
Wisconsin Legislative Council

INFORMATION MEMORANDUM



IM-2023-01

2023 ASSEMBLY BILL 245, RELATING TO SHARED REVENUE, THE PERSONAL PROPERTY TAX, AND MILWAUKEE SALES TAX AUTHORITY

2023 Assembly Bill 245: (1) modifies the state's approach to shared revenue for counties and municipalities; (2) repeals Wisconsin's personal property tax; and (3) authorizes the City of Milwaukee and Milwaukee County to impose sales and use taxes, primarily to address unfunded pension system liabilities. The bill also makes other changes to state law, including some provisions specific to the City of Milwaukee and Milwaukee County and other provisions that apply throughout the state.

This information memorandum summarizes key provisions of the bill and notes changes made to the bill by Assembly Amendment 2. The Assembly adopted Assembly Amendment 2 on May 17, 2023, on a vote of Ayes, 56; and Noes, 36, with four paired votes and two members not voting. For a brief overview of the amendment, see the [amendment memo](#).

SHARED REVENUE

Under **current law**, the state provides unrestricted aid payments, commonly referred to as "shared revenue," to counties and municipalities under the county and municipal aid program. The portion of state revenue allocated for shared revenue has decreased over time. County and municipal aid payments currently equal the amount of the payment determined for each county or municipality in 2012.¹ [s. 79.035, Stats.]

The bill modifies the approach to shared revenue in the following ways:

- **General aid distributed based on current allocation.** The bill creates a new trust fund account from which the bill directs the Department of Administration (DOA) to make county and municipal aid payments. In 2024, the bill provides that each county and municipality will receive the amount of aid that the county or municipality received in 2023. Beginning in 2025, DOA must distribute the amount that is in the trust fund account² to

¹ Wisconsin first created a system of shared revenue in 1911, at the same time the state's income tax took effect. For more detailed information regarding the history and current law regarding shared revenue, see [Legislative Fiscal Bureau, Shared Revenue Program: County and Municipal Aid and Utility Aid, Information Paper 22 \(Jan. 2023\)](#).

² However, the bill directs DOA to reduce an aid payment by the amount of any grant that a county or municipality receives for the replacement of public transit vehicles with funds resulting from a consent decree in a class action suit against the Volkswagen Group.

counties and municipalities, based on the proportion of aid that each county and municipality received in 2024.³

- **New supplemental aid.** The bill also creates a separate trust fund account from which the state will pay supplemental aid to counties and municipalities for spending on certain types of services.⁴ Under the bill, each municipality in the state would receive a supplemental aid payment equal to the greater of: (1) 10 percent of the amount of general aid the county or municipality received in 2024; or (2) a formula specified under the bill. For municipalities, the formula is partially based on 2022 population size, but adjusted to provide a proportionally higher increase in supplemental aid to smaller municipalities than larger municipalities. The formula for supplemental county aid is likewise based partly on population size, but with additional aid provided to counties that have had relatively little net new construction in recent years and thus have been unable to increase their property tax levies.⁵
- **Innovation grants.** The bill creates an innovation grant program, through which a county or municipality may receive additional funds by submitting a plan to transfer specified types of services to another county or municipality, or to a nonprofit organization or other private entity. The Department of Revenue (DOR) must promulgate administrative rules to implement the program. To be approved to receive an innovation grant, the county's or municipality's plan must reduce expenditures for a given service by at least 10 percent over a period that is at least twice as long as the grant period, with certain savings realized within the first two years, and all of the savings realized within three years. Under the bill, an innovation grant provides 25 percent of the cost of the service for up to three years, beginning in the year after DOR's rules administering the program take effect. The bill provides an aggregate limit of \$300 million for the program and a \$10 million limit per county or municipality. The bill directs DOR to prioritize grants relating to public safety, fire protection, and emergency services. The bill provides that the allocation of funds between counties and municipalities that transfer services is determined under the terms of an agreement negotiated by the county or municipality. For municipalities with populations of 5,000 or less, the bill also authorizes innovation planning grants for staffing and consultant expenses relating to planning the transfer of services.

