

Significant enactments of the 2015 Legislature

Administrative law

Act 391 (AB-582) requires an economic impact analysis of a proposed rule to analyze any limitations that the rule would place on the free use of private property, allows for the substitution of a hearing examiner in a contested case hearing involving a decision of the Department of Natural Resources or the Department of Agriculture, Trade and Consumer Protection, and requires a court to accord no deference to a state agency's interpretation of law when reviewing an agency action or decision that restricts a property owner's free use of the owner's property.

Beverages

Act 279 (AB-808) prohibits issuance of an underage alcohol beverage citation to a victim of sexual assault or certain other crimes, or to a bystander present with the victim, if the victim or bystander cooperates with emergency responders.

Business and consumer law

Act 55 (SB-21) makes changes to the laws relating to the governance of the Wisconsin Economic Development Corporation, including prohibiting WEDC from originating new loans totaling more than \$10 million in fiscal year 2015–16 and \$5 million in fiscal year 2016–17, and prohibits WEDC from originating any new loan after June 30, 2017.

Act 295 (AB-837) revises the state's partnership law by adopting, with modifications, the most recent version of the Revised Uniform Partnership Act.

Children

Act 55 (SB-21) makes the following changes in the laws relating to children:

1. Transfers from the Department of Corrections to the Department of Children and Families supervision of community-based juvenile delinquency-related services provided by counties.
2. Eliminates aftercare and corrective sanctions supervision for juveniles placed under the supervision of DOC and instead requires DOC to provide community supervision for those juveniles.

3. Requires DCF to pay for or provide treatment and services to children who are the victims of sex trafficking.

4. Authorizes DCF to enter into a pay-for-performance contract with an organization to operate a program to reduce recidivism in the city of Milwaukee.

Act 367 (SB-618) expands what constitutes the crime of child sex trafficking, includes child sex trafficking under the definition of “abuse” in the Children’s Code, requires the reporting and investigation of certain suspected child abuse cases involving prostitution or child sex trafficking, and makes changes to the information required to be included in a court order or provided to a care provider when a child is placed outside the home.

Constitutional amendments

Enrolled Joint Resolution 2 (Senate Joint Resolution 2), proposed by the 2015 legislature on second consideration, requires the supreme court to elect a chief justice for a term of two years. Previously, the justice with the longest continuous service was automatically chief justice. The amendment was ratified by the voters on April 7, 2015.

Enrolled Joint Resolution 7 (Assembly Joint Resolution 5), proposed by the 2015 legislature on first consideration, eliminates the Office of the State Treasurer from the constitution. The amendment also replaces the state treasurer with the lieutenant governor on the Board of Commissioners of Public Lands. To become a part of the constitution, the 2017 legislature must concur in the amendment, and the amendment must then be ratified by the voters.

Correctional system

Act 206 (SB-248) eliminates the requirement that a person be detained or in custody for at least 12 hours before being subject to a strip search so that a person who is detained or in custody for any period may be subject to a strip search if the person will be incarcerated with another person.

Crime, criminal procedure, and law enforcement

Act 30 (SB-95) criminalizes falsely claiming military service or military honors in order to receive a tangible benefit.

Act 64 (SB-43) limits the crimes that may be investigated in a John Doe hearing to certain felonies under the criminal code or any crime allegedly committed by a law enforcement officer or certain Department of Corrections employees; limits the application of secrecy orders in John Doe proceedings to only judges,

prosecuting attorneys, law enforcement personnel, interpreters, and reporters; and imposes a six-month limit on a John Doe proceeding.

Act 80 (AB-8) makes it a Class I felony to install or use a device to intentionally view under another person’s outer clothing, or to view another body part that is not otherwise visible, without that person’s consent.

Act 109 (AB-220) establishes mandatory minimum periods of confinement in prison for a person who is prohibited from possessing a firearm because he or she was convicted of committing certain violent felonies but who either possesses a firearm within five years of completing a sentence for a felony or for certain violent misdemeanors or uses a firearm to commit certain violent felonies.

