumptive evidence that the person identified on the card
15 as a qualifying patient or the subject of the written certification is a qualifying
16 patient and that, if the person uses tetrahydrocannabinols, he or she does so to
17 alleviate the symptoms or effects of a debilitating medical condition or treatment.

18 (5) Notwithstanding s. 227.12 (1), any person may petition the department of
19 health services to promulgate a rule to designate a medical condition or treatment
20 as a debilitating medical condition or treatment. The department of health services
21 shall promulgate rules providing for public notice of and a public hearing regarding
22 a petition, with the public hearing providing persons an opportunity to comment
23 upon the petition. After the hearing, but no later than 180 days after the submission
24 of the petition, the department of health services shall approve or deny the petition.

1 The department of health service's decision to approve or deny a petition is subject
2 to judicial review under s. 227.52.

3 **SECTION 2218.** 961.455 (title) of the statutes is amended to read:

4 **961.455 (title) Using a child minor for illegal drug distribution or**
5 **manufacturing purposes.**

6 **SECTION 2219.** 961.455 (1) of the statutes is amended to read:

7 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
8 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~
9 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

10 **SECTION 2220.** 961.455 (2) of the statutes is amended to read:

11 961.455 (2) The knowledge requirement under sub. (1) does not require proof
12 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under
13 this section that the actor mistakenly believed that the person solicited, hired,
14 directed, employed, or used under sub. (1) had attained the age of 18 years, even if
15 the mistaken belief was reasonable.

16 **SECTION 2221.** 961.46 of the statutes is amended to read:

17 **961.46 Distribution to persons under age 18.** If a person 17 years of age
18 or over violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing or delivering
19 a controlled substance or a controlled substance analog to a person 17 years of age
20 or under who is at least 3 years his or her junior, the applicable maximum term of
21 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not
22 more than 5 years.

23 **SECTION 2222.** 961.46 of the statutes, as affected by 2019 Wisconsin Act (this
24 act), is amended to read:

1 **961.46 Distribution to persons under age 18 minors.** If ~~a person 17 years~~
2 ~~of age or over an adult~~ violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing
3 or delivering a controlled substance or a controlled substance analog to a ~~person 17~~
4 ~~years of age or under minor~~ who is at least 3 years his or her junior, the applicable
5 maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may
6 be increased by not more than 5 years.

7 **SECTION 2223.** 961.52 (2) (a) 1. and 2. of the statutes are amended to read:

8 961.52 (2) (a) 1. Places where persons authorized under s. 961.32 (~~1m~~) to
9 possess controlled substances in this state are required by federal law to keep
10 records; and

11 2. Places including factories, warehouses, establishments and conveyances in
12 which persons authorized under s. 961.32 (~~1m~~) to possess controlled substances in
13 this state are permitted by federal law to hold, manufacture, compound, process, sell,
14 deliver or otherwise dispose of any controlled substance.

15 **SECTION 2224.** 961.55 (8) (c), (d) and (e) of the statutes are created to read:

16 961.55 (8) (c) A valid registry identification card or a valid out-of-state registry
17 identification card.

18 (d) The person's written certification, if the person is a qualifying patient.

19 (e) A written certification for a qualifying patient for whom the person is a
20 primary caregiver.

21 **SECTION 2225.** 961.555 (2) (am) 6. of the statutes is amended to read:

22 961.555 (2) (am) 6. The property is contraband that is subject to forfeiture
23 under s. 961.55 (~~6~~), (~~6m~~), or, unless the defendant invokes a defense under s. 961.436
24 or 961.5755, under s. 961.55 (6) or (7).

25 **SECTION 2226.** 961.555 (2r) of the statutes is created to read:

1 961.555 (2r) MEDICAL USE DEFENSE. (a) In an action to forfeit property seized
2 under s. 961.55, the person who was in possession of the property when it was seized
3 has a defense to the forfeiture of the property if any of the following applies:

4 1. The person was prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e),
5 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property but had
6 a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

7 2. The person was not prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e),
8 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property, but,
9 if the person had been, he or she would have had a valid defense under s. 961.436 (1),
10 (2), or (3) (a) or 961.5755 (1) (a) or (2).

11 (b) The owner of property seized under s. 961.55 who is raising a defense under
12 par. (a) shall do so in the answer to the complaint that he or she serves under sub.
13 (2) (b). If a property owner raises such a defense in his or her answer, the state must,
14 as part of the burden of proof specified in sub. (3), prove that the facts constituting
15 the defense do not exist.

16 **SECTION 2227.** 961.56 (1) of the statutes is amended to read:

17 961.56 (1) ~~It~~ Except as provided in s. 961.555 (2r) (b) and except for any
18 presumption arising under s. 961.436 (4) or 961.5755 (3), it is not necessary for the
19 state to negate any exemption or exception in this chapter in any complaint,
20 information, indictment or other pleading or in any trial, hearing or other proceeding
21 under this chapter. ~~The, and the~~ burden of proof of any exemption or exception is
22 upon the person claiming it.

23 **SECTION 2228.** 961.573 (2) of the statutes is amended to read:

24 961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
25 is subject to a disposition under s. 938.344 (2e).

1 **SECTION 2229.** 961.574 (2) of the statutes is amended to read:

2 961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
3 is subject to a disposition under s. 938.344 (2e).

4 **SECTION 2230.** 961.575 (1) of the statutes is amended to read:

5 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
6 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor who is
7 at least 3 years younger than the violator may be fined not more than \$10,000 or
8 imprisoned for not more than 9 months or both.

9 **SECTION 2231.** 961.575 (2) of the statutes is amended to read:

10 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
11 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

12 **SECTION 2232.** 961.575 (3) of the statutes is amended to read:

13 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)
14 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty
15 of a Class G felony.

16 **SECTION 2233.** 961.5755 of the statutes is created to read:

17 **961.5755 Medical tetrahydrocannabinols defense in drug**
18 **paraphernalia cases.** (1) (a) Except as provided in par. (b), a member of a
19 treatment team has a defense to prosecution under s. 961.573 (1) if he or she uses,
20 or possesses with the primary intent to use, drug paraphernalia for medication with
21 tetrahydrocannabinols.

22 (b) This subsection does not apply if while the person uses, or possesses with
23 the primary intent to use, drug paraphernalia s. 961.436 (3) (b) 1., 2., or 3. applies.

24 (2) A member of a treatment team has a defense to prosecution under s. 961.574
25 (1) or 961.575 (1) if he or she delivers, possesses with intent to deliver, or

1 manufactures with intent to deliver to another member of his or her treatment team
2 drug paraphernalia, knowing that it will be primarily used by the treatment team
3 for medication with tetrahydrocannabinols.

4 (3) For the purposes of a defense raised under sub. (1) (a) or (2), a valid registry
5 identification card, a valid out-of-state registry identification card, or a written
6 certification is presumptive evidence that the person identified on the valid registry
7 identification card or valid out-of-state registry identification card as a qualifying
8 patient or the subject of the written certification is a qualifying patient and that, if
9 the person uses tetrahydrocannabinols, he or she does so to alleviate the symptoms
10 or effects of his or her debilitating medical condition or treatment.