The bill does not appropriate funds for the supplemental aid and innovation grant program described above. Presumably, those funds may be appropriated in the 2023-25 Biennial Budget Act.

Assembly Amendment 2 modifies the formula for new supplemental aid to counties and municipalities. Specifically, for municipalities with populations under 110,000 (currently all but the City of Milwaukee and City of Madison), the amendment increases the guaranteed minimum amount of supplemental aid to 15 percent, rather than 10 percent, of a municipality's general aid.⁶ In addition, the amendment modifies the formula for supplemental aid, with one effect

³ In public hearings on the bill, the bill's authors expressed an intent to guarantee future increases of shared revenue payments, by requiring a certain percentage of state sales tax revenue to be allocated for shared revenue. As introduced, the bill does not directly tie shared revenue payments to state sales tax revenue.

⁴ The bill allows supplemental aid to be used for law enforcement, fire protection, emergency medical services (EMS), emergency response communications, public works, and transportation, except that the bill prohibits the use of supplemental aid for administrative services.

⁵ For a more detailed explanation of the shared revenue formulas created by the bill, see the [memorandum](#) prepared by the Legislative Fiscal Bureau on May 16, 2023.

⁶ However, the City of Madison would receive a larger amount of supplemental aid under the amendment than the bill because of other changes made by the amendment to the formula for supplemental aid.

being that most cities would receive a larger amount of supplemental aid under the amendment than under the bill.⁷ The amendment also adds courts to the types of services for which a county or municipality may use supplemental aid payments.

REPEAL OF THE PERSONAL PROPERTY TAX

Currently, Wisconsin law generally requires personal property to be assessed and taxed for purposes of the property tax. [s. 70.34, Stats.] However, current law exempts numerous categories of personal property from taxation, including household furnishings, farm machinery, crops, and vending machines. [s. 70.111, Stats.] Most recently, the 2017-19 Biennial Budget Act created an exemption from the personal property tax for certain machinery, tools, and patterns, and required DOA to provide aid to local taxing jurisdictions to compensate for the loss of revenue resulting from that new exemption. [s. 79.096, Stats.] In addition, certain public utilities, including railroad companies, are generally subject to an *ad valorem* tax based on the market value of their real and personal property, in lieu of local property taxes. However, the federal Railroad Revitalization and Regulatory Reform Act limits local taxation of railroad property.

The bill repeals Wisconsin's remaining personal property tax, beginning with property tax assessments as of January 1, 2024. Specifically, the bill exempts most items that are currently defined as "personal property" from the personal property tax, and reclassifies certain other items as real property for purposes of property taxation. In addition, beginning in 2025, the bill requires DOA to provide aid to local taxing jurisdictions in an amount equal to the taxes that were levied on items of personal property based on assessments as of January 1, 2023. The bill also provides that for assessments after January 1, 2024, the personal property of a railroad company is exempt from the state *ad valorem* tax, and from local assessment and taxation.

Assembly Amendment 2 generally retains the provisions of the bill relating to the repeal of the personal property tax.

MILWAUKEE-SPECIFIC PROVISIONS

Current law provides various special authorizations, requirements, and prohibitions that apply uniquely to "first class" cities and a county in which a first class city is located – currently only the City of Milwaukee and Milwaukee County. The City of Milwaukee and Milwaukee County are also unique within the state in that they administer their own employee retirement systems. Both the city's and the county's retirement systems currently face structural deficits, with actuarial studies showing insufficient assets to cover pension system liabilities.

Partly to address those structural deficits, **the bill** provides various new authorizations, requirements, and prohibitions specific to the City of Milwaukee and Milwaukee County, including new authority to levy sales and use taxes for certain purposes, as well as other provisions that are not directly tied to the sales tax authority.⁸ **Assembly Amendment 2** modifies some of those provisions, as described below.

⁷ For more information regarding the changes to the supplemental aid formula under the amendment, see the [memorandum](#) prepared by the Legislative Fiscal Bureau on May 18, 2023.

⁸ The bill also requires the Legislative Audit Bureau to conduct both of the following at least once every five years: (1) a financial audit of any sales and use taxes imposed under the bill; and (2) a contracted audit of the actuarial performance of the city's and county's existing retirement systems.