Act 238 (SB-383) provides immunity from civil and criminal liability for a health care provider who performs a body cavity search on a person confined in a jail or prison.

Act 370 (AB-630) prohibits a parent or guardian from capturing, distributing, or exhibiting a nude image of a child if the parent or guardian does such activity for sexual arousal, gratification, humiliation, degradation, or monetary or commercial gain.

Act 371 (SB-455) increases the penalties for fourth or subsequent drunken driving offenses and changes the definition of “injury” used for certain drunken driving offenses.

Education

HIGHER EDUCATION

Act 21 (SB-164) requires technical colleges to charge resident tuition to veterans, and their spouses and children, living in this state, regardless of whether they would otherwise be considered state residents, if certain conditions are met.

Act 55 (SB-21) does the following with respect to the University of Wisconsin System:

1. Reduces funding for general program operations in the 2015–17 biennium by \$250 million, provides funding for increased fringe benefits costs, eliminates in fiscal year 2016–17 a separate appropriation for UW System administration, and increases the amount the UW System is required to transfer to the medical assistance trust fund.

2. In the 2015–16 and 2016–17 academic years, prohibits increases in resident

undergraduate tuition above the tuition charged in the 2014–15 academic year, except for student-approved differential tuition at UW-Stevens Point.

3. Eliminates requirements for tenure and probationary appointments.

4. Deletes a provision limiting the Board of Regents in accumulating auxiliary reserve funds from student fees.

5. Requires the Board of Regents to identify accountability measures in specified areas and submit them to the legislature for approval.

6. Requires the Board of Regents to create the Office of Educational Opportunity within the UW System, requires the UW System president to appoint the director of that office, and authorizes the director to authorize independent charter schools in certain school districts.

Act 281 (AB-740) increases funding for Wisconsin grants to technical college students.

Act 284 (AB-744) requires institutions of higher education to annually provide a letter to each student that contains certain information about the student's student loans, the institution's cost of attendance, and the amount of grants the student receives. The institution must also provide students with financial literacy information.

PRIMARY AND SECONDARY EDUCATION

Act 53 (SB-32) ends the SAGE Program and creates an achievement gap reduction program under which an eligible school board may enter into a contract with the Department of Public Instruction to receive funding in exchange for implementing strategies to improve the achievement of low-income pupils, such as reducing class size or providing one-on-one tutoring to pupils struggling with reading or mathematics.

Act 55 (SB-21) affects primary and secondary education as follows:

1. Makes changes to parental choice programs, including eliminating the statewide cap on the statewide PCP and increasing the cap on the number of pupils residing in a school district who may participate in the statewide PCP from 1 percent to 10 percent over a ten-year period. Beginning in the 2026–27 school year, there is no participation limit in the statewide PCP.

2. Authorizes the director of the Office of Educational Opportunity in the UW System to authorize independent charter schools in certain school districts. These independent charter schools are treated the same as independent “21” charter schools.

3. Creates the Special Needs Scholarship Program, under which DPI

makes a payment to a private school on behalf of the parent of a child with a disability.

4. Creates Opportunity Schools and Partnership Programs for certain eligible school districts, including Milwaukee Public Schools.

5. Makes the following changes to the open enrollment program:

a. Eliminates the ability of a resident school district to reject an application for open enrollment because of an undue financial burden.

b. Beginning in the 2016–17 school year, replaces tuition payments for special needs pupils with a \$12,000 per pupil transfer amount.

6. Authorizes a school board to allow high school pupils to earn credit by demonstrating proficiency in a subject area or by creating a learning portfolio in a subject area.

7. Requires the MPS school board to prepare an inventory of all school buildings in the school district; to identify the use of those buildings, including whether the building is surplus, underutilized, or vacant; and to provide for the purchase of such eligible school buildings to education operators, including private schools, and other entities.