11 SECTION 2234. 968.072 of the statutes is created to read:

12 **968.072 Medical cannabis; arrest and prosecution. (1) DEFINITIONS.** In
13 this section:

14 (a) "Lockable, enclosed facility" has the meaning given in s. 961.01 (12v).

15 (am) "Maximum authorized amount" has the meaning given in s. 961.01 (14c).

16 (b) "Medication with tetrahydrocannabinols" has the meaning given in s.
17 961.01 (14g).

18 (bm) "Out-of-state registry identification card" has the meaning given in s.
19 146.44 (1) (cm).

20 (c) "Primary caregiver" has the meaning given in s. 146.44 (1) (d).

21 (d) "Qualifying patient" has the meaning given in s. 146.44 (1) (e).

22 (e) "Registry identification card" has the meaning given in s. 146.44 (1) (g).

23 (f) "Treatment team" has the meaning given in s. 961.01 (20t).

24 (g) "Written certification" has the meaning given in s. 146.44 (1) (h).

1 **(2) LIMITATIONS ON ARRESTS AND PROSECUTION; MEDICAL CANNABIS.** Unless s.
2 961.436 (3) (b) 1., 2., or 3. applies, a member of a qualifying patient's treatment team
3 may not be arrested or prosecuted for a violation of s. 961.41 (1) (h), (1m) (h), or (3g)
4 (e) if all of the following apply:

5 (a) The member manufactures, distributes, delivers, or possesses
6 tetrahydrocannabinols for medication with tetrahydrocannabinols by the treatment
7 team.

8 (b) The member possesses a valid registry identification card, a valid
9 out-of-state registry identification card, or a copy of the qualifying patient's written
10 certification.

11 (c) The quantity of cannabis does not exceed the maximum authorized amount.

12 (d) Any live cannabis plants are in a lockable, enclosed facility unless the
13 member is accessing the plants or has the plants in his or her possession.

14 (e) If the member is a primary caregiver, he or she is not a primary caregiver
15 to more than 10 qualifying patients.

16 **(3) LIMITATIONS ON ARRESTS AND PROSECUTION; DRUG PARAPHERNALIA FOR MEDICAL**
17 **CANNABIS.** (a) Unless s. 961.436 (3) (b) 1., 2., or 3. applies, a member of a treatment
18 team may not be arrested or prosecuted for a violation of s. 961.573 (1) if all of the
19 following apply:

20 1. The member uses, or possesses with the primary intent to use, drug
21 paraphernalia only for medication with tetrahydrocannabinols.

22 2. The member possesses a valid registry identification card, a valid
23 out-of-state registry identification card, or a copy of the qualifying patient's written
24 certification.

1 3. The member does not possess more than the maximum authorized amount
2 of cannabis.

3 4. Any live cannabis plants are in a lockable, enclosed facility unless the
4 member is accessing the plants or has the plants in his or her possession.

5 5. If the member is a primary caregiver, he or she is not a primary caregiver
6 to more than 10 qualifying patients.

7 (b) Unless s. 961.436 (3) (b) 1., 2., or 3. applies, a member of a treatment team
8 may not be arrested or prosecuted for a violation of s. 961.574 (1) or 961.575 (1) if all
9 of the following apply:

10 1. The member delivers, possesses with intent to deliver, or manufactures with
11 intent to deliver to another member of his or her treatment team drug paraphernalia,
12 knowing that it will be primarily used by the treatment team for medication with
13 tetrahydrocannabinols.

14 2. The member possesses a valid registry identification card, a valid
15 out-of-state registry identification card, or a copy of the qualifying patient's written
16 certification.

17 3. The member does not possess more than the maximum authorized amount
18 of cannabis.

19 4. Any live cannabis plants are in a lockable, enclosed facility unless the
20 member is accessing the plants or has the plants in his or her possession.

21 5. If the member is a primary caregiver, he or she is not a primary caregiver
22 to more than 10 qualifying patients.

23 (4) LIMITATIONS ON ARRESTS, PROSECUTION, AND OTHER SANCTIONS. (a) A
24 practitioner may not be arrested and a practitioner, hospital, or clinic may not be

1 subject to prosecution, denied any right or privilege, or penalized in any manner for
2 making or providing a written certification in good faith.

3 (b) An employee of a dispensary licensed under s. 94.57, of an entity operating
4 under the policies determined under s. 94.57 (2) and rules promulgated under s.
5 94.57 (9), or of a testing laboratory registered under s. 94.57 (7) may not be arrested
6 and such employee may not be subject to prosecution, denied any right or privilege,
7 or penalized in any manner for any good faith action under s. 94.57.

8 (5) PENALTY FOR FALSE STATEMENTS. Whoever intentionally provides false
9 information to a law enforcement officer in an attempt to avoid arrest or prosecution
10 under this section for a violation of s. 961.41 (1) (h), (1m) (h), or (3g) (e), 961.573 (1),
11 961.574 (1), or 961.575 (1) may be fined not more than \$500.

12 **SECTION 2235.** 968.12 (6) of the statutes is created to read:

13 968.12 (6) MEDICAL CANNABIS. A person's possession, use, or submission of or
14 connection with an application for a registry identification card under s. 146.44 (2),
15 the issuance of such a card under s. 146.44 (4), or a person's possession of such a card,
16 a valid out-of-state registry identification card, as defined in s. 146.44 (1) (cm), or
17 an original or a copy of a written certification, as defined in s. 146.44 (1) (h), may not,
18 by itself, constitute probable cause under sub. (1) or otherwise subject any person or
19 the property of any person to inspection by any governmental agency.

20 **SECTION 2236.** 968.19 of the statutes is renumbered 968.19 (1) and amended
21 to read:

22 968.19 (1) ~~Property Except as provided in sub. (2), property~~ seized under a
23 search warrant or validly seized without a warrant shall be safely kept by the officer,
24 who may leave it in the custody of the sheriff and take a receipt therefor, so long as
25 necessary for the purpose of being produced as evidence on any trial.

SECTION 2237

1 **SECTION 2237.** 968.19 (2) of the statutes is created to read:

2 968.19 (2) A law enforcement agency that has seized a live cannabis plant is
3 not responsible for the plant's care and maintenance.

4 **SECTION 2238.** 968.20 (1g) (intro.) of the statutes is amended to read:

5 968.20 (1g) (intro.) The court shall order such notice as it deems adequate to
6 be given the district attorney and, unless notice was provided under s. 968.26 (7), to
7 all persons who have or may have an interest in the property. The court shall hold
8 a hearing to hear all claims to its true ownership. Except for a hearing commenced
9 by the court, the hearing shall occur no more than 30 days after a motion is filed
10 except that either party may, by agreement or for good cause, move the court for one
11 extension of no more than 10 days. Any motion may be supported by affidavits or
12 other submissions. If the right to possession is proved to the court's satisfaction, it
13 shall order the property, ~~other than contraband or property covered under sub. (1m)~~
14 ~~or (1r) or s. 173.21 (4) or 968.205~~, returned if the court finds any of the following:

15 **SECTION 2239.** 968.20 (1j) of the statutes is created to read:

16 968.20 (1j) (a) In this subsection:

17 1. "Drug paraphernalia" has the meaning given in s. 961.571 (1) (a).

