

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0065/p1insD
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1 **SECTION 707.** 49.472 (3) (f) of the statutes is amended to read:

2 49.472 (3) (f) The individual maintains premium payments under sub. (4) (am)
3 and, if applicable and to the extent approved by the federal government, premium
4 payments calculated by the department in accordance with sub. (4) (bm), unless the
5 individual is exempted from premium payments under sub. (4) (dm) or (5).

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

7 49.472 (4) (am) To the extent approved by the federal government and except
8 as provided in pars. (dm) and (em) and sub. (5), an individual who receives medical
9 assistance under this section shall pay a monthly premium of \$25 to the department.

10 **SECTION 709.** 49.472 (5) of the statutes is repealed.

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

12 49.849 (1) (e) "Public assistance" means any services provided as a benefit
13 under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance
14 under subch. IV, ~~long-term community support services funded under s. 46.27 (7),~~
15 or aid under s. 49.68, 49.683, 49.685, or 49.785.

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

17 49.849 (2) (a) (intro.) Subject to par. (b), the department may collect from the
18 property of a decedent by affidavit under sub. (3) (b) or by lien under sub. (4) (a) an
19 amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the
20 long-term community support services under s. 46.27, 2017 stats., that is
21 recoverable under s. 46.27 (7g) (c) 1., 2017 stats., or the aid under s. 49.68, 49.683,
22 49.685, or 49.785 that is recoverable under s. 49.682 (2) (a) or (am), and that was paid

1 on behalf of the decedent or the decedent's spouse, if all of the following conditions
2 are satisfied:

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

4 **SECTION 725.** 49.849 (6) (b) of the statutes is repealed.

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

6 50.03 (3) (b) (intro.) The application for a license and, except as otherwise
7 provided in this subchapter, the report of a licensee shall be in writing upon forms
8 provided by the department and shall contain such information as the department
9 requires, including the name, address and type and extent of interest of each of the
10 following persons:

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

12 50.03 (4) (c) 1. A community-based residential facility license is valid until it
13 is revoked or suspended under this section. Every 24 months, on a schedule
14 determined by the department, a community-based residential facility licensee
15 shall submit through an online system prescribed by the department a biennial
16 report in the form and containing the information that the department requires,
17 including payment of ~~the fees required~~ any fee due under s. 50.037 (2) (a). If a
18 complete biennial report is not timely filed, the department shall issue a warning to
19 the licensee. The department may revoke a community-based residential facility
20 license for failure to timely and completely report within 60 days after the report date
21 established under the schedule determined by the department.

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

23 50.033 (2m) REPORTING. Every 24 months, on a schedule determined by the
24 department, a licensed adult family home shall submit through an online system
25 prescribed by the department a biennial report in the form and containing the

1 information that the department requires, including payment of the any fee required
2 due under sub. (2). If a complete biennial report is not timely filed, the department
3 shall issue a warning to the licensee. The department may revoke the license for
4 failure to timely and completely report within 60 days after the report date
5 established under the schedule determined by the department.

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

7 50.034 (1) (a) No person may operate a residential care apartment complex that
8 provides living space for residents who are clients under s. ~~46.27 (11)~~ or 46.277 and
9 publicly funded services as a home health agency or under contract with a county
10 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that is a home health
11 agency unless the residential care apartment complex is certified by the department
12 under this section. The department may charge a fee, in an amount determined by
13 the department, for certification under this paragraph. The amount of any fee
14 charged by the department for certification of a residential care apartment complex
15 need not be promulgated as a rule under ch. 227.

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

17 50.034 (2m) REPORTING. Every 24 months, on a schedule determined by the
18 department, a residential care apartment complex shall submit through an online
19 system prescribed by the department a report in the form and containing the
20 information that the department requires, including payment of any fee required
21 under sub. (1). If a complete report is not timely filed, the department shall issue a
22 warning to the operator of the residential care apartment complex. The department
23 may revoke a residential care apartment complex's certification or registration for
24 failure to timely and completely report within 60 days after the report date
25 established under the schedule determined by the department. Notwithstanding the

1 reporting schedule under this subsection, a certified residential care apartment
2 complex shall continue to pay required fees on the schedule established in rules
3 promulgated by the department.