8. Closes the Special Transfer Program, commonly known as the Chapter 220 Program, to a pupil unless the pupil participated in the program in the 2015–16 school year. Under the program, the state provides aid to school districts to support their voluntary efforts to reduce racial imbalance through inter-district and intra-district pupil transfers.

9. Prohibits the state superintendent from giving any effect to or adopting, or requiring a school board to give any effect to or adopt, any academic standard developed by the Common Core State Standards Initiative.

10. Allows a school board, operator of an independent charter school, or private school participating in a parental choice program to administer alternative, nationally recognized, norm-referenced assessments to pupils in lieu of those adopted by the state superintendent once certain conditions have been satisfied.

Elections

Act 37 (SB-121) makes election law changes, including requiring a write-in candidate to file a registration statement in order for write-in votes for that candidate to be counted; providing that a municipal board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots between the time of the board's initial canvass and 4 p.m. on the Friday after the election; and providing that a school board

referendum held in conjunction with a state, county, municipal, or judicial election must take place at the same polling place and during the same hours as the municipal election.

Act 117 (AB-387) doubles the contribution limits applicable to candidates for state or local office; allows corporations, cooperatives, labor organizations, and American Indian Tribes to make contributions to independent expenditure committees and referendum committees and to segregated funds established by political parties and legislative campaign committees; requires the reporting of expenditures for express advocacy coordinated with a candidate; and makes other changes to the campaign finance laws.

Act 118 (AB-388) eliminates the Government Accountability Board and replaces it with the Elections Commission, which administers and supervises elections, and the Ethics Commission, which administers and supervises ethics, campaign financing, and lobbying regulation.

Act 261 (SB-295) allows an individual with a current state driver's license or identification card to register online to vote; allows an individual to use a veterans identification card as a voter ID; allows occupants of residential care facilities to use intake documents as proof of residence for voter registration; and makes other changes related to elections administration.

Employment

Act 1 (SB-44) is known as the Right-to-Work Act. The act prohibits a person from requiring, as a condition of employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, or to pay dues or other charges to a labor organization. A person who violates this prohibition is guilty of a Class A misdemeanor.

Act 55 (SB-21) does the following relating to the unemployment insurance law:

1. Requires the Department of Workforce Development to set up a process for requiring certain claimants for UI benefits to take a drug test.
2. Allows an employer to submit to DWD the results of a drug test that was conducted on an individual as a condition of an offer of employment, the results of which may be used to disqualify the individual from receiving UI benefits.
3. Increases administrative penalties for claimants who commit acts of concealment in obtaining unemployment insurance benefits, from 15 percent to 40 percent of the benefits fraudulently obtained.

Act 55 also makes changes to the prevailing wage law, which requires an

employee performing certain work on a project of public works to be paid the prevailing wage for the employee's trade or occupation. The changes include the following:

1. Exempting projects undertaken by local governments from the prevailing wage law.
2. Providing for the use of federally determined prevailing wage laws in lieu of rates ascertained by DWD.
3. Restricting the remedies available for a violation of the prevailing wage law.

Act 180 (AB-724) makes the following changes relating to worker's compensation:

1. Reduces the statute of limitations for a traumatic injury from 12 years to 6 years after the date of the injury or the date that worker's compensation was last paid.
2. Eliminates disability and death benefits for an injured employee who violates an employer's drug or alcohol policy if the violation caused the injury.

Act 345 (SB-517) requires certain employers to allow an employee who has been employed for at least one year to take up to six weeks of leave from his or her employment in a given year to serve as a bone marrow or organ donor.

Act 386 (AB-441) creates the Wisconsin Veterans Employment Initiative, which is a program to increase the number of veterans holding positions in state government.

Environment

Act 43 (SB-15) generally prohibits the manufacture or acceptance for sale of a personal care product containing microbeads, which are small, nonbiodegradable plastic particles.