18 2. "Tetrahydrocannabinols" means a substance included in s. 961.14 (4) (t).

19 (b) Except as provided in par. (c), sub. (1g) does not apply to contraband or
20 property covered under sub. (1m) or (1r) or s. 173.12, 173.21 (4), or 968.205.

21 (c) Under sub. (1g), the court may return drug paraphernalia or
22 tetrahydrocannabinols that have been seized to the person from whom they were
23 seized if any of the following applies:

1 1. The person was prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e),
2 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property but had
3 a valid defense under s. 961.436 (1), (2), or (3) (a) or 961.5755 (1) (a) or (2).

4 2. The person was not prosecuted under s. 961.41 (1) (h), (1m) (h), or (3g) (e),
5 961.573 (1), 961.574 (1), or 961.575 (1) in connection with the seized property, but,
6 if the person had been, he or she would have had a valid defense under s. 961.436 (1),
7 (2), or (3) (a) or 961.5755 (1) (a) or (2).

8 **SECTION 2240.** 973.016 of the statutes is created to read:

9 **973.016 Special disposition for marijuana-related crimes. (1)**

10 DISMISSAL OF CONVICTION FOR PERSONS SERVING A SENTENCE OR PROBATION. (a) A person
11 serving a sentence or on probation may request dismissal as provided under par. (b)
12 if one of the following applies:

13 1. The sentence or probation period was imposed for a conviction under s.
14 961.41 (1) (h), 2017 stats., or s. 961.41 (1m) (h), 2017 stats., and the person proves
15 to the court by a preponderance of the evidence that the amount of marijuana
16 involved was 25 grams or less, or 2 or fewer plants.

17 2. The sentence or probation period was imposed for a conviction under s.
18 961.41 (3g) (e), 2017 stats., and the person proves to the court by a preponderance
19 of the evidence that the amount of marijuana involved was 25 grams or less.

20 (b) A person to whom par. (a) applies shall file a petition with the sentencing
21 court to request dismissal of the conviction. If the court receiving a petition under
22 this paragraph determines that par. (a) applies, the court may grant the petition
23 without a hearing or may schedule a hearing to consider the petition. If a hearing
24 is scheduled, unless the person cannot prove the amount of marijuana involved was

1 25 grams or less or the court determines that the dismissal of the conviction presents
2 an unreasonable risk of danger to public safety, the court shall grant the petition.

3 **(2) EXPUNGING AN OFFENSE FOR PERSONS WHO COMPLETED A SENTENCE OR**
4 **PROBATION.** (a) A person who has completed his or her sentence or period of probation
5 may request under par. (b) expungement of the conviction if one of the following
6 applies:

7 1. The sentence or probation period was imposed for a conviction under s.
8 961.41 (1) (h), 2017 stats., or s. 961.41 (1m) (h), 2017 stats., and the person proves
9 to the court by a preponderance of the evidence that the amount of marijuana
10 involved was 25 grams or less, or 2 or fewer plants.

11 2. The sentence or probation period was imposed for a conviction under s.
12 961.41 (3g) (e), 2017 stats., and the person proves to the court by a preponderance
13 of the evidence that the amount of marijuana involved was 25 grams or less.

14 (b) A person to whom par. (a) applies shall file a petition with the sentencing
15 court to request expungement of the conviction. If the court receiving a petition
16 under this paragraph determines that par. (a) applies, the court may grant the
17 petition without a hearing or may schedule a hearing to consider the petition. If a
18 hearing is scheduled, unless the person cannot prove the amount of marijuana
19 involved was 25 grams or less or the court determines that expungement of the
20 conviction presents an unreasonable risk of danger to public safety, the court shall
21 grant the petition.

22 **(3) CRIMES DISMISSED OR EXPUNGED UNDER THIS SECTION.** A conviction that has
23 been expunged or dismissed under this section is not considered a conviction for any
24 purpose under state or federal law, including for purposes of s. 941.29 or 18 USC 921.

25 **SECTION 2241.** 973.20 (1r) of the statutes is amended to read:

1 973.20 (1r) When imposing sentence or ordering probation for any crime, other
2 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
3 (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
4 to any other penalty authorized by law, shall order the defendant to make full or
5 partial restitution under this section to any victim of a crime considered at
6 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
7 substantial reason not to do so and states the reason on the record. When imposing
8 sentence or ordering probation for a crime involving conduct that constitutes
9 domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) for which the defendant was
10 convicted or that was considered at sentencing, the court, in addition to any other
11 penalty authorized by law, shall order the defendant to make full or partial
12 restitution under this section to any victim of a crime or, if the victim is deceased, to
13 his or her estate, unless the court finds that imposing full or partial restitution will
14 create an undue hardship on the defendant or victim and describes the undue
15 hardship on the record. Restitution ordered under this section is a condition of
16 probation, extended supervision, or parole served by the defendant for a crime for
17 which the defendant was convicted. After the termination of probation, extended
18 supervision, or parole, or if the defendant is not placed on probation, extended
19 supervision, or parole, restitution ordered under this section is enforceable in the
20 same manner as a judgment in a civil action by the victim named in the order to
21 receive restitution or enforced under ch. 785, and the department or clerk of court
22 ~~may certify the restitution to the department of revenue in accordance with s. 71.93.~~

23 **SECTION 2242.** 977.08 (4m) (c) of the statutes is amended to read:

24 977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.
25 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after

1 July 29, 1995, and before January 1, 2020, private local attorneys shall be paid \$40
2 per hour for time spent related to a case, excluding travel, and \$25 per hour for time
3 spent in travel related to a case if any portion of the trip is outside the county in which
4 the attorney's principal office is located or if the trip requires traveling a distance of
5 more than 30 miles, one way, from the attorney's principal office.

6 **SECTION 2243.** 977.08 (4m) (d) of the statutes is created to read:

7 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
8 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
9 January 1, 2020, private local attorneys shall be paid \$70 per hour for time spent
10 related to a case, excluding travel, and \$25 per hour for time spent in travel related
11 to a case if any portion of the trip is outside the county in which the attorney's
12 principal office is located or if the trip requires traveling a distance of more than 30
13 miles, one way, from the attorney's principal office.

14 **SECTION 2244.** 977.08 (4s) of the statutes is created to read:

15 977.08 (4s) The rates established under sub. (4m) (d) shall be adjusted
16 biennially by a percentage equal to the average of the consumer price index over the
17 preceding 12-month period, all items, U.S. city average, as determined by the
18 bureau of labor statistics of the federal department of labor, except that the
19 percentage under this subsection may not be less than zero.