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

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

6 50.034 (5m) PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (5p), when~~
7 When a residential care apartment complex first provides written material
8 regarding the residential care apartment complex to a prospective resident, the
9 residential care apartment complex shall also provide the prospective resident
10 information specified by the department concerning the services of a resource center
11 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
12 functional screening and a financial and cost-sharing screening to determine the
13 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

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

15 50.034 (5n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (5p), when~~ When a
16 residential care apartment complex first provides written material regarding the
17 residential care apartment complex to a prospective resident who is at least 65 years
18 of age or has developmental disability or a physical disability and whose disability
19 or condition is expected to last at least 90 days, the residential care apartment
20 complex shall refer the prospective resident to a resource center under s. 46.283,
21 unless any of the following applies:

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

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

24 50.034 (6) FUNDING. Funding for supportive, personal or nursing services that
25 a person who resides in a residential care apartment complex receives, other than

1 private or 3rd-party funding, may be provided only under s. 46.27(11)(e)7. or 46.277
2 (5) (e), except if the provider of the services is a certified medical assistance provider
3 under s. 49.45 or if the funding is provided as a family care benefit under ss. 46.2805
4 to 46.2895.

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

6 50.035 (4m) PROVISION OF INFORMATION REQUIRED. ~~Subject to sub. (4p), when~~
7 When a community-based residential facility first provides written material
8 regarding the community-based residential facility to a prospective resident, the
9 community-based residential facility shall also provide the prospective resident
10 information specified by the department concerning the services of a resource center
11 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
12 functional screening and a financial and cost-sharing screening to determine the
13 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

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

15 50.035 (4n) REQUIRED REFERRAL. (intro.) When a community-based residential
16 facility first provides written information regarding the community-based
17 residential facility to a prospective resident who is at least 65 years of age or has
18 developmental disability or a physical disability and whose disability or condition is
19 expected to last at least 90 days, the community-based residential facility shall refer
20 the individual to a resource center under s. 46.283 ~~or, if the secretary has not certified~~
21 ~~under s. 46.281 (3) that a resource center is available in the area of the~~
22 ~~community-based residential facility to serve individuals in an eligibility group to~~
23 ~~which the prospective resident belongs, to the county department that administers~~
24 ~~a program under ss. 46.27 or 46.277, unless any of the following applies:~~

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

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

2 50.04 (2g) (a) ~~Subject to sub. (2i), a~~ A nursing home shall, within the time
3 period after inquiry by a prospective resident that is prescribed by the department
4 by rule, inform the prospective resident of the services of a resource center under s.
5 46.283, the family care benefit under s. 46.286, and the availability of a functional
6 screening and a financial and cost-sharing screening to determine the prospective
7 resident's eligibility for the family care benefit under s. 46.286 (1).

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

9 50.04 (2h) (a) (intro.) ~~Subject to sub. (2i), a~~ A nursing home shall, within the
10 time period prescribed by the department by rule, refer to a resource center under
11 s. 46.283 a person who is seeking admission, who is at least 65 years of age or has
12 developmental disability or physical disability and whose disability or condition is
13 expected to last at least 90 days, unless any of the following applies:

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

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

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

17 50.06 (7) An individual who consents to an admission under this section may
18 request that ~~an assessment be conducted for the incapacitated individual under the~~
19 ~~long-term support community options program under s. 46.27 (6) or, if the secretary~~
20 ~~has certified under s. 46.281 (3) that a resource center is available for the individual,~~
21 a functional screening and a financial and cost-sharing screening to determine
22 eligibility for the family care benefit under s. 46.286 (1). If admission is sought on
23 behalf of the incapacitated individual or if the incapacitated individual is about to
24 be admitted on a private pay basis, the individual who consents to the admission may
25 waive the requirement for a financial and cost-sharing screening under s. 46.283 (4)

1 (g), unless the incapacitated individual is expected to become eligible for medical
2 assistance within 6 months.

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

4 51.06 (8) (b) 6. The extent of Medical Assistance provided to relocated or
5 diverted individuals that is in addition to Medical Assistance provided to the
6 individuals under s. ~~46.27 (11)~~, 46.275, 46.277, or 46.278, as a family care benefit
7 under ss. 46.2805 to 46.2895, or under any other home-based or community-based
8 program for which the department has received a waiver under 42 USC 1396n (c).