Authority to Impose a Sales and Use Tax

Under **current law**, counties may impose a sales and use tax of .5 percent, and municipalities have no authority to impose a sales and use tax. **The bill** authorizes the City of Milwaukee to impose a two percent sales and use tax and Milwaukee County to impose an additional sales and use tax of .375 percent, subject to certain conditions.

Under **the bill**, the following conditions apply to the two percent sales and use tax authorized to be imposed by the **City of Milwaukee**:

- **Ordinance and referendum.** Before the city may impose the tax, the Milwaukee Common Council must pass an ordinance authorizing the tax, and electors must then approve of the tax in a referendum.
- **Purposes for which sales tax revenue may be used.** The bill requires at least 10 percent of the sales tax revenue to be used to maintain a level of law enforcement and fire protective and EMS that is equivalent to the level the city provided on April 1, 2023, and any revenue that exceeds that revenue received in the previous year must be used to increase the number of law enforcement officers and paid members of the fire department, until the city employs 1,725 law enforcement officers, including 175 detectives, and maintains a daily staffing level not fewer than 218 members of the paid fire department. The remaining sales tax revenue must be used to fund the city's unfunded pension liability.
- **Requirement to join the Wisconsin Retirement System.** The bill requires the city to elect to join the Wisconsin Retirement System (WRS) for all new employees.
- **Report to the Joint Committee on Finance.** Beginning in 2026, the city must submit an annual report to the Joint Committee on Finance (JCF). The report must contain detailed information regarding the city's expenditures of the sales and use tax revenues, including expenditures and staffing levels related to law enforcement, fire protection, and other public safety measures.
- **Sunset.** The bill repeals the ordinance authorizing the sales and use tax effective on the first December 31 after the city's retirement system is fully funded, or 30 years after the tax takes effect, whichever occurs first.

The following conditions apply to the additional .375 percent sales tax authorized to be imposed by **Milwaukee County** under the bill:

- **Ordinance and referendum.** Before the county may impose the additional tax, the county board must pass an ordinance authorizing the tax, and electors must then approve of the tax in a referendum.
- **Purposes for which sales tax revenue may be used.** The county must first contribute the revenue from the additional tax to the county retirement system's unfunded accrued liability, as determined by the retirement system's actuary. After contributing the required amount to the retirement system's unfunded actuarial accrued liability in a given year, the county must make the required payment for its pension bond obligations. The county must use any remaining revenue from the additional sales tax in a given year to make an additional payment to the county retirement system's unfunded actuarial accrued liability.
- **Requirement to join WRS.** The county must make an election to join the WRS for all new employees.

- **Report to JCF.** Beginning in 2026, the county must submit an annual report to JCF. The report must contain detailed information regarding the county's expenditures of the sales and use tax revenues.
- **Sunset.** The bill requires the county to repeal the ordinance imposing the tax after the county's retirement system is first fully funded, or 30 years after the additional sales and use tax takes effect, whichever occurs first.

Assembly Amendment 2 generally retains the provisions of the bill relating to new sales and use tax authority. However, as indicated below, the amendment modifies certain provisions relating to the administration of the city's and county's existing retirement systems. In addition, the amendment specifies that, if the new sales and use taxes are imposed, the city and county may not increase or in any way enhance the benefits for employees who remain in the existing retirement systems, except as required to comply with federal law.

Other City of Milwaukee and Milwaukee County-Specific Provisions

The bill includes the following provisions that apply to **both the City of Milwaukee and Milwaukee County** and are not dependent on or otherwise directly tied to the authority to impose a sales and use tax, described above:

- **Supermajority vote required for spending and position increases.** The bill provides that any proposal to do either of the following must be approved by a vote of two-thirds of all members of the city's Common Council or the county board: (1) new program spending; or (2) increasing the total number of positions in the city or county.
- **Plan for use or sale of unused buildings.** The bill requires the city and county to identify all buildings that the county or city has authority to sell and that are not being used by the city or county. The city and county must each submit a plan to JCF for the use or sale of the buildings identified.
- **Cap on spending for cultural or entertainment matters and nonprofit partnerships.** The bill provides that no more than five percent of the city's and county's total amount of budgeted expenditures may: (1) be related to cultural or entertainment matters; or (2) involve partnerships with nonprofit groups. However, the bill provides exceptions for: (1) certain charter schools in the city; and (2) parks, including zoos, and health or transit services in the county.
- **Retirement system administration.** Beginning in 2024, the bill requires the city and county to calculate their annual employer contributions for their retirement systems using a 30-year amortization period and an annual investment return assumption that is the same as or less than the annual investment return assumption used by the WRS (currently 6.8 percent). Future unfunded actuarial accrued liability may be amortized on the basis of standard actuarial practices. In addition, if the city or county elects to join the WRS for new employees, the city or county must pay the remaining balance of actuarially determined normal cost contributions each year that is not covered by employee contributions.

Assembly Amendment 2 specifies that the supermajority vote requirement for spending and position increases applies only if a sales tax is imposed in the county or city. The amendment also provides immunity for trustees and administrators of the city's and the county's retirement systems from liability for complying with requirements under the bill regarding retirement system administration, including the amortization time period and assumptions. In addition,

the amendment requires the city and county to use not more than a 30-year amortization period to calculate their retirement system contributions, rather than exactly a 30-year amortization period under the bill. Finally, the amendment prohibits the city and county from collectively bargaining with public safety employees regarding any terms of the existing city and county retirement systems.

The bill also includes the following provisions that apply only to the **City of Milwaukee**, whether or not the exercises the new sales and use tax authority:

- **Changes to Milwaukee Fire and Police Commission composition and authority.** The bill modifies the composition of the board of the Milwaukee Fire and Police Commission by requiring that at least two commission members must be selected from lists submitted by the employee associations that represent nonsupervisory law enforcement officers and law enforcement officers or fire fighters, respectively. In addition, the bill authorizes the chiefs of the city's police and fire departments to establish policies relating to the control and management of their departments, rather than authorizing the commission to do so.
- **School resource officers.** The bill requires Milwaukee Public Schools to ensure that at least 25 school resource officers⁹ are present at schools within the district during normal school hours, and that the school resource officers are available during certain additional time periods and events.
- **Restriction on spending for a street car system and positions to promote diversity.** The bill prohibits the city from expending any revenue received from its property tax levy or sales and use taxes to fund: (1) the development, operation, or maintenance of a street car system; or (2) any position for which the principal duties consist of promoting individuals or groups on the basis of their race, color, ancestry, national origin, or sexual orientation.
- **Supermajority vote required to modify policy or fire policies.** The bill provides that the city may modify policies established by the city's police or fire chief only if approved by two-thirds of all members on the city's Common Council.
- **Maintenance of effort for police and fire.** The bill requires the city to maintain a level of law enforcement and fire protection and EMS service that is at least equivalent to that provided by the city the previous year, as measured by the number of full-time equivalent law enforcement offices employed by the city and the daily staffing level of the paid fire department.
- **Audit of Office of Violence Prevention.** The bill requires the city to obtain an independent audit of the city's Office of Violence Prevention and submit the results of the audit to the Legislature.

Assembly Amendment 2 makes two changes to the bill relating to the composition of the Milwaukee Fire and Police Commission. Specifically, the amendment: (1) provides more detailed procedures regarding nominations of individuals to serve on the commission's board, including a 45-day timeline by which the mayor must appoint individuals from the lists

⁹ In this context, "school resource officer" means a law enforcement officer who is deployed in community-oriented policing and assigned by the relevant law enforcement agency that employs him or her to work in a full-time capacity in collaboration with a school district.

submitted by the employee associations; and (2) specifies that members of the board may not continue to serve after their terms expire.

The amendment also specifies that, with respect to the City of Milwaukee-specific maintenance of effort requirement, the city may use “any reasonable method” to estimate the number of law enforcement officers and paid fire department staffing levels, and the amendment excludes grant-funded officers and fire fighters from the maintenance of effort requirement.

