



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa0068/1

ALL:all

**ASSEMBLY AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

January 26, 2021 - Offered by Representative STEINEKE.

At the locations indicated, amend the substitute amendment as follows:

1. Page 15, line 19: after that line, after the material inserted by senate amendment 2, insert:

“SECTION 7m. 70.511 (2) (a) of the statutes is amended to read:

70.511 (2) (a) If the reviewing authority has not made a determination prior to the time of the tax levy with respect to a particular objection to the amount, valuation or taxability of property, the tax levy on the property or person shall be based on the contested assessed value of the property. A tax bill shall be sent to, and paid by, the person subject to the tax levy as though there had been no objection filed, except that the payment shall be considered to be made under protest. The entire tax bill shall be paid when due under s. 74.11, 74.12 or 74.87 even though the

reviewing authority has reduced the assessment prior to the time for full payment of the tax billed. The requirement to pay a tax timely under this paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.

SECTION 7p. 74.35 (5) (c) of the statutes is amended to read:

74.35 **(5)** (c) No claim may be filed or maintained under this section unless the tax for which the claim is filed, or any authorized installment payment of the tax, is timely paid under s. 74.11, 74.12 or 74.87. This paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.

SECTION 7r. 74.37 (4) (b) of the statutes is amended to read:

74.37 **(4)** (b) No claim or action for an excessive assessment may be brought or maintained under this section unless the tax for which the claim is filed, or any authorized installment of the tax, is timely paid under s. 74.11 or 74.12. This paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020, nor to taxes due and payable in 2021 if paid by October 1, 2021, or by any installment date for which taxes are due after October 1, 2021.".

2. Page 15, line 19: after that line, after the material inserted by senate amendment 2, insert:

“**SECTION 7t.** 101.643 of the statutes is created to read:

101.643 Occupancy before inspection; permit. (1) A dwelling unit that is occupied in accordance with local ordinances before undergoing all inspections for compliance with the one- and 2-family dwelling code may be granted an occupancy permit if the dwelling unit later passes a final inspection for compliance with the one- and 2-family dwelling code.

(2) If an occupancy permit for a dwelling unit is granted after the dwelling unit is occupied as described in sub. (1), any missed inspection of the dwelling unit may not be listed as a finding on the occupancy permit.”.

3. Page 15, line 19: after that line, after the material inserted by senate amendment 2, insert:

“**SECTION 7u.** 103.375 of the statutes is created to read:

103.375 Mandatory vaccination for employment prohibited. No employer may require an employee or prospective employee to receive a vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19, or show proof of having received such a vaccine, as a condition of an offer of employment or continued employment with the employer.”.

4. Page 17, line 4: after that line, after the material inserted by senate amendment 2, insert:

“**SECTION 12p.** 118.133 (1) (a) of the statutes is amended to read:

118.133 (1) (a) A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program or a virtual charter school to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

SECTION 12q. 118.133 (1) (b) of the statutes is amended to read:

118.133 (1) (b) Upon request, the home-based educational program or virtual charter school in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

SECTION 12r. 118.133 (2) of the statutes is amended to read:

118.133 (2) EXTRACURRICULAR ACTIVITIES. A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program or a virtual charter school to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.”.

5. Page 18, line 4: after that line insert:

“**SECTION 17j.** 153.23 (1) of the statutes is repealed.

SECTION 17k. 153.23 (2) of the statutes is renumbered 153.23 and amended to read:

153.23 Public health emergency dashboard. During ~~the~~ a public health emergency ~~related to the 2019 novel coronavirus declared under 42 USC 247d by the secretary of the federal department of health and human services that is related to an outbreak or epidemic of communicable disease and that applies to any portion of this state~~, the entity under contract under s. 153.05 (2m) (a) shall prepare and publish a public health emergency dashboard using health care emergency preparedness program information collected by the state from acute care hospitals. A dashboard published under this section shall include information to assist emergency response planning activities. For purposes of this section, the entity and the department shall enter into a data use agreement and mutually agree to the health care emergency preparedness program information the department will provide to the entity, the information the entity will include in the dashboard, any publication schedule, and any other terms considered necessary by the entity or the department.”.

6. Page 18, line 4: after that line insert:

“**SECTION 17p.** 251.06 (5) of the statutes is created to read:

251.06 (5) (a) A local health officer may not take any action to close or forbid gatherings in places of worship to control outbreaks and epidemics of COVID-19.