20 **SECTION 2245.** 978.05 (6) (a) of the statutes is amended to read:

21 978.05 (6) (a) Institute, commence, or appear in all civil actions or special
22 proceedings under and perform the duties set forth for the district attorney under ch.
23 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
24 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a),
25 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in

1 connection with court proceedings in a court assigned to exercise jurisdiction under
2 chs. 48 and 938 as the judge may request and perform all appropriate duties and
3 appear if the district attorney is designated in specific statutes, including matters
4 within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits
5 the authority of the county board to designate, under s. 48.09 (5), that the corporation
6 counsel provide representation as specified in s. 48.09 (5) or to designate, under s.
7 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the
8 interests of the public under s. 48.14 or 938.14.

9 **SECTION 2246.** 990.01 (2) of the statutes is amended to read:

10 990.01 (2) ACQUIRE. "Acquire," when used in connection with a grant of power
11 to any person, includes the acquisition by purchase, grant, gift or bequest. It includes
12 the power to condemn only in the cases specified in s. 32.02 and ~~subject to the~~
13 ~~limitations under s. 32.015.~~

14 **SECTION 2247.** 990.01 (3) of the statutes is amended to read:

15 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
16 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
17 ~~have violated any state or federal criminal law or any civil law or municipal~~
18 ~~ordinance, "adult" means a person who has attained the age of 17 years.~~

19 **SECTION 2248.** 990.01 (20) of the statutes is amended to read:

20 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
21 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~
22 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~
23 ~~ordinance, "minor" does not include a person who has attained the age of 17 years.~~

24 **SECTION 2249.** Chapter VA 4 of the administrative code is repealed.

1 **SECTION 2250.** 2017 Wisconsin Act 59, sections 202e, 202g, 1646t to 1646y,
2 1655g to 1655j, 1806f and 9439 (4t) are repealed.

3 **SECTION 2251.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

4 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type
5 1 juvenile correctional facilities under subsection (7) and the secured residential care
6 centers for children and youth under subsections (4) and (7m), the department of
7 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln
8 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional
9 facility or secured residential care center for children and youth. No juvenile may
10 be transferred to a Type 1 juvenile correctional facility until the department of
11 corrections determines the facility to be ready to accept juveniles, and no juvenile
12 may be transferred to a secured residential care center for children and youth until
13 the entity operating the facility determines it to be ready to accept juveniles. The
14 transfers may occur in phases. The department shall transfer ~~all juveniles~~ a juvenile
15 ~~under this subsection no later than January 1, 2021~~ as soon as a substitute
16 placement that meets the needs of that juvenile is ready.

17 **SECTION 2252.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

18 [2017 Wisconsin Act 185] Section 110 (2) (a) On the ~~earlier of the date on which~~
19 ~~all juveniles have been transferred to secured residential care centers for children~~
20 ~~and youth and Type 1 juvenile correctional facilities under subsection (1) or January~~
21 ~~1, 2021,~~ the department of corrections shall permanently close the Type 1 juvenile
22 ~~correctional facilities housed at the Lincoln Hills School and Copper Lake School in~~
23 ~~the town of Birch, Lincoln County.~~

24 **SECTION 2253.** 2017 Wisconsin Act 185, section 110 (3) (a) 4. and 5. are
25 amended to read:

1 [2017 Wisconsin Act 185] Section 110 (3) (a) 4. ~~Three~~ Two senators appointed
2 by the senate majority leader or the appointed senator's designee and one senator
3 appointed by the senate minority leader or the appointed senator's designee.

4 5. ~~Three~~ Two representatives to the assembly appointed by the speaker of the
5 assembly or that appointed representative's designee and one representative to the
6 assembly appointed by the assembly minority leader or the appointed
7 representative's designee.

8 **SECTION 2254.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

9 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile
10 corrections grant committee terminates on the ~~earlier of the~~ date on which all
11 projects funded with grants under subsection (4) are completed ~~or January 1, 2021.~~

12 **SECTION 2255.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

13 [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are
14 due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~
15 September 30, 2019, the juvenile corrections grant committee may work with
16 applicants to modify their applications in order to increase the likelihood of being
17 awarded a grant.

18 **SECTION 2256.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

19 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than ~~July~~
20 October 1, 2019, the juvenile corrections grant committee shall submit the plan
21 under paragraph (e) for approval to the joint committee on finance. The juvenile
22 corrections grant committee and the department of corrections may not implement
23 the plan until it is approved by the joint committee on finance, as submitted or as
24 modified.

25 **SECTION 2257.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

1 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination*. The juvenile
2 corrections study committee terminates on ~~January 1, 2021~~ the date on which all
3 projects funded with grants under subsection (4) are completed.

4 **SECTION 2258.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

5 [2017 Wisconsin Act 185] Section 110 (7) TYPE 1 JUVENILE CORRECTIONAL
6 FACILITIES. The department of corrections shall establish or construct the Type 1
7 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes ~~no later~~
8 ~~than January 1, 2021~~, subject to the approval of the joint committee on finance. The
9 department shall consider the recommendations of the juvenile corrections study
10 committee under subsection (6) (c) 2. in establishing or constructing these facilities.

11 **SECTION 2259.** 2017 Wisconsin Act 185, section 110 (7g) is amended to read:

12 [2017 Wisconsin Act 185] Section 110 (7g) MENDOTA JUVENILE TREATMENT
13 CENTER. The department of health services shall construct an expansion of the
14 Mendota juvenile treatment center to accommodate no fewer than 29 additional
15 juveniles, ~~subject to the approval of the joint committee on finance~~.

16 **SECTION 2260.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

17 [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section
18 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~
19 ~~1, 2021~~ the effective date of this subdivision, the portion of an eligible juvenile
20 detention facility that holds juveniles who are placed under section 938.34 (3) (f) of
21 the statutes for more than 30 days is a secured residential care center for children
22 and youth and juveniles may be placed there under section 938.34 (4m) of the
23 statutes.

24 2. Notwithstanding subdivision 1., on ~~January 1, 2021~~ the effective date of this
25 subdivision, the portion of an eligible juvenile detention facility that holds juveniles

1 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is,
2 with respect to a juvenile placed under section 938.34 (3) (f) of the statutes prior to
3 January 1, 2021 the effective date of this subdivision, a juvenile detention facility.

4 **SECTION 2261.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

5 [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)
6 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION
7 110 (7m), first applies to a juvenile adjudicated delinquent on January 1, 2021 the
8 effective date of this subsection.

9 **SECTION 2262.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

10 [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)
11 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by
12 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)
13 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)
14 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION
15 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by
16 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),
17 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION
18 107) of the statutes ~~takes~~ and SECTIONS 110 (7m) (b) and 111 (3) of this act take effect
19 on the date specified in the notice under SECTION 110 (2) (b) or January 1, 2021,
20 whichever is earlier.

21 **SECTION 2263.** 2017 Wisconsin Act 369, section 102 (2m), (2s), (2t) and (2v) are
22 repealed.

23 **SECTION 2264.** 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.

24 **SECTION 2265.** 2017 Wisconsin Act 370, section 44 (5) is repealed.