In addition, the amendment requires the board of Milwaukee Public Schools to ensure that the 25 school resource officers complete a 40-hour training course sponsored by the National Association of School Resource Officers.

Finally, **the bill** includes one additional provision that applies only to **Milwaukee County**. Specifically, the bill requires the county to prepare a report regarding changes to the county’s compensation plan to make the county competitive in the market for correctional workers at a sustainable level of funding. **Assembly Amendment 2** does not modify that requirement.

OTHER CHANGES TO STATE LAW

The bill makes a number of modifications to current state law in addition to the provisions summarized above. The provisions below apply throughout the state.

Maintenance of Effort Requirements

Beginning on July 1, 2024, **the bill** generally requires counties and municipalities to provide certain “maintenance of effort” certifications to DOR, with a penalty of a 15 percent reduction in a municipality’s shared revenue for failing to do so. The certifications relate to: (1) law enforcement; and (2) fire protection and EMS, with different requirements for each of those categories.

Law Enforcement and Fire

With respect to law enforcement, **the bill** applies the certification requirement only to municipalities with populations of greater than 20,000 people. Specifically, the bill requires those municipalities to annually certify to DOR that the municipality has maintained at least two of the following at a level at least equivalent to the previous year:

- Expenditures, not including capital expenditures, for law enforcement services.
- The number of full-time equivalent law enforcement officers employed by or assigned to the municipality.
- The number of citations for moving traffic violations issued within the political subdivision.
- The number of arrests made and citations issued for violations other than moving traffic violations.

Fire Protection and Emergency Medical Services

With respect to fire protection and EMS, the certification requirement applies to all counties and municipalities. The bill requires counties and municipalities to annually certify to DOR that the county or municipality has maintained at least two of the following at a level at least equivalent to the previous year:

- Expenditures, not including capital expenditures, for fire protection and EMS.

- The number of full-time equivalent fire fighters and EMS personnel employed by or assigned to the county or municipality.
- The level of training and maintenance of licensure for fire fighters and EMS personnel providing fire protection and EMS within the county or municipality.
- Response times for fire protection and EMS throughout the county or municipality, adjusted for call location.

Assembly Amendment 2 modifies those maintenance of effort criteria. Specifically, the amendment removes criteria based on the numbers of citations and arrests, and instead requires municipalities with populations greater than 20,000 to certify maintenance of effort for law enforcement by demonstrating a minimum level of total spending, percentage of spending, or number of positions. The amendment also adds exceptions to maintenance of effort requirements for positions funded with state or federal grants. In addition, the amendment refines limited exceptions to maintenance of effort requirements for counties and municipalities that have recently consolidated services. Finally, the amendment specifies that the person in charge of providing law enforcement and fire services for a municipality may use “any reasonable method” of estimating the average number of law enforcement officers, fire fighters, and EMS personnel employed by the municipality, but may only consider positions that are filled.

High School Incident Statistics

The bill requires public high schools, including independent charter schools, and private high schools that participate in a choice program,¹⁰ to collect and maintain statistics regarding incidents that occur in certain locations and time periods. The requirement applies to the following types of incidents, if they: (1) occur between the hours of 6 a.m. and 10 p.m. on a Monday to Friday; (2) occur on property that is owned or leased by the high school or the school district, or on certain modes of transportation; (3) are reported to law enforcement; and (4) result in the filing of a charge or issuance of a citation:

- Homicide.
- Sexual assault.
- Burglary, robbery, or theft.
- Certain types of battery, substantial battery, or aggravated battery.
- Arson.
- Use or possession of alcohol, a controlled substance, or a controlled substance analog.
- Possession of a firearm in violation of the gun-free school zones law.
- Disorderly conduct in violation of a municipal ordinance.

The bill requires public, charter, and choice high schools to report those statistics on an annual basis to the school board or the Department of Public Instruction (DPI), respectively. The bill requires DPI to promulgate rules to administer the reporting requirements, and it directs the

¹⁰ Wisconsin law provides for four different programs that allow qualifying students to receive a state-funded tuition voucher to attend a private school. These programs are collectively referred to as “choice programs,” and include: (1) the Milwaukee Parental Choice Program; (2) the Racine Parental Choice Program; (3) the Wisconsin Parental Choice Program; and (4) the Special Needs Scholarship Program.