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

10 51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities
11 program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b),
12 the county board of supervisors in a county with a single-county department of
13 community programs or the county boards of supervisors in counties with a
14 multicounty department of community programs transfer the powers and duties of
15 the county department under s. 51.437 to the county department of community
16 programs. The county board of supervisors in a county with a single-county
17 department of community programs and the county boards of supervisors in counties
18 with a multicounty department of community programs may designate the county
19 department of community programs to which these powers and duties have been
20 transferred as the administrative agency of ~~the long-term support community~~
21 ~~options program under s. 46.27 (3) (b) 1. and 5.~~ and the community integration
22 programs under ss. 46.275, 46.277 and 46.278.

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

24 51.421 (1) PURPOSE. In order to provide the least restrictive and most
25 appropriate care and treatment for persons with serious and persistent mental

1 illness, community support programs should be available in all parts of the state.
2 In order to integrate community support programs with other long-term care
3 programs, community support programs shall be coordinated, to the greatest extent
4 possible, with the community options program under s. 46.27, with the protective
5 services system in a county, with the medical assistance program under subch. IV of
6 ch. 49 and with other care and treatment programs for persons with serious and
7 persistent mental illness.

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

9 51.422 (1) PROGRAM CREATION. The department shall create 2 or 3 new, regional
10 comprehensive opioid treatment programs, and in the 2017-19 fiscal biennium,
11 shall create 2 or 3 additional regional comprehensive opioid and methamphetamine
12 treatment programs, to provide treatment for opioid and opiate addiction and
13 methamphetamine addiction in underserved, high-need areas. The department
14 shall obtain and review proposals for opioid and methamphetamine treatment
15 programs in accordance with its request-for-proposal procedures. ~~A program under~~
16 ~~this section may not offer methadone treatment.~~

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

18 51.422 (2) PROGRAM COMPONENTS. An opioid or methamphetamine treatment
19 program created under this section shall offer an assessment to individuals in need
20 of service to determine what type of treatment is needed. The program shall
21 transition individuals to a certified residential program, if that level of treatment is
22 necessary. The program shall provide counseling, medication-assisted treatment,
23 including ~~both long-acting opioid antagonist and partial agonist medications that~~
24 ~~have been approved by the federal food and drug administration if for treating opioid~~
25 addiction, and abstinence-based treatment. The program shall transition

1 individuals who have completed treatment to county-based or private
2 post-treatment care.

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

4 **51.441 Comprehensive mental health consultation program.** The
5 department shall convene a statewide group of interested persons, including at least
6 one representative of the Medical College of Wisconsin, to develop a concept paper,
7 business plan, and standards for a comprehensive mental health consultation
8 program that incorporates general psychiatry, geriatric psychiatry, addiction
9 medicine and psychiatry, a perinatal psychiatry consultation program, and the child
10 psychiatry consultation program under s. 51.442.

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

12 54.21 (2) (g) The current and likely future effect of the proposed transfer of
13 assets on the ward's eligibility for public benefits, including medical assistance or a
14 benefit under s. 46.27.

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

16 54.34 (1) (k) Whether the proposed ward is a recipient of a public benefit,
17 including medical assistance or a benefit under s. 46.27.

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

20 59.69 (10) (ab) (intro.) In this subsection "nonconforming use":

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

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

1 59.69 (10) (ab) 1. “Contiguous” means sharing a common boundary or being
2 separated only by a waterway, section line, public road, private road, transportation
3 right-of-way, or utility right-of-way.

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

5 59.69 (10) (ab) 1m. “Contiguous parcel” means any parcel of land, up to a
6 cumulative limit of 80 acres, that, as of January 1, 2001, is contiguous to and is
7 located in the same political subdivision as land on which a quarry existed lawfully
8 before the quarry became a nonconforming use, is under the common ownership,
9 leasehold, or control of the person who owns, leases, or controls the land on which the
10 quarry is located, and is shown to have been intended for quarry operations prior to
11 the effective date of the ordinance that rendered the use nonconforming. For
12 purposes of this subdivision, if the contiguous parcel of land was commonly owned,
13 leased, or controlled on January 1, 2001, there is a presumption that the contiguous
14 parcel of land was intended for quarry operations prior to the effective date of the
15 ordinance that rendered the use nonconforming.

