



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0315/P2
MIM:amn

DOA:.....Stinebrink, BB0002 - State ombudsman

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

State long-term care ombudsman

Under current law, the Board on Aging and Long-term Care appoints an executive director of the Office of Long-term Care Ombudsman. This bill requires the executive director to employ the state long-term care ombudsman within the classified service and allows the state long-term care ombudsman to delegate operation of the office to staff..

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.009 (2) (a) of the statutes is amended to read:

16.009 (2) (a) Appoint an executive director within the classified service who,

The executive director shall serve as employ the state long-term care ombudsman

as specified under sub. (4) (a) within the classified service, and ~~who~~ shall employ staff within the classified service.

SECTION 2. 16.009 (4) (a) of the statutes is amended to read:

16.009 (4) (a) The board shall operate the office in order to carry out the requirements of the long-term care ombudsman program, as defined in 42 USC 3058g (a) (2), under 42 USC 3027 (a) (12) (A) and 42 USC 3058f to 3058h and in compliance with 42 CFR 1321 and 1324. The executive director ~~appointed by the board shall serve as~~ employ the state long-term care ombudsman. The executive director ~~state long-term care ombudsman~~ may delegate operation of the office to the staff employed under sub. (2) (a), as designated representatives of the ombudsman.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0316/P1
KP:wlj

DOA:.....Sherwin, BB0001 - Intervenor compensation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Equity-focused intervenor compensation

The bill requires PSC to reserve \$50,000 annually to compensate equity-focused participants in PSC proceedings who review economic and environmental issues affecting low-income populations. Current law authorizes PSC to compensate certain participants in proceedings who provide significant contributions to the record.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3. 196.31 (2r) of the statutes is created to read:

196.31 (2r) From the appropriation under s. 20.155 (1) (j), the commission shall reserve \$50,000 annually to compensate equity-focused participants who review economic and environmental issues affecting low-income populations.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0325/P2
MJW:emw

DOA:.....Stinebrink, BB0004 - Assistance to Needy Veterans grant program changes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Veterans assistance

Under current law, DVA administers the Assistance to Needy Veterans grant program, which provides subsistence aid and health care aid to veterans. Under the program, DVA may provide up to \$3,000 in subsistence aid per 12-month period to veterans who have suffered a loss of income due to illness, injury, or natural disaster. Under the program, DVA may also provide aid payments to a veteran to pay for dental care, hearing care, and vision care. The total lifetime limit that a veteran may receive in aid under the program is \$7,500.

This bill expands the program by allowing DVA to provide subsistence aid payments, in an amount of up to \$5,000 per 12-month period, to a veteran who has suffered a loss of income for any reason and also allows DVA to provide health care aid payments to pay for any medical device prescribed by a licensed health care provider. The bill also raises the lifetime limit on aid that a veteran may receive under the program to \$10,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 4. 20.485 (2) (vm) (title) of the statutes is repealed and recreated to read:

20.485 **(2)** (vm) (title) *Veterans assistance grants*.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 45.40 (title) of the statutes is repealed and recreated to read:

45.40 (title) **Veterans assistance grants.**

SECTION 6. 45.40 (1g) (a) of the statutes is amended to read:

45.40 **(1g)** (a) “Health care provider” ~~means an advanced practice nurse prescriber certified under s. 441.16 (2), an audiologist licensed under ch. 459, a dentist licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a podiatrist licensed under s. 448.63~~ has the meaning given in s. 146.81 (1) and includes an ambulatory surgery center.

SECTION 7. 45.40 (1m) (a) of the statutes is amended to read:

45.40 **(1m)** (a) The department may provide subsistence payments to a veteran on a month-to-month basis or for a 3-month period. The department may pay subsistence aid for a 3-month period if the veteran will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. The department may provide subsistence payments only to a veteran who has suffered a loss of income ~~due to illness, injury, or natural disaster.~~ The department may grant subsistence aid under this subsection to a veteran whose loss of income is the result of abuse of alcohol or other drugs only if the veteran is participating in an alcohol and other drug abuse treatment program that is approved by the department. No payment may be made under this subsection if the veteran has other assets or income

available to meet basic subsistence needs or if the veteran is eligible to receive aid from other sources to meet those needs. When determining the assets available to the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance.

SECTION 8. 45.40 (1m) (b) of the statutes is amended to read:

45.40 **(1m)** (b) The maximum amount that any veteran may receive under this subsection per occurrence during a consecutive 12-month period may not exceed ~~\$3,000~~ \$5,000.

SECTION 9. 45.40 (2) (a) of the statutes is amended to read:

45.40 **(2)** (a) The department may provide health care aid to a veteran for dental care, including dentures; vision care, including eyeglass frames and lenses; and hearing care, including hearing aids; and for any other medical device prescribed by a health care provider.