Department of Justice (DOJ) to cooperate with DPI to develop a reporting system that incorporates DOJ's uniform crime reporting system.

The bill also requires DPI to include certain school, school-district, and statewide totals and averages regarding such statistics in school report cards. However, the bill prohibits DPI from considering the statistics when determining a school's performance or school district's improvement for the report card.

Assembly Amendment 2 narrows the scope of that reporting requirement by requiring incidents to be reported if they occur during: (1) school hours; (2) a school-sanctioned event; or (3) the transportation of pupils to or from school.

Levy Limit Adjustments

Current law places a limit, commonly referred to as a "levy limit," on the amount by which a municipality or county may increase its property tax levy. Generally, a county or municipality may increase its property tax levy only if property values have increased due to new construction. [s. 66.0602 (2), Stats.] However, current law provides a number of exceptions to levy limits. Most relevant to the bill, current law allows for an increase, and requires a corresponding decrease, of a county's or municipality's levy limit to account for the transfer of services from one county or municipality to another. [s. 66.6602 (3) (a) and (b), Stats.]

The bill repeals those levy limit adjustments for transferring services from one municipality or county to another. However, the bill retains a separate provision of current law that allows for a levy limit adjustment when services are transferred pursuant to an intergovernmental agreement.

Assembly Amendment 2 removes the repeal of those levy limit adjustments. Instead, the amendment allows for an increase or decrease in a county's or municipality's levy limit to account for the transfer of services, if both the transferring county or municipality and the county or municipality assuming new services file a notice with DOR regarding that transfer of services.

In addition, the amendment adds new provisions to the bill relating to the impact of tax incremental districts (TIDs) on levy limits. Specifically, the amendment modifies what is included in the valuation factor¹¹ for determining a local levy limit. In addition, beginning with TIDs created in 2025, the amendment sunsets the one-time levy limit increase allowed under current law upon the termination of a TID, and replaces it with a relatively smaller, one-time increase upon TID termination.

Authority to Form Joint Police and Fire Departments

Under **current law**, the statutes specifically authorize cities to form joint police and fire departments with other cities, but not with towns and villages. **The bill** authorizes cities to create joint police or fire departments with towns or villages. **Assembly Amendment 2** does not change that provision.

Comparative Report on Local Spending

Current law requires DOR to collect annual information from counties, municipalities, and certain other local units of government regarding specified sources of revenue, government

¹¹ The "valuation factor" is part of an equation that allows the prior levy to be increased in proportion to any increase in a municipality's equalized value due to net new construction.

expenditures, debt, financial audits, and other specified information. [s. 73.10, Stats.; ch. Tax 16, Wis. Adm. Code.] **The bill** requires DOR to produce a comparative local government spending report regarding that information on an annual basis, and to display the information on its website. **Assembly Amendment 2** does not change that provision.

Preemption of County and Municipal Authority

Under **current law**, cities and villages, and, to a lesser extent, towns and counties, generally have power over their local affairs and government, but that authority is preempted by state law in a number of areas. **The bill** restricts county and municipal authority in four areas: advisory referenda, minority hiring preferences, outbreak-related business closures, and quarry operations.

Advisory Referenda

Currently, counties and municipalities may hold advisory referenda to gauge public opinion on a given topic. **The bill** prohibits counties and municipalities from holding advisory referenda.¹² **Assembly Amendment 2** provides a limited exception to that general prohibition to allow counties and municipalities to conduct advisory referenda regarding capital expenditures proposed to be funded with county or municipality property tax revenue.

Minority Hiring Preferences

State and federal law do not **currently** prohibit local units of government from adopting hiring and procurement preferences to remediate historic discrimination. **The bill** prohibits counties and municipalities from discriminating against, or granting preferential treatment to, persons in certain protected classes when making employment decisions or contracting for public works, unless that preferential treatment is required to secure federal aid. The protected classes specified under the bill include classes based on race, color, ancestry, national origin, or sexual orientation. **Assembly Amendment 2** does not change that provision.