25 **SECTION 9101. Nonstatutory provisions; Administration.**

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

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

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

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

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

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

22 (f) *Contracts.* All contracts entered into by the department of administration
23 primarily relating to the fees, as determined by the secretary of administration, in
24 effect on the effective date of this paragraph remain in effect and are transferred to
25 the public service commission. The public service commission shall carry out any

1 obligations under those contracts unless modified or rescinded to the extent allowed
2 under the contract.

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

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

16 (2) VOLKSWAGEN SETTLEMENT FUNDS. Of the settlement funds in the
17 appropriation under s. 20.855 (4) (h) for the grants under s. 16.047 (4m), during the
18 2019-21 fiscal biennium, the department of administration shall allocate
19 approximately 60 percent of the grants for the replacement of public transit vehicles
20 and shall allocate approximately 40 percent of the grants for the installation of
21 charging stations for vehicles with an electric motor, except that the secretary of
22 administration may adjust the allocation if necessary.

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

25 **SECTION 9103. Nonstatutory provisions; Arts Board.**

1 **SECTION 9104. Nonstatutory provisions; Building Commission.**

2 (1) TRANSFER TO THE STATE BUILDING TRUST FUND. There is transferred from the
3 general fund to the state building trust fund \$10,000,000 in the 2019-21 fiscal
4 biennium.

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

7 **SECTION 9106. Nonstatutory provisions; Children and Families.**

8 (1) EMERGENCY RULE MAKING FOR BACKGROUND CHECKS FOR CONGREGATE CARE
9 WORKERS. The department of children and families may promulgate emergency rules
10 under s. 227.24 to implement the background check requirements for congregate
11 care workers under s. 48.685. Notwithstanding s. 227.24 (1) (c) and (2), emergency
12 rules promulgated under this subsection remain in effect until January 1, 2022, or
13 the date on which permanent rules take effect, whichever is sooner.
14 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide
15 evidence that promulgating a rule under this subsection as an emergency rule is
16 necessary for the preservation of the public peace, health, safety, or welfare and is
17 not required to provide a finding of emergency for a rule promulgated under this
18 subsection.

19 (2) BACKGROUND CHECKS FOR CONGREGATE CARE WORKERS. No later than the first
20 day of the 7th month beginning after the effective date of this subsection, the
21 department of children and families, the county department as defined in s. 48.02
22 (2g), the child welfare agency, or the congregate care facility as defined in s. 48.685
23 (1) (ao) shall perform a comprehensive background check as required by s. 48.685 (2)
24 for all congregate care workers, as defined in s. 48.685 (1) (ap), who are working at
25 a congregate care facility on the effective date of this subsection.

1 (3) WISCONSIN WORKS; INTERNET SERVICE PROVIDER SUBSCRIPTIONS. Using the
2 procedure under s. 227.24, the department of children and families may promulgate
3 the rules authorized under s. 49.148 (2) as emergency rules. Notwithstanding s.
4 227.24 (1) (a) and (3), the department of children and families is not required to
5 provide evidence that promulgating a rule under this subsection as an emergency
6 rule is necessary for the preservation of the public peace, health, safety, or welfare
7 and is not required to provide a finding of emergency for a rule promulgated under
8 this subsection.

9 (4) SEVENTEEN-YEAR-OLD JUVENILE JUSTICE AIDS, COUNTY FACILITIES, AND THE
10 COMMUNITY YOUTH AND FAMILY AIDS FORMULA. The department of children and families
11 shall consult with county representatives to determine eligible expenses to be
12 reimbursed under ss. 48.5275 and 48.5276 and on modifications to the community
13 youth and family aids formula under s. 48.526.

14 **SECTION 9107. Nonstatutory provisions; Circuit Courts.**

15 **SECTION 9108. Nonstatutory provisions; Corrections.**

16 (1) JUVENILE CORRECTIONS GRANT COMMITTEE; RECOMMENDATIONS.
17 Notwithstanding 2017 Wisconsin Act 185, section 110 (4) (e) and (f), the juvenile
18 corrections grant committee may submit an individual grant recommendation to the
19 joint committee on finance for approval before the juvenile corrections grant
20 committee submits the statewide plan to the joint committee on finance. If the
21 cochairpersons of the joint committee on finance do not notify the juvenile corrections
22 grant committee within 14 working days after the date that the grant
23 recommendation was submitted that the joint committee on finance has scheduled
24 a meeting for the purpose of reviewing the grant recommendation, the grant may be
25 awarded as proposed by the juvenile corrections grant committee. If, within 14

1 working days after the date the grant recommendation was submitted, the
2 cochairpersons of the joint committee on finance notify the juvenile corrections grant
3 committee that the joint committee on finance has scheduled a meeting for the
4 purpose of reviewing the grant recommendation, the grant may be awarded only
5 upon approval of the joint committee on finance.

6 **SECTION 9109. Nonstatutory provisions; Court of Appeals.**

7 **SECTION 9110. Nonstatutory provisions; District Attorneys.**

8 **SECTION 9111. Nonstatutory provisions; Educational Communications**
9 **Board.**

10 **SECTION 9112. Nonstatutory provisions; Elections Commission.**

11 (1) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
12 1, 2020, the elections commission shall report to the appropriate standing
13 committees of the legislature, in the manner specified in s. 13.172 (3), concerning its
14 progress in initially implementing a system to ensure the complete and continuous
15 registration of all eligible electors in this state, specifically including the operability
16 and utility of information integration with the department of transportation and the
17 feasibility and desirability of integrating public information maintained by other
18 state agencies and by technical colleges with the commission's registration
19 information to enhance the completeness and accuracy of the information. At a
20 minimum, the report shall contain an assessment of the feasibility and desirability
21 of the integration of registration information with information maintained by the
22 departments of health services, children and families, workforce development,
23 revenue, safety and professional services, and natural resources; the University of
24 Wisconsin System; and the technical college system board, as well as the technical
25 colleges within each technical college district.

1 (2) VOTER IDENTIFICATION. No later than August 1, 2019, each technical college
2 in this state that is a member of and governed by the technical college system under
3 ch. 38 and each University of Wisconsin System institution shall issue student
4 identification cards that qualify as identification under s. 5.02 (6m) (f).

5 **SECTION 9113. Nonstatutory provisions; Employee Trust Funds.**

6 (1) TRANSFER OF OVERSIGHT OF GROUP DISABILITY BENEFIT INSURANCE PLANS.

7 (a) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the group insurance board that is
9 primarily related to the group income continuation insurance plan or long-term
10 disability insurance plan, as determined by the secretary of employee trust funds,
11 is transferred to the employee trust funds board.

12 (b) *Contracts.* All contracts entered into by the group insurance board in effect
13 on the effective date of this paragraph that are primarily related to the group income
14 continuation insurance plan or long-term disability insurance plan, as determined
15 by the secretary of employee trust funds, remain in effect and are transferred to the
16 employee trust funds board. The employee trust funds board shall carry out any
17 obligations under those contracts unless modified or rescinded by the employee trust
18 funds board to the extent allowed under the contract.