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

17 59.69 (10) (ab) 2. “Nonconforming quarry site” means land on which a quarry
18 existed lawfully before the quarry became a nonconforming use, including any
19 contiguous parcel. The nonconforming status of any contiguous parcel shall be
20 subject to the requirement that, on a 5 year rolling average, 75 percent of the quarry
21 materials extracted from the contiguous parcel shall be used for
22 infrastructure-related projects, as determined by the quarry operator. If this 75
23 percent requirement is not met as to any contiguous parcel, the nonconforming
24 status of the contiguous parcel may be suspended. This definition does not preclude

1 a determination that a particular parcel of land is nonconforming under subd. 3. or
2 common law.

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

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

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

6 59.69 (10) (ab) 5. “Quarry operations” has the meaning given in s. 66.04135 (2)
7 (d).

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

9 59.69 (10) (ap) Notwithstanding par. (am), an ordinance enacted under this
10 section may not prohibit the continued operation of a quarry at a nonconforming
11 quarry site. For purposes of this paragraph, the continued operation of a quarry
12 includes conducting quarry operations in an area of a nonconforming quarry site in
13 which quarry operations have not previously been conducted. Nothing in this section
14 shall be construed as modifying or limiting an operator’s reclamation obligations
15 under a reclamation permit.

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

18 60.61 (5) (ab) (intro.) In this subsection “~~nonconforming use~~”:

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

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

23 60.61 (5) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69
24 (10) (ab) 2.

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

1 60.61 (5) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

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

3 60.61 (5) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2)
4 (d).

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

6 60.61 (5) (as) Notwithstanding par. (am), an ordinance enacted under this
7 section may not prohibit the continued operation of a quarry at a nonconforming
8 quarry site. For purposes of this paragraph, the continued operation of a quarry
9 includes conducting quarry operations in an area of a nonconforming quarry site in
10 which quarry operations have not previously been conducted. Nothing in this section
11 shall be construed as modifying or limiting an operator’s reclamation obligations
12 under a reclamation permit.

13 **SECTION 761.** 59.796 of the statutes is repealed.

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

16 62.23 (7) (ab) *Definition Definitions.* (intro.) In this subsection
17 “nonconforming use”:

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

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

22 62.23 (7) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69
23 (10) (ab) 2.

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

25 62.23 (7) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

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

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

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

5 62.23 (7) (hd) *Nonconforming quarry sites.* Notwithstanding par. (h), an
6 ordinance enacted under this section may not prohibit the continued operation of a
7 quarry at a nonconforming quarry site. For purposes of this paragraph, the
8 continued operation of a quarry includes conducting quarry operations in an area of
9 a nonconforming quarry site in which quarry operations have not previously been
10 conducted. Nothing in this section shall be construed as modifying or limiting an
11 operator’s reclamation obligations under a reclamation permit.

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

13 **66.04135 Quarries extracting certain nonmetallic minerals. (1)**
14 **CONSTRUCTION.** (a) Nothing in this section may be construed to affect the authority
15 of a political subdivision to regulate land use for a purpose other than quarry
16 operations.

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

21 **(2) DEFINITIONS.** In this section:

22 (a) “Permit” means a form of approval granted by a political subdivision for the
23 operation of a quarry.

24 (b) “Political subdivision” means a city, village, town, or county.

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

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

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

12 2. A political subdivision may not require a quarry operator to obtain a zoning
13 or nonzoning permit to conduct quarry operations unless prior to the establishment
14 of quarry operations the political subdivision enacts an ordinance that requires the
15 permit. A political subdivision may not require a quarry operator to obtain a
16 nonzoning permit to conduct quarry operations if the quarry operation operates
17 under a previously issued zoning permit.