Act 55 (SB-21) makes the following changes to the laws relating to the environment:

1. Sunsets eligibility for reimbursement under the petroleum environmental cleanup fund award program.
2. Reduces bonding authority for the clean water fund by \$236,300,000 and increases bonding authority for the safe drinking water loan program by \$5,400,000.

Health and social services

Act 55 (SB-21) makes changes related to the laws governing Medical Assistance, including the following:

1. Requires the Department of Health Services to seek waivers of federal Medicaid law to expand Family Care statewide and to make changes to Family Care and IRIS, including providing primary and acute care services as well as long-term care services.

2. Eliminates a three-month ineligibility period for BadgerCare Plus benefits for individuals whose access to other health insurance has ended.

Act 55 also makes the following changes to the Wisconsin Works (W-2) program:

1. Modifies the behaviors that constitute refusal to participate in a W-2 employment position, which results in the participant's ineligibility to participate in the W-2 program for three months.

2. Allows the Department of Children and Families, under the Transform Milwaukee Jobs Program, to pay an employer a wage subsidy that is less than minimum wage while still requiring the employer to pay a participant at least minimum wage.

3. Reduces the lifetime limit on receiving benefits under certain W-2 programs from 60 months to 48 months and allows a W-2 agency to extend this time limit if it determines that the individual is experiencing hardship or that the individual's family includes an individual who has been battered or subjected to extreme cruelty.

Act 55 also changes the laws relating to public assistance, other than W-2, including requiring DHS to screen and, if indicated, test and treat participants in the FoodShare employment and training program who are able-bodied adults for use of a controlled substance without a valid prescription for the controlled substance.

Act 56 (SB-179) prohibits any person from performing or inducing an abortion when the probable postfertilization age of the unborn child is 20 or more weeks unless the pregnant woman is undergoing a medical emergency. When the unborn child is 20 or more weeks probable postfertilization age and the pregnant woman is undergoing a medical emergency, the act generally requires the pregnancy to be terminated in the manner that provides the best opportunity for the unborn child to survive. The act further requires the facility in which an induced abortion is performed to report certain information to DHS and requires that, before an abortion is performed or induced, the woman be informed of the probable postfertilization age of the unborn child, the numerical odds of survival for an unborn child of that age, and the availability of perinatal hospice.

Act 151 (AB-310) requires DHS to apply for federal Title X grants and to distribute the funds received to public entities, including state, county, and local health departments and health clinics, and the Well-Woman Program for family planning and related preventive health services. DHS may distribute any remaining funds to certain nonpublic entities that provide comprehensive primary and preventive care.

Act 263 (AB-659) establishes certain requirements on DHS regulation of opioid treatment systems and narcotic treatment services for opiate addiction relating to the duration of certification, contracts for counseling services, length of narcotic treatment service, and geographic proximity requirements.

Act 265 (AB-366) requires a pain clinic to have a certificate from DHS in order to operate. The act also establishes requirements for pain clinics, including requirements relating to payment methods accepted by the clinic, direct dispensing of monitored prescription drugs, and having a medical director.

Justice

Act 22 (SB-35) eliminates the 48-hour waiting period for handgun purchases so that a firearms dealer may transfer a handgun immediately after receiving notice from the Department of Justice that the background check indicates that the purchaser is not prohibited from possessing a firearm under state or federal law.

Local law

Act 60 (SB-209) does all of the following:

1. Authorizes a local exposition district to assist in the development and construction of sports and entertainment arena facilities in this state.
2. Requires a local exposition district to enter into a development agreement with a professional basketball team or its affiliate to construct the sports and entertainment arena facilities, as well as a lease agreement. The district, the state, and sponsoring municipalities—in this case, the city of Milwaukee and Milwaukee County—must commit \$250 million in financial assistance for the construction of the sports and entertainment arena facilities, and the team or its affiliates must also agree to provide \$250 million in funding.
3. Requires the state to pay to the district for 20 years a \$4 million annual payment, as well as reduces the shared revenue payment to Milwaukee County by \$4 million per year for 20 years.