19 (c) *Rules.* All rules promulgated by the group insurance board in effect on the
20 effective date of this paragraph that are primarily related to the group income
21 continuation insurance plan or long-term disability insurance plan remain in effect
22 until their specified expiration dates or until amended or repealed by the employee
23 trust funds board.

24 (d) *Pending matters.* Any matter pending with the group insurance board on
25 the effective date of this paragraph that is primarily related to the group income

1 continuation insurance plan or long-term disability insurance plan, as determined
2 by the secretary of employee trust funds, is transferred to the employee trust funds
3 board. All materials submitted to or actions taken by the group insurance board with
4 respect to the pending matter are considered as having been submitted to or taken
5 by the employee trust funds board.

6 (2) STUDY OF FIXED-DOLLAR PREMIUM SUBSIDY MODEL. The group insurance board,
7 in consultation with the actuary selected under s. 40.03 (1) (d) to perform actuarial
8 services for the group health insurance plan, shall conduct a study of the feasibility
9 and potential cost savings associated with including a fixed-dollar employee
10 premium subsidy program in the group health insurance plan for active state
11 employees. No later than June 30, 2020, the group insurance board shall submit a
12 report of the study to the governor and the joint committee on finance.

13 (3) PRESCRIPTION DRUG POOLING STUDY. The department of employee trust funds,
14 in consultation with the department of corrections, the department of health
15 services, and the department of veterans affairs, shall study the options and
16 opportunities for cost savings to state agencies through prescription drug pooling.
17 No later than January 1, 2020, the department of employee trust funds shall submit
18 a report of the study to the governor and the appropriate standing committees of the
19 legislature, as determined by the speaker of the assembly and the president of the
20 senate, in the manner provided under s. 13.172 (3).

21 (4) PRIVATE SECTOR RETIREMENT SECURITY PLAN COMMITTEE.

22 (a) The secretary of employee trust funds shall establish a private sector
23 retirement security plan committee. The committee shall consist of the following
24 members:

25 1. The state treasurer.

- 1 2. One member of the employee trust funds board appointed by the governor.
- 2 3. One member of the investment board appointed by the governor.
- 3 4. Three members of the public appointed by the governor.
- 4 5. One member appointed by the speaker of the assembly.
- 5 6. One member appointed by the minority leader of the assembly.
- 6 7. One member appointed by the majority leader of the senate.
- 7 8. One member appointed by the minority leader of the senate.

8 (b) Not less than 3 of the members appointed under par. (a) shall have at least
9 10 years of experience in making investments.

10 (c) The committee created under par. (a) shall conduct a study to determine the
11 feasibility of establishing a private retirement security plan administered by the
12 department of employee trust funds to provide retirement benefits for residents of
13 this state who choose to participate in the plan.

14 (d) No later than September 30, 2020, the committee shall submit to the
15 governor and the joint survey committee on retirement systems a report that
16 includes recommendations regarding the creation of a private sector retirement
17 security plan that is administered by the department of employee trust funds.

18 (e) The private sector retirement security plan committee terminates upon
19 submission of the report under par. (d).

20 **SECTION 9114. Nonstatutory provisions; Employment Relations**
21 **Commission.**

22 **SECTION 9115. Nonstatutory provisions; Ethics Commission.**

23 **SECTION 9116. Nonstatutory provisions; Financial Institutions.**

24 **SECTION 9117. Nonstatutory provisions; Governor.**

1 **SECTION 9118. Nonstatutory provisions; Health and Educational**
2 **Facilities Authority.**

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

4 (1) DENTAL THERAPY TRAINING PROGRAM. The department of health services shall
5 award, on a competitive basis, a total of \$500,000 in fiscal year 2019-20 and
6 \$1,000,000 in fiscal year 2020-21 as onetime grants to educational institutions for
7 costs associated with beginning a dental therapy training program. The department
8 shall establish criteria for approving and distributing grants under this subsection.

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

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

17 (b) The service is an asynchronous transmission of digital clinical information
18 through a secure electronic system from a Medical Assistance recipient or provider
19 to a provider.

20 (3) ACADEMIC DETAILING TRAINING PROGRAM.

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

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

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

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

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

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

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

20 (4) **CHILDLESS ADULTS DEMONSTRATION PROJECT.** The department of health
21 services shall submit any necessary request to the federal department of health and
22 human services for a state plan amendment or waiver of federal Medicaid law or to
23 modify or withdraw from any waiver of federal Medicaid law relating to the childless
24 adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the
25 incorporation of recipients of Medical Assistance under the demonstration project

1 into the BadgerCare Plus program under s. 49.471 and the termination of the
2 demonstration project.

3 (5) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The department
4 of health services may submit a request to the federal department of health and
5 human services to modify or withdraw the waiver granted under s. 49.45 (23) (g),
6 2017 stats.

7 (6) EVIDENCE-BASED ORAL HEALTH GRANTS AND SEAL-A-SMILE PROGRAM.
8 Notwithstanding s. 250.10 (1m) (b), in fiscal year 2019-20, the department of health
9 services shall, from the appropriation under s. 20.435 (1) (de), award to qualified
10 applicants grants totaling \$50,000 for fluoride varnish and other evidence-based
11 oral health activities, \$525,000 for school-based preventive dental services, and
12 \$100,000 for school-based restorative dental services.

13 (7) PRESCRIPTION DRUG IMPORTATION PROGRAM. The department of health services
14 shall submit the first report required under s. 250.048 (5) by the next January 1 or
15 July 1, whichever is earliest, that is at least 180 days after the date the prescription
16 drug importation program is fully operational under s. 250.048 (4). The department
17 of health services shall include in the first 3 reports submitted under s. 250.048 (5)
18 information on the implementation of the audit functions under s. 250.048 (1) (n).

19 (8) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4) (bm),
20 the department of health services shall in fiscal year 2019-20 allocate \$192,000 to
21 public or private entities, American Indian tribes or tribal organizations, or
22 community-based organizations for grants for community-based doulas. The
23 recipients of the grants shall use the moneys to identify and train local community
24 workers to mentor pregnant women.

1 (9) **DENTAL SERVICES UNDER MEDICAL ASSISTANCE.** During the 2019-21 fiscal
2 biennium, the department of health services shall allocate a total of \$2,000,000 in the
3 2019-20 fiscal year and \$3,000,000 in the 2020-21 fiscal year from all funding
4 sources to increase reimbursement rates for dental services that are covered under
5 the Medical Assistance program under subch. IV of ch. 49 and that are provided to
6 recipients of Medical Assistance who have disabilities.

7 (10) **INFANT MORTALITY PREVENTION PROGRAM.** The department of health services
8 shall allocate 5.0 FTE positions that are authorized for the department of health
9 services to staff an infant mortality prevention program. The department of health
10 services shall report in its 2021-23 budget request any necessary budget
11 adjustments to reflect this allocation of positions.

12 (11) **MEDICAL ASSISTANCE REIMBURSEMENT RATE INCREASE FOR DIRECT CARE.** The
13 department of health services shall increase the Medical Assistance rates paid for
14 direct care to nursing facilities and intermediate care facilities for persons with an
15 intellectual disability with a 1 percent annual rate increase related to an increase
16 in acuity of patients in those facilities and an additional 1.5 percent annual rate
17 increase to support staff in those facilities who perform direct care.