(b) Nothing in this subsection shall be construed to confer any authority on a local health officer to close or restrict capacity in places of worship or businesses.

SECTION 17r. 252.02 (3) of the statutes is amended to read:

252.02 (3) The department may close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics. The

department may not order the closure of or forbid gatherings in places of worship to control outbreaks and epidemics of the 2019 novel coronavirus.”.

7. Page 18, line 4: after that line insert:

“SECTION 17s. 252.02 (5m) of the statutes is created to read:

252.02 **(5m)** Notwithstanding sub. (6) and s. 252.041, the department may not require individuals to receive a vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19.

SECTION 17u. 252.03 (2m) of the statutes is created to read:

252.03 **(2m)** Notwithstanding sub. (2), a local health officer may not require individuals to receive a vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19.”.

8. Page 22, line 18: after that line insert:

“SECTION 22m. 447.059 of the statutes is created to read:

447.059 Administering certain vaccines. (1) A dentist may administer without a prescription order a vaccine against SARS-CoV-2 coronavirus or influenza only if he or she satisfies all of the following:

(a) The dentist successfully completes 12 hours in a course of study and training approved by the examining board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping.

(b) The dentist has in effect liability insurance that covers the dentist against loss, expense, and liability resulting from errors, omissions, or neglect in the administration of vaccines against SARS-CoV-2 coronavirus and influenza in an

amount that is not less than \$1,000,000 for each occurrence and \$2,000,000 for all occurrences in any one policy year.

(c) The dentist maintains proof of completing a course of study and training specified in par. (a) and satisfying the requirement specified in par. (b).

(2) A dentist may not administer a vaccine under sub. (1) to a child who is under the age of 6 unless all of the following apply:

(a) The vaccine is administered pursuant to a prescription order issued within the 29 days immediately preceding the day on which the vaccine is administered.

(b) The dentist successfully completes a course of instruction approved by the examining board that includes the administration of vaccines against SARS-CoV-2 coronavirus and influenza to children under the age of 6.

(c) The dentist maintains proof of completing a course of instruction specified in par. (b).

(3) Upon request, a dentist shall provide copies of proof required under subs. (1) (c) and (2) (c) to the department or the examining board.

(4) A dentist who administers a vaccine under sub. (1) shall update the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.”.

9. Page 23, line 23: delete the material beginning with “against” and ending with “SARS-CoV-2” on line 24.

10. Page 24, line 12: delete lines 12 to 15 and substitute:

“**SECTION 30g.** 450.035 (2i) (a) of the statutes is amended to read:

450.035 **(2i)** (a) Subject to subs. (2) and (2g), a pharmacist or a person

engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may administer without a prescription order any vaccine listed in the current immunization schedules recommended by the federal advisory committee on immunization practices and published by the federal centers for disease control and prevention.

SECTION 30r. 450.035 (2i) (b) of the statutes is amended to read:

450.035 **(2i)** (b) Subject to subs. (2) and (2g), a pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f), (fm), or (g) may initiate and administer any vaccine not listed in the current immunization schedules recommended by the federal advisory committee on immunization practices and published by the federal centers for disease control and prevention if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order.”.

11. Page 31, line 13: after that line, after the material inserted by senate amendment 2, insert:

“**SECTION 38h.** 609.205 (3r) of the statutes is created to read:

609.205 **(3r)** This section does not apply to a service, treatment, or supply that is a dental service, treatment, or supply.”.

12. Page 33, line 19: delete item 6 of senate amendment 2, and substitute:

“6m. Page 33, line 19: delete the material beginning with that line and ending with page 34, line 7.”.

13. Page 35, line 4: delete lines 4 to 10.

14. Page 39, line 1: delete lines 1 to 4.

15. Page 39, line 4: after that line insert:

“(5m) PRACTICE OF EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVIDERS WITH CREDENTIALS FROM OUTSIDE THIS STATE.

(a) *Definitions.* In this subsection:

1. “Ambulance service provider” has the meaning given in s. 256.01 (3).
2. “Credential” means a license, permit, certification, or registration that authorizes or qualifies any of the following:
 - a. An individual to perform acts that are substantially the same as those acts that an individual who holds a certification as an emergency medical responder or license as an emergency medical services practitioner in this state is authorized to perform.
 - b. A provider to perform acts that are substantially the same as those acts that an ambulance service provider that is licensed in this state is authorized to perform.
3. “Emergency medical responder” has the meaning given in s. 256.01 (4p).
4. “Emergency medical services practitioner” has the meaning given in s. 256.01 (5).