18 (b) *Applicability of local limit*. If a political subdivision enacts a nonzoning
19 ordinance regulating the operation of a quarry that was not in effect when quarry
20 operations began at a quarry, the limit does not apply to that quarry or to land that
21 is contiguous, as defined in s. 59.69 (10) (ab) 1., to the land on which the quarry is
22 located, is under the common ownership, leasehold, or control of the person who
23 owns, leases, or controls the land on which the quarry is located, and is located in the
24 same political subdivision.

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

6 2. Except as provided under subs. 3. and 4., a political subdivision may not
7 limit blasting at a quarry.

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

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

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

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

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

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

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

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

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

7 (d) *Water quality or quantity.* 1. Except as provided under subds. 2. to 5., a
8 political subdivision may not do any of the following with respect to the operation of
9 a quarry:

10 a. Establish or enforce a water quality standard.

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

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

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

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

17 3. A political subdivision may require the operator of a quarry to conduct and
18 provide water quality and quantity baseline testing and ongoing quality testing, to
19 occur not more frequently than annually, of all wells within 1,000 feet of the
20 perimeter of a quarry site when a new high capacity well is added to an existing
21 quarry site or a new quarry site is established. A testing requirement under this
22 subdivision may not impose any standard that is more stringent than the standards
23 for groundwater quality required by rules promulgated by the department of natural
24 resources. The political subdivision may request a report of well testing results
25 within 30 days of the completion of testing, and the quarry operator shall provide the

1 results within that time. Any person offered the opportunity to have a well tested
2 under this subdivision but who knowingly refuses testing waives any claim against
3 a quarry operator related to the condition of the well if, within 90 days of the offer,
4 the quarry operator records with the register of deeds for the county in which the well
5 is located a written and sworn certification that the person refused the offer.

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

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

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

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

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

23 c. Impose any restriction related to air quality.

24 d. Impose any requirement related to monitoring air quality.

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

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

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

13 (f) *Quarry permit requirements.* 1. A political subdivision may not add a
14 condition to a permit during the duration of the permit unless the permit holder
15 consents.

16 2. If a political subdivision requires a quarry to comply with another political
17 subdivision's ordinance as a condition for obtaining a permit, the political
18 subdivision that grants the permit may not require the quarry operator to comply
19 with a provision of the other political subdivision's ordinance that is enacted after the
20 permit is granted and while the permit is in effect.

21 3. a. A town may not require, as a condition for granting a permit to a quarry
22 operator, that the quarry operator satisfy a condition that a county requires in order
23 to grant a permit that is imposed by a county ordinance enacted after the county
24 grants a permit to the quarry operator.

1 b. A county may not require, as a condition for granting a permit to a quarry
2 operator, that the quarry operator satisfy a condition that a town requires in order
3 to grant a permit that is imposed by a town ordinance enacted after the town grants
4 a permit to the quarry operator.

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

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

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

11 66.0420 (7) (b) 2m. The percentage applied to a video service provider’s gross
12 receipts under par. (a) 1. for a municipality shall be the percentage that applied
13 under subd. 1. on December 31, 2018, less one of the following:

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

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

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

17 66.0602 (2m) (b) 1. In this paragraph, “covered service” means garbage
18 collection, fire protection, snow plowing, or street sweeping, ~~or storm water~~
19 ~~management~~, except that garbage collection may not be a covered service for any
20 political subdivision that owned and operated a landfill on January 1, 2013. With
21 regard to fire protection, “covered service” does not include the production, storage,
22 transmission, sale and delivery, or furnishing of water for public fire protection
23 purposes.

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

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

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

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

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

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

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

21 71.05 (6) (b) 19. c. For taxable years beginning before January 1, 2020, for a
22 person who is a nonresident or a part-year resident of this state, modify the amount
23 calculated under subd. 19. b. by multiplying the amount by a fraction the numerator
24 of which is the person's net earnings from a trade or business that are taxable by this

1 state and the denominator of which is the person’s total net earnings from a trade
2 or business.