18 (12) **MEDICAL ASSISTANCE REIMBURSEMENT RATE INCREASE FOR DIRECT CARE IN**
19 **PERSONAL CARE AGENCIES.** The department of health services shall increase the
20 Medical Assistance rates paid for direct care to agencies that provide personal care
21 services 1.5 percent annually to support staff in those agencies who perform direct
22 care.

23 **SECTION 9120. Nonstatutory provisions; Higher Educational Aids**
24 **Board.**

25 **SECTION 9121. Nonstatutory provisions; Historical Society.**

1 **SECTION 9122. Nonstatutory provisions; Housing and Economic**
2 **Development Authority.**

3 **SECTION 9123. Nonstatutory provisions; Office of Commissioner of**
4 **Insurance.**

5 (1) **PRESCRIPTION DRUG COST SURVEY.** The commissioner of insurance shall
6 conduct a statistically-valid survey of pharmacies in this state regarding whether
7 the pharmacy agreed to not disclose that customer drug benefit cost sharing exceeds
8 the cost of the dispensed drug.

9 **SECTION 9124. Nonstatutory provisions; Investment Board.**

10 **SECTION 9125. Nonstatutory provisions; Joint Committee on Finance.**

11 **SECTION 9126. Nonstatutory provisions; Judicial Commission.**

12 **SECTION 9127. Nonstatutory provisions; Justice.**

13 (1) **TRANSFER OF OFFICE OF SCHOOL SAFETY.**

14 (a) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property of the department of justice that is primarily related to
16 the duties of the office of school safety, as determined by the state superintendent of
17 public instruction, is transferred to the department of public instruction.

18 (b) *Contracts.* All contracts entered into by the department of justice in effect
19 on the effective date of this paragraph that are primarily related to the duties of the
20 office of school safety, as determined by the state superintendent of public
21 instruction, remain in effect and are transferred to the department of public
22 instruction. The department of public instruction shall carry out any obligations
23 under those contracts unless modified or rescinded by the department of public
24 instruction to the extent allowed under the contract.

1 (c) *Rules and orders.* All rules promulgated by the department of justice in
2 effect on the effective date of this paragraph that are primarily related to the duties
3 of the office of school safety, as determined by the state superintendent of public
4 instruction, remain in effect until their specified expiration dates or until amended
5 or repealed by the department of public instruction. All orders issued by the
6 department of justice in effect on the effective date of this paragraph that are
7 primarily related to the duties of the office of school safety, as determined by the state
8 superintendent of public instruction, remain in effect until their specified expiration
9 dates or until modified or rescinded by the department of public instruction.

10 (2) DIVERSION PILOT PROGRAM. From the appropriation under s. 20.455 (2) (en),
11 the department of justice shall establish a diversion pilot program for nonviolent
12 offenders to be diverted to a treatment program and under the program shall allocate
13 \$250,000 in each fiscal year of the 2019-21 biennium to law enforcement agencies
14 in cities of the first class.

15 **SECTION 9128. Nonstatutory provisions; Legislature.**

16 **SECTION 9129. Nonstatutory provisions; Lieutenant Governor.**

17 **SECTION 9130. Nonstatutory provisions; Local Government.**

18 **SECTION 9131. Nonstatutory provisions; Military Affairs.**

19 (1) WASHINGTON ISLAND DISASTER ASSISTANCE. From the appropriation under s.
20 20.465 (3) (s), the department of military affairs shall pay to the Washington Island
21 Electric Cooperative utility up to \$1,000,000 in each fiscal year of the 2019-21 fiscal
22 biennium for costs incurred for disaster relief. The Washington Island Electric
23 Cooperative utility shall pay 30 percent of the reasonable and necessary costs
24 incurred for the disaster relief, and the department shall pay the remaining costs up
25 to \$1,000,000 in each fiscal year of the 2019-21 fiscal biennium.

1 (2) EMERGENCY COMMUNICATIONS.

2 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
3 liabilities of the department of military affairs primarily relating to Next Generation
4 911, the statewide public safety interoperable communication system, or the
5 interoperability council, as determined by the secretary of administration, become
6 the assets and liabilities of the department of transportation.

7 (b) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department of military affairs
9 primarily relating to Next Generation 911, the statewide public safety interoperable
10 communication system, or the interoperability council, as determined by the
11 secretary of administration, becomes the personal property of the department of
12 transportation.

13 (c) *Pending matters.* Any matter pending with the department of military
14 affairs primarily relating to Next Generation 911, the statewide public safety
15 interoperable communication system, or the interoperability council, as determined
16 by the secretary of administration, on the effective date of this paragraph is
17 transferred to the department of transportation. All materials submitted to or
18 actions taken by the department of military affairs are considered as having been
19 submitted to or taken by the department of transportation.

20 (d) *Contracts.* All contracts entered into by the department of military affairs
21 primarily relating to Next Generation 911, the statewide public safety interoperable
22 communication system, or the interoperability council, as determined by the
23 secretary of administration, in effect on the effective date of this paragraph remain
24 in effect and are transferred to the department of transportation. The department

1 of transportation shall carry out any obligations under those contracts unless
2 modified or rescinded to the extent allowed under the contract.

3 **SECTION 9132. Nonstatutory provisions; Natural Resources**

4 (1) TRANSFER OF ABANDONED UNDERGROUND PETROLEUM STORAGE TANK REMOVAL
5 PROGRAM.

6 (a) *Positions and employees.* On the effective date of this paragraph, 1.0 FTE
7 position, and all incumbent employees holding that position, in the department of
8 natural resources primarily related to the underground petroleum storage tank
9 removal program, as determined by the secretary of administration, are transferred
10 to the department of agriculture, trade and consumer protection.

11 (b) *Employee status.* Employees transferred under paragraph (a) have all the
12 rights and the same status under ch. 230 in the department of agriculture, trade and
13 consumer protection that they enjoyed in the department of natural resources
14 immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so
15 transferred who has attained permanent status in class is required to serve a
16 probationary period.

17 (c) *Contracts.* All contracts entered into by the department of natural resources
18 primarily related to the abandoned underground petroleum storage tank removal
19 program, as determined by the secretary of administration, that are in effect on the
20 effective date of this paragraph remain in effect and are transferred to the
21 department of agriculture, trade and consumer protection. The department of
22 agriculture, trade and consumer protection shall carry out any obligations under
23 those contracts unless modified or rescinded by that department to the extent
24 allowed under the contract.

1 (d) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of natural resources
3 primarily related to the abandoned underground petroleum storage tank removal
4 program, as determined by the secretary of administration, is transferred to the
5 department of agriculture, trade and consumer protection.