Business Closures to Control Communicable Disease Outbreaks

Current law directs local health officials to “promptly take all measures necessary to prevent, suppress and control communicable diseases,” and to “forbid public gatherings when deemed necessary to control outbreaks or epidemics.” [s. 252.03 (1) and (2), Stats.]

The bill generally prohibits local health officers from mandating the closure of one or more businesses for longer than 14 days to control an outbreak or epidemic of communicable disease. The bill allows for one 14-day extension of such a mandate, if the extension is approved by the relevant local government body.

Assembly Amendment 2 modifies that limitation, by: (1) lengthening the time frame during which an order mandating the closure of one or more businesses may remain in effect, from 14 days to 30 days, with one 30-day extension possible with local government body approval; and (2) prohibiting a mandate to close more than one business from distinguishing between essential and non-essential businesses.

¹² The statutes also specifically authorize counties and municipalities to hold advisory referenda regarding certain topics. For example, a county or municipality may adopt a resolution calling for an advisory referendum regarding a proposal to enter into a revenue sharing agreement. [s. 66.0305 (6), Stats.] The interaction between the general preemption under the bill and those more specific statutory provisions may be subject to some interpretation.

Quarry Operations

Under **current law**, many aspects of quarry operations are regulated under state or federal law, but local ordinances also affect quarry operations.

The bill specifies the extent of local authority to regulate certain quarry operations. Specifically, the bill applies to quarries that extract and process nonmetallic minerals (soil, clay, sand, gravel, or construction aggregate) that are primarily used for a public works project or a private construction or transportation project.

The bill authorizes towns, villages, cities, and counties to require quarry operators to obtain permits under either a zoning or a non-zoning (i.e., general police power) ordinance, but the bill prohibits a town, village, city, or county from applying any new permit requirements to certain existing or expanding quarry operations. The bill also prohibits towns, villages, cities, and counties from imposing non-zoning permit requirements if the same requirements have been addressed through zoning, and requires non-zoning permit conditions to be related to the purpose of a non-zoning ordinance and based on substantial evidence.

In addition, the bill specifically authorizes counties and municipalities to regulate certain aspects of blasting at quarries and generally prohibits them from regulating other aspects of blasting. However, under the bill, a county or municipality may petition the Department of Safety and Professional Services for authority to impose additional conditions on blasting.

Finally, the bill prohibits counties and municipalities from regulating quarry operators' hours of operation in certain circumstances in which a quarry is producing materials that will be used in a public works project.

Assembly Amendment 2 clarifies the effective date of certain zoning ordinances for purposes of the bill. Specifically, for purposes of the limitations in the bill, the amendment specifies that town and county zoning ordinances are generally considered to have taken effect on the date on which a town or county enacts a zoning ordinance that requires a conditional use permit for quarry operations, exception in certain circumstances in which a town ceases to be covered by county zoning or becomes subject to county zoning.

Ambulance Staffing and EMS Certification Requirements

The bill makes several changes to current law relating to ambulance staffing requirements and certification of EMS personnel.

National Registration for Emergency Medical Responders

Current Wisconsin law establishes multiple levels of practice for EMS personnel, with different credentialing requirements for each practice level. Among other eligibility requirements for an initial license or certification, the Department of Health Services' (DHS) current administrative rules require applicants at all practice levels to be registered with the National Registry of Emergency Medical Technicians (NREMT), and to either be certified by NREMT or have completed an assessment exam through the NREMT. [s. DHS 110.06 (d), Wis. Adm. Code.]

The bill prohibits DHS from requiring a NREMT registration and assessment exam for the first EMS practice level, called an emergency medical responder. However, the bill allows an ambulance provider to require such an exam.

Certification Based on Military Experience

As mentioned, EMS personnel must obtain a license or certification at every practice level. Under **current law**, an applicant for the first practice level certification (as an emergency medical responder) generally must satisfactorily complete a course that meets certain guidelines, among other requirements. However, current law specifies that experience gained in connection with military service may satisfy the course completion requirement, if DHS determines that the military experience is “substantially equivalent” to the course ordinarily required. [s. 256.15 (8) (b) 3., Stats.]