Act 176 (AB-568) does the following:

1. Prohibits the enactment or enforcement of local ordinances that require that rental units be inspected other than under certain circumstances.
2. Prohibits the enactment or enforcement of local ordinances that require rental units to be certified, registered, or licensed.
3. Restricts local inspection fees and occupancy or transfer of tenancy fees on rental units.
4. Prohibits the enactment or enforcement of local ordinances that require a landlord to register or obtain a license or certification in order to own or manage a residential rental property.
5. Requires a political subdivision to hold a public hearing before designating a property as a historic landmark or including a property in a historic district.
6. Allows an owner of property that is affected by a decision of a local landmarks commission to appeal the decision to the governing body of the political subdivision.

Act 391 (AB-582) prohibits a county from enacting a development moratorium, changes the notice requirements that a political subdivision must provide relating to potential zoning actions that could affect the use of a person's land, requires a court to resolve ambiguity in a zoning ordinance in favor of the free use of private property, and requires a supermajority vote for a political subdivision to enact a down zoning ordinance.

Natural resources

Act 55 (SB-21) makes changes to the laws relating to shoreland zoning. Current law requires all counties to enact shoreland zoning ordinances for their unincorporated areas and requires certain shorelands in cities and villages to be subject to shoreland zoning ordinances. The act specifies that shoreland zoning standards and ordinances apply to accessory structures in addition to principal structures located in a shoreland area and provides that if a city or village is required to enact an ordinance for shorelands in the city or village, the ordinance must be consistent with the requirements and limitations applicable to county shoreland zoning ordinances.

Occupational regulation

Act 16 (AB-143) establishes a statewide licensure program for transportation network companies, such as Uber and Lyft, which is administered by the

Department of Safety and Professional Services and includes specific requirements for transportation network companies and their drivers, including driver background checks, minimum automobile insurance levels, zero tolerance for a driver’s use of drugs and alcohol during relevant times, passenger privacy protections, and nondiscrimination and accessibility requirements.

Real estate

Act 176 (AB-568) authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant’s household; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; creates a right-to-cure for certain tenants for certain breaches; and prohibits a local government from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property.

Act 219 (SB-314) prohibits a person from obtaining title to or an interest in real property belonging to a state or political subdivision by adverse possession or prescriptive use and prohibits a state or political subdivision from obtaining title to or an interest in real property belonging to a person by adverse possession or prescriptive use.

State government

Act 55 (SB-21) authorizes an additional \$101,193,900 in general obligation bonding authority during the 2015–17 fiscal biennium for new or revised state building projects.

Act 150 (AB-373) makes changes to the state civil service, including eliminating mandatory examinations and requiring applicants to file a resume with the Department of Administration; extending probationary periods; defining “just cause”; requiring layoffs to be based primarily on job performance; creating a grievance process for adverse employment decisions; and creating a new merit-based compensation program.

Taxation

Act 55 (SB-21) changes laws related to taxation as follows:

1. Modifies the state alternative minimum tax so that it is consistent with federal law changes to the federal alternative minimum tax.

2. Increases the individual income tax standard deduction for married tax filers.

Act 114 (SB-233) requires the Department of Revenue to distribute excess sales tax revenue collected from the local professional football stadium district to Brown County and the municipalities within Brown County.

Transportation

Act 55 (SB-21) authorizes \$350 million in highway bonding if certain conditions are satisfied and the Joint Committee on Finance approves.

Trusts and estates; probate

Act 300 (AB-695) creates the Wisconsin Digital Property Act, which is based on the Revised Uniform Fiduciary Access to Digital Assets Act. The Wisconsin Digital Property Act governs the disclosure of digital property to a personal representative, agent under a power of attorney, trustee, or conservator or guardian of a protected person. **BB**