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

4 71.05 (6) (b) 19. cm. For taxable years beginning after December 31, 2019, for
5 a person who is a nonresident or a part-year resident of this state, modify the amount
6 calculated under subd. 19. b. by multiplying the amount by a fraction the numerator
7 of which is the person’s wages, salary, tips, unearned income, and net earnings from
8 a trade or business that are taxable by this state and the denominator of which is the
9 person’s total wages, salary, tips, unearned income, and net earnings from a trade
10 or business. In this subdivision, for married persons filing separately “wages, salary,
11 tips, unearned income, and net earnings from a trade or business” means the
12 separate wages, salary, tips, unearned income, and net earnings from a trade or
13 business of each spouse, and for married persons filing jointly “wages, salary, tips,
14 unearned income, and net earnings from a trade or business” means the total wages,
15 salary, tips, unearned income, and net earnings from a trade or business of both
16 spouses.

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

18 71.05 (6) (b) 19. d. ~~Reduce~~ For taxable years beginning before January 1, 2020,
19 reduce the amount calculated under subd. 19. b. or c. to the person’s aggregate net
20 earnings from a trade or business that are taxable by this state.

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

22 71.05 (6) (b) 19. dm. For taxable years beginning after December 31, 2019,
23 reduce the amount calculated under subd. 19. b. or cm. to the person’s aggregate
24 wages, salary, tips, unearned income, and net earnings from a trade or business that
25 are taxable by this state.

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

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

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

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

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

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

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

8 71.06 (1q) (b) On all taxable income exceeding \$7,500 but not exceeding
9 \$15,000, 5.84 percent, except that for taxable years beginning after December 31,
10 2018, 5.21 percent.

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

12 71.06 (2) (i) 2. On all taxable income exceeding \$10,000 but not exceeding
13 \$20,000, 5.84 percent, except that for taxable years beginning after December 31,
14 2018, 5.21 percent.

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

16 71.06 (2) (j) 2. On all taxable income exceeding \$5,000 but not exceeding
17 \$10,000, 5.84 percent, except that for taxable years beginning after December 31,
18 2018, 5.21 percent.

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

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

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

2 71.07 (5m) (e) *Sunset*. No credit may be claimed under this subsection for
3 taxable years beginning after December 31, 2018.

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

5 71.26 (1m) (o) Those issued by the Wisconsin Health and Educational Facilities
6 Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling
7 \$35,000,000 or less, and to the extent that the interest income received is not
8 otherwise exempt under this subsection.

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

10 71.45 (1t) (n) Those issued by the Wisconsin Health and Educational Facilities
11 Authority under s. 231.03 (6), if the bonds or notes are issued in an amount totaling
12 \$35,000,000 or less, and to the extent that the interest income received is not
13 otherwise exempt under this subsection.

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

15 71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the
16 following amounts, to the extent not included in Wisconsin adjusted gross income:
17 maintenance payments (except foster care maintenance and supplementary
18 payments excludable under section 131 of the internal revenue code), support money,
19 cash public assistance (not including credit granted under this subchapter and
20 amounts under s. 46.27, 2017 stats.), cash benefits paid by counties under s. 59.53
21 (21), the gross amount of any pension or annuity (including railroad retirement
22 benefits, all payments received under the federal social security act and veterans
23 disability pensions), nontaxable interest received from the federal government or
24 any of its instrumentalities, nontaxable interest received on state or municipal
25 bonds, worker's compensation, unemployment insurance, the gross amount of "loss

1 of time” insurance, compensation and other cash benefits received from the United
2 States for past or present service in the armed forces, scholarship and fellowship gifts
3 or income, capital gains, gain on the sale of a personal residence excluded under
4 section 121 of the internal revenue code, dividends, income of a nonresident or
5 part-year resident who is married to a full-year resident, housing allowances
6 provided to members of the clergy, the amount by which a resident manager’s rent
7 is reduced, nontaxable income of an American Indian, nontaxable income from
8 sources outside this state and nontaxable deferred compensation. Intangible drilling
9 costs, depletion allowances and depreciation, including first-year depreciation
10 allowances under section 179 of the internal revenue code, amortization,
11 contributions to individual retirement accounts under section 219 of the internal
12 revenue code, contributions to Keogh plans, net operating loss carry-backs and
13 carry-forwards, capital loss carry-forwards, and disqualified losses deducted in
14 determining Wisconsin adjusted gross income shall be added to “income”. “Income”
15 does not include gifts from natural persons, cash reimbursement payments made
16 under title XX of the federal social security act, surplus food or other relief in kind
17 supplied by a governmental agency, the gain on the sale of a personal residence
18 deferred under section 1034 of the internal revenue code or nonrecognized gain from
19 involuntary conversions under section 1033 of the internal revenue code. Amounts
20 not included in adjusted gross income but added to “income” under this subsection
21 in a previous year and repaid may be subtracted from income for the year during
22 which they are repaid. Scholarship and fellowship gifts or income that are included
23 in Wisconsin adjusted gross income and that were added to household income for
24 purposes of determining the credit under this subchapter in a previous year may be
25 subtracted from income for the current year in determining the credit under this