6 (e) *Pending matters.* Any matter pending with the department of natural
7 resources primarily relating to the abandoned underground petroleum storage tank
8 removal program, as determined by the secretary of administration, on the effective
9 date of this paragraph is transferred to the department of agriculture, trade and
10 consumer protection. All materials submitted to or actions taken by the department
11 of natural resources with respect to the pending matter are considered as having
12 been submitted to or taken by the department of agriculture, trade and consumer
13 protection.

14 (f) *Assets and liabilities.* The assets and liabilities of the department of natural
15 resources primarily relating to the abandoned underground petroleum storage tank
16 removal program, as determined by the secretary of administration, become the
17 assets and liabilities of the department of agriculture, trade and consumer protection
18 on the effective date of this paragraph.

19 (2) BUREAU OF NATURAL RESOURCES SCIENCE. The department of natural
20 resources shall convert the existing office of applied science into the bureau of
21 natural resources science created under s. 15.345 (9).

22 **SECTION 9133. Nonstatutory provisions; Public Defender Board.**

23 **SECTION 9134. Nonstatutory provisions; Public Instruction.**

24 (1) SECONDARY GUARANTEE.

1 (a) Notwithstanding s. 121.07 (7) (b), for the purpose of setting the secondary
2 guaranteed valuation per member in the 2019-2020 school year, the department of
3 public instruction shall treat the appropriation under s. 20.255 (2) (ac) as if
4 \$75,000,000 were appropriated in the 2018-19 fiscal year.

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

9 (2) AFTER-SCHOOL PROGRAM GRANTS; EMERGENCY RULES. The department of public
10 instruction may promulgate emergency rules under s. 227.24 to implement and
11 administer s. 115.446. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
12 promulgated under this subsection remain in effect until July 1, 2020, or the date on
13 which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24
14 (1) (a) and (3), the department is not required to provide evidence that promulgating
15 a rule under this subsection as an emergency rule is necessary for the preservation
16 of the public peace, health, safety, or welfare and is not required to provide a finding
17 of emergency for a rule promulgated under this subsection.

18 (3) SPECIAL NEEDS SCHOLARSHIP PAYMENTS BASED ON ACTUAL COSTS; 2019-20 SCHOOL
19 YEAR. If before the effective date of this subsection, the department of public
20 instruction made a scholarship payment to a private school for a child with a
21 disability the amount of which is based on a financial statement submitted to the
22 department under s. 115.7915 (4c), 2017 stats., the department of public instruction
23 shall consider the amount paid to the private school as an installment payment of
24 the amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. The department
25 of public instruction shall adjust the remaining installment payments under s.

1 115.7915 (4m) (b) to ensure that the private school receives the total scholarship
2 amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. for the child with
3 a disability for whom the private school submitted a financial statement under s.
4 115.7915 (4c), 2017 stats., in the 2018-19 school year.

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

7 **SECTION 9136. Nonstatutory provisions; Public Service Commission.**

8 (1) BROADBAND REPORT.

9 (a) In this subsection:

10 1. "Underserved" has the meaning given in s. 196.504 (1) (b).

11 2. "Unserved" has the meaning given in s. 196.504 (1) (c).

12 (b) No later than June 30, 2020, the public service commission and the
13 department of administration shall jointly submit a report to the legislature in the
14 manner provided under s. 13.172 (3) and to the governor that provides all of the
15 following:

16 1. Updates on emerging broadband technologies and how they can be used to
17 provide broadband service to state residents.

18 2. Recommendations on how to provide incentives to broadband providers to
19 serve underserved or unserved areas of the state.

20 3. Proposals on how existing state agency technology, resources, or a
21 combination of technology and resources can be leveraged to serve underserved or
22 unserved areas of the state.

23 (2) OFFICE OF ENERGY INNOVATION.

24 (a) *Definitions.* In this subsection:

25 1. "Commission" means the public service commission.

1 2. "Department" means the department of administration.

2 3. "Focus on energy programs" means the statewide energy efficiency and
3 renewable resource programs established under s. 196.374 (2) (a) 1:

4 4. "Office" means the office of energy innovation in the commission.

5 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the commission primarily relating to the office, except for assets and
7 liabilities primarily relating to focus on energy programs, as determined by the
8 secretary of administration, become the assets and liabilities of the department.

9 (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED
10 positions, and the incumbent employees holding those positions, in the commission
11 who perform duties primarily related to the office, except for duties primarily
12 relating to focus on energy programs, as determined by the secretary of
13 administration, are transferred to the department.

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

19 (e) *Tangible personal property.* On the effective date of this paragraph, all
20 tangible personal property, including records, of the commission primarily relating
21 to the office, except for property primarily relating to focus on energy programs, as
22 determined by the secretary of administration, becomes the personal property of the
23 department.

24 (f) *Pending matters.* Any matter pending with the commission primarily
25 relating to the office, except for matters primarily relating to focus on energy

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1 programs, as determined by the secretary of administration, on the effective date of
2 this paragraph is transferred to the department. All materials submitted to or
3 actions taken by the commission are considered as having been submitted to or taken
4 by the department.

5 (g) *Contracts.* All contracts entered into by the commission primarily relating
6 to the office, except for contracts primarily relating to focus on energy programs, as
7 determined by the secretary of administration, in effect on the effective date of this
8 paragraph remain in effect and are transferred to the department. The department
9 shall carry out any obligations under those contracts unless modified or rescinded
10 to the extent allowed under the contract.

11 (h) *Rules and orders.* All rules promulgated by the commission under s.
12 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in
13 effect until their specified expiration dates or until amended or repealed by the
14 department. All orders issued by the commission under s. 196.025 (7), 2017 stats.,
15 in effect on the effective date of this paragraph remain in effect until their specified
16 expiration dates or until modified or rescinded by the department.

SECTION 9137. Nonstatutory provisions; Revenue.

17
18 (1) **INVENTORY TAX IMPOSED ON VAPOR PRODUCTS.** On the effective date of this
19 subsection, an inventory tax is imposed upon vapor products, as defined under s.
20 139.75 (14), that are held in inventory for sale or resale in the possession of
21 distributors or retailers. Any person who is in possession of any vapor products shall
22 pay the tax at the rate of 71 percent of the manufacturer's list price, as defined under
23 s. 139.75 (5b). Any person liable for this tax shall determine the number of vapor
24 products in the person's possession on the effective date of this subsection, and shall

1 file a return, and pay the tax due, no later than the 30th day after the effective date
2 of this subsection.

3 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
4 **Services.**

5 (1) DENTAL THERAPIST LICENSURE.

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

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

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

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

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

14 **SECTION 9139. Nonstatutory provisions; Secretary of State.**

15 **SECTION 9140. Nonstatutory provisions; State Fair Park Board.**

16 **SECTION 9141. Nonstatutory provisions; Supreme Court.**

17 **SECTION 9142. Nonstatutory provisions; Technical College System.**

18 **SECTION 9143. Nonstatutory provisions; Tourism.**

19 **SECTION 9144. Nonstatutory provisions; Transportation.**

20 (1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61
21 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall
22 enter into and begin transferring information under a revised agreement with the
23 elections commission administrator pursuant to s. 85.61 (1), no later than the first
24 day of the 4th month beginning after the effective date of this subsection.