For purposes of the exception to the course completion requirement for emergency medical responders, **the bill** authorizes ambulance service providers and EMS programs, rather than DHS, to determine whether the exception applies. In addition, rather than requiring the military experience to be “substantially equivalent” to the generally required course, the bill requires that the applicant has obtained “relevant” education, training, and experience in connection with military service.

Ambulance Staffing Requirements

Under **current law**, when an ambulance transports a sick, disabled, or injured individual, generally at least two emergency medical technicians (EMTs) or one EMT and one training permit holder must be present. One of the EMTs must also generally be licensed at the same level of care as the ambulance service. For example, an EMT-intermediate ambulance service could be staffed with one EMT-intermediate and another EMT at any level. Staffing requirements are based on the level of service for which an ambulance is licensed under its operational plan rather than the service provided at the scene, subject to a few limited exceptions. For example, an ambulance service provider may deviate from staffing requirements if all 911 response ambulances are busy, it has an approved reserve ambulance vehicle, and other conditions are met. Relevant to the bill, current law also allows rural ambulance service providers¹³ to upgrade an ambulance’s service level to the highest level of license of any practitioner staffing the ambulance, if approved by the medical director.

The bill makes several changes to current law relating to ambulance staffing requirements. First, the bill allows an ambulance engaged in nonemergent interfacility transport to be staffed with one EMT who is in the patient compartment during transport of the patient and one individual who has a certification in cardiopulmonary resuscitation, through a course approved by DHS.

Second, for rural ambulance service providers, in particular, the bill prohibits DHS from requiring the rural ambulance service provider to stock an ambulance with certain equipment as a condition of upgrading an ambulance’s service level to the highest level of license of any practitioner staffing the ambulance.

Third, the bill prohibits ambulance service providers and EMS programs from prohibiting their employees or volunteers from being employed by or volunteering with another ambulance service provider.

Assembly Amendment 2 does not change the provisions of the bill relating to EMS certifications and ambulance staffing.

¹³ In this context, a “rural ambulance service provider” is an ambulance service provider for which the population of the largest single municipality in the ambulance service provider’s service area is less than 10,000. [s. 256.15 (4m) (a), Stats.]

Local Input for Stewardship Projects

The Warren Knowles-Gaylord Nelson Stewardship Program (“stewardship program”) authorizes state borrowing for: state land acquisition; grants to local governments and nonprofit conservation organizations; and other purposes relating to preserving wildlife habitat and expanding opportunities for outdoor recreation. Certain stewardship projects are subject to approval by JCF under a 14-day passive review procedure.

Under **current law**, before the Department of Natural Resources (DNR) may obligate bonding authority for a proposed land acquisition through the stewardship program, DNR must notify counties and municipalities in which the land is located of the proposal. If a county or municipality adopts a resolution with respect to the proposal and provides the resolution to DNR within 30 days of the notification, DNR must take that resolution into consideration before approving or denying the obligation of bonding authority for the proposed land acquisition.

The bill makes two changes to current law relating to local government input for stewardship projects. First, the bill requires DNR to notify relevant counties and municipalities of any proposal to obligate bonding authority through the stewardship program, rather than only those for land acquisition, and it requires DNR to take any resolutions adopted by a county or municipality in response to that notification into consideration.

Second, for proposed projects and activities located north of Highway 8, the bill prohibits DNR from approving the obligation of funds, or requesting approval of such obligation from JCF, unless every county and municipality in which the project or activity will occur adopts a resolution approving the project or activity by a majority vote of its governing body.

Assembly Amendment 2 makes two changes relating to local input for stewardship projects. First, it removes the expansion of the requirement for consideration of local resolutions to all stewardship-funded projects and activities, rather than just projects for land acquisition. Second, the amendment similarly narrows the application of local approval for stewardship projects north of Highway 8 to only those projects for land acquisition.

This information memorandum was prepared by Anna Henning, Principal Attorney, on May 24, 2023.