1 subchapter. A marital property agreement or unilateral statement under ch. 766 has
2 no effect in computing “income” for a person whose homestead is not the same as the
3 homestead of that person’s spouse.

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

5 71.58 (7) (a) For an individual, means income as defined under s. 71.52 (6), plus
6 nonfarm business losses, plus amounts under s. 46.27, 2017 stats., less net operating
7 loss carry-forwards, less first-year depreciation allowances under section 179 of the
8 internal revenue code and less the first \$25,000 of depreciation expenses in respect
9 to the farm claimed by all of the individuals in a household.

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

11 73.10 (2) (c) Beginning in 2021, each municipality that is eligible to receive a
12 payment under s. 79.097 shall submit with the information required under pars. (a)
13 and (b) the actual annual revenues received under s. 66.0420 (7).

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

15 77.25 (7) By a subsidiary corporation to its parent corporation for no
16 consideration, nominal consideration or in sole consideration of cancellation,
17 surrender or transfer of capital stock between parent and subsidiary corporation.

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

19 77.25 (10) Solely in order to provide or release security for a debt or obligation,
20 if the debt or obligation was not incurred as the result of a conveyance.

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

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

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

24 78.12 (4) (a) 4. Multiply the number of gallons under subd. ~~3.~~ 1. by the rate
25 published under s. 78.015 as increased under s. 78.017.

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

2 78.12 (5) PAYMENT OF TAX. Licensed suppliers shall pay taxes on motor vehicle
3 fuel no later than the 15th day of the month for motor vehicle fuel sold during the
4 previous month. At the option of a wholesaler distributor, a licensed supplier shall
5 allow the wholesaler distributor to delay paying the tax to the licensed supplier until
6 the date that the tax is due to this state. A wholesaler distributor who makes delayed
7 payments shall make the payments by electronic funds transfer. If a wholesaler
8 distributor fails to make timely payments, the licensed supplier may terminate the
9 right of the wholesaler distributor to make delayed payments. Each licensed
10 supplier shall notify the department of each wholesaler distributor who makes
11 delayed payments of the tax. The department may require any wholesaler
12 distributor who makes delayed payments of the tax to furnish the department a
13 surety bond payable to this state in an amount not to exceed 3 times the highest
14 estimated monthly tax owed by the wholesaler distributor. ~~Whenever the wholesaler~~
15 ~~distributor pays the licensed supplier, the licensed supplier shall credit the~~
16 ~~wholesaler distributor's account for the amount of tax reduction that results from the~~
17 ~~calculation under s. 78.12 (4) (a) 2.~~

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

19 78.20 (6) A refund may not be claimed under this section for fuel purchased
20 after September 30, 2019.

21 **SECTION 1067m.** 78.20 of the statutes, as affected by 2019 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 1067p.** 78.68 (10) of the statutes is amended to read:

24 78.68 (10) Except as provided in ss. 78.19, ~~78.20 (2)~~ and 78.75 (1m) (b), s. 71.75
25 (2) and (4) to (7) as it applies to the taxes under ch. 71 applies to the taxes under this

1 chapter. Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93, 71.935, and 73.03
2 (52), (52m), and (52n), as they apply to refunds of the taxes under ch. 71 apply to the
3 refund of the taxes under this chapter.

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

5 **79.097 State aid; video service provider fee.** (1) (a) In 2020, each
6 municipality that assesses a fee under s. 66.0420 (7) shall receive a payment equal
7 to 0.5 percent of the gross receipts, as reported under sub. (2) (a), used as the basis
8 for the actual fee revenues received by the municipality in 2018.

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

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

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

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

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

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

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

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