(b) *Practice authorized.* Unless the person qualifies for an exemption under s. 256.15 (2) (b) or (c) or is acting under s. 257.03, any individual with a current, valid credential issued by another state may practice under that credential and within the scope of that credential in this state without first obtaining a temporary or permanent license as an emergency medical services practitioner or certification as

an emergency medical responder from the department of health services if all of the following are satisfied:

1. The practice is necessary to ensure the continued and safe delivery of emergency medical or health care services.

2. The individual is not currently under investigation and does not currently have any restrictions or limitations placed on the credential by the state that issued the credential or any other jurisdiction.

3. The need for emergency medical services reasonably prevented obtaining a license or certification in this state in advance of practice.

4. The individual practicing under this subsection applies for a license, including under s. 256.15 (7), as an emergency medical services practitioner or certification, including under s. 256.15 (8) (f), as an emergency medical responder within 10 days of first practicing in this state.

5. A provider of ambulance services or a health care facility for which the individual is providing services in this state notifies the department of health services within 5 days of the individual first practicing in this state.

(c) *Practice authorized.* Unless the provider qualifies for an exemption under s. 256.15 (2) (b) or (c) or is acting under s. 257.03, any provider of ambulance services with a current, valid credential issued by another state may practice under that credential and within the scope of that credential in this state without first obtaining a temporary or permanent license as an ambulance service provider from the department of health services if all of the following are satisfied:

1. The provision of services is necessary to ensure the continued and safe delivery of emergency medical or health care services.

2. The provider is not currently under investigation and does not currently have any restrictions or limitations placed on the credential by the state that issued the credential or any other jurisdiction.

3. The need for emergency medical services reasonably prevented obtaining a license in this state in advance of providing services.

4. The provider practicing under this subsection applies for a license as an ambulance service provider within 10 days of first providing services in this state.

5. An ambulance service provider or a health care facility for which the provider is providing services in this state notifies the department of health services within 5 days of the provider first providing services in this state.

(d) *Withdrawal of authority.* The department of health services may withdraw the ability for an individual to practice under par. (b) or for a provider to provide services under par. (c) for good cause.

(e) *Authority termination date.* The authorization to practice under par. (b) or provide services under par. (c) does not apply after June 30, 2021.”.

16. Page 39, line 4: after that line insert:

“(6t) AT-HOME TESTING. The department of health services may operate a COVID-19, at-home testing program but shall terminate the at-home testing program on September 30, 2021.”.

17. Page 41, line 14: after that line insert:

“(2m) FULL-TIME OPEN ENROLLMENT APPLICATIONS; UNLIMITED APPLICATIONS
IN THE 2020-21 AND 2021-22 SCHOOL YEARS.

(a) In this subsection:

1. “Nonresident school board” has the meaning given in s. 118.51 (1) (b).
2. “Nonresident school district” has the meaning given in s. 118.51 (1) (c).
3. “Parent” has the meaning given in s. 118.51 (1) (d).

(b) 1. Notwithstanding s. 118.51 (3) (a) 1., there is no limitation on the number of nonresident school boards to which the parent of a pupil may submit an application under s. 118.51 (3) (a) during the 2020-21 school year for the pupil to attend a public school in a nonresident school district under s. 118.51 in the 2021-22 school year.

2. Notwithstanding s. 118.51 (3m) (a), there is no limitation on the number of nonresident school boards to which the parent of a pupil may submit an application under s. 118.51 (3m) (a) during the 2020-21 or 2021-22 school year for the pupil to attend a public school in a nonresident school district under s. 118.51 in the 2020-21 or 2021-22 school year.

(c) During the 2020-21 and 2021-22 school years, if a pupil submits an application to a nonresident school board under s. 118.51 (3m) (a) on the basis of the criteria under s. 118.51 (3m) (b) 8., the pupil’s resident school board, as defined in s. 118.51 (1) (e), may not reject the application for any reason, including under s. 118.51 (3m) (d).”.

18. Page 41, line 14: after that line insert:

“(4m) SHORT-TERM SUBSTITUTE TEACHER; EXCEPTION TO LICENSE REQUIREMENT.

(a) In this subsection:

1. “Department” means the department of public instruction.
2. “Short-term substitute teacher” means a substitute teacher who teaches for no more than 45 consecutive days in the same teaching assignment.

(b) Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or until June 30, 2022, whichever is earlier, notwithstanding ss. 118.19 (1) and 121.02 (1) (a) 1., and except as provided in par. (d), an individual may teach in a public school as a short-term substitute teacher without a license or permit issued by the department if the individual satisfies all of the following:

1. The individual has submitted to the department a complete application for a license under PI 34.032, Wis. Adm. Code, and the department has not made a decision on the application.
2. The department conducts a background investigation of the individual, and the results of the background investigation would not make the individual ineligible for a teaching license under s. 118.19 (4) or (10).

(c) Until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or until June 30, 2022, whichever is earlier, upon receiving a complete application for a license under PI 34.032, Wis. Adm. Code, the department shall conduct a background investigation on the applicant for the license, as soon as practicable, and notify the

applicant in writing of whether or not the results of the background investigation make the individual ineligible for a teaching license under s. 118.19 (4) or (10).

(d) An individual may not continue to teach as a short-term substitute teacher without a license issued by the department if, after reviewing the individual's complete application for a license under PI 34.032, Wis. Adm. Code, the department decides to not issue the license to the individual.”.

19. Page 41, line 14: after that line insert:

“(5m) INTERSCHOLASTIC ATHLETIC ASSOCIATION MEMBERSHIP; 2021-22 SCHOOL YEAR. In the 2021-22 school year, no school district may be a member of an interscholastic athletic association unless, for purposes of determining pupil eligibility during the 2020-21 and 2021-22 school years, the interscholastic athletic association does all of the following:

(a) If a request to waive the association's transfer rules is submitted on behalf of a pupil, considers the method by which educational programming was delivered during the 2020-21 and 2021-22 school years to be an extenuating circumstance that justifies the pupil transferring schools. For purposes of this paragraph, the method by which educational programming was delivered includes virtual instruction, in-person instruction, or a combination of virtual and in-person instruction.

(b) If a waiver is granted on the basis of the extenuating circumstance described in par. (a), allows the pupil to participate in all levels of competition, including varsity competition, during the 2020-21 and 2021-22 school years.”.

20. Page 42, line 7: after that line insert:

“SECTION 9137. Nonstatutory provisions; Revenue.

(1m) INTEREST AND PENALTIES ON LATE PROPERTY TAX PAYMENTS. Notwithstanding ss. 74.11, 74.12, and 74.87, for property taxes payable in 2021, after making a general or case-by-case finding of hardship, a taxation district may provide that an installment payment that is due and payable after April 1, 2021, and is received after its due date shall not accrue interest or penalties if the total amount due and payable in 2021 is paid on or before October 1, 2021. Interest and penalties shall accrue from October 1, 2021, for any property taxes payable in 2021 that are delinquent after October 1, 2021. A taxation district may not waive interest and penalties as provided in this subsection unless the county board of the county where the taxation district is located first adopts a resolution authorizing such waiver and establishing criteria for determining hardship, and the taxation district subsequently adopts a similar resolution. A county that has adopted a resolution authorizing the waiver of interest and penalties under this subsection shall settle any taxes, interest, and penalties collected on or before July 31, 2021, on August 20, 2021, as provided under s. 74.29 (1), and settle the remaining unpaid taxes, interest, and penalties on September 20, 2021. The August 20, 2021, settlement shall be distributed proportionally to the underlying taxing jurisdictions.”.

21. Page 44, line 3: after that line insert:

“SECTION 9334. Initial applicability; Public Instruction.

(1) FULL-TIME OPEN ENROLLMENT APPLICATIONS. SECTION 9134 (2m) (b) 2.

and (c) of this act first applies to an application submitted under s. 118.51 (3m) on the effective date of this subsection.”.

22. Page 44, line 9: after that line insert:

“SECTION 9400. Effective dates. This act takes effect on the day after publication, except as follows:

(1m) PUBLIC INSTRUCTION; INTERSCHOLASTIC ATHLETICS AND EXTRACURRICULARS; VIRTUAL CHARTER SCHOOL PUPILS. The treatment of s. 118.133 (1) (a) and (b) and (2) takes effect on the July 1 after publication.”.

(END)