SECTION 10. 45.40 (2m) (a) of the statutes is amended to read:

45.40 **(2m)** (a) ~~The unremarried spouse and dependent children of a veteran who died on active duty, or in the line of duty while on active or inactive duty for training purposes, in the U.S. armed forces or forces incorporated in the U.S. armed forces are eligible to receive payments under subs. (1m) and (2) if the household income of those persons does not exceed the income limitations established under sub. (3m).~~

SECTION 11. 45.40 (3) of the statutes is amended to read:

45.40 **(3)** LIMITATIONS. The total cumulative amount that any veteran may receive under this section may not exceed ~~\$7,500~~ \$10,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0349/P2
CMH:amn

DOA:.....Grinde, BB0000 - Base draft for budget

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT relating to: state finances and appropriations, constituting the executive budget act of the 2023 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the executive budget bill under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2023-25 fiscal biennium.

The bill sets the appropriation levels in chapter 20 of the statutes for the 2023-25 fiscal biennium. The descriptions that follow in this analysis relate to the most significant changes in the law that are proposed in the bill.

For additional information concerning the bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item.

GUIDE TO THE BILL

The budget bill is organized like other bills. First, treatments of statutes appear in ascending numerical order of the statute affected. Next, any treatments of prior session laws appear ordered by the year of original enactment and then by act number (for instance, a treatment of 2019 Wisconsin Act 15 would precede a treatment of 2021 Wisconsin Act 6). Next, any treatments of the Administrative Rules appear.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Fiscal changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency or subject area to which the provision relates:

- XX01 Administration.**
- XX02 Agriculture, Trade and Consumer Protection.**
- XX03 Arts Board.**
- XX04 Building Commission.**
- XX05 Child Abuse and Neglect Prevention Board.**
- XX06 Children and Families.**
- XX07 Circuit Courts.**
- XX08 Corrections.**
- XX09 Court of Appeals.**
- XX10 District Attorneys.**
- XX11 Educational Communications Board.**
- XX12 Elections Commission.**
- XX13 Employee Trust Funds.**
- XX14 Employment Relations Commission.**
- XX15 Ethics Commission.**
- XX16 Financial Institutions.**
- XX17 Governor.**
- XX18 Health and Educational Facilities Authority.**
- XX19 Health Services.**
- XX20 Higher Educational Aids Board.**
- XX21 Historical Society.**
- XX22 Housing and Economic Development Authority.**
- XX23 Insurance.**
- XX24 Investment Board.**
- XX25 Joint Committee on Finance.**
- XX26 Judicial Commission.**
- XX27 Justice.**
- XX28 Legislature.**
- XX29 Lieutenant Governor.**
- XX30 Local Government.**
- XX31 Military Affairs.**
- XX32 Natural Resources.**
- XX33 Public Defender Board.**
- XX34 Public Instruction.**

- XX35 Public Lands, Board of Commissioners of.**
- XX36 Public Service Commission.**
- XX37 Revenue.**
- XX38 Safety and Professional Services.**
- XX39 Secretary of State.**
- XX40 State Fair Park Board.**
- XX41 Supreme Court.**
- XX42 Technical College System.**
- XX43 Tourism.**
- XX44 Transportation.**
- XX45 Treasurer.**
- XX46 University of Wisconsin Hospitals and Clinics Authority;
Medical College of Wisconsin.**
- XX47 University of Wisconsin System.**
- XX48 Veterans Affairs.**
- XX49 Wisconsin Economic Development Corporation.**
- XX50 Workforce Development.**
- XX51 Other.**

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9121. For any agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number 51 (**Other**) within each type of provision. Separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading.

Following is a list of the most commonly used abbreviations appearing in the analysis:

DATCP ... Department of Agriculture, Trade and Consumer Protection
 DCF Department of Children and Families
 DFI Department of Financial Institutions
 DHS Department of Health Services
 DMA Department of Military Affairs
 DNR Department of Natural Resources
 DOA Department of Administration
 DOC Department of Corrections
 DOJ Department of Justice
 DOR Department of Revenue
 DOT Department of Transportation
 DPI Department of Public Instruction
 DSPS Department of Safety and Professional Services
 DVA Department of Veterans Affairs
 DWD Department of Workforce Development
 ETF Department of Employee Trust Funds
 GPR General purpose revenue
 HEAB Higher Educational Aids Board

JCF Joint Committee on Finance
LRB Legislative Reference Bureau
OCI Office of the Commissioner of Insurance
PSC Public Service Commission
SHS State Historical Society
TCS Technical College System
UW University of Wisconsin
WEDC Wisconsin Economic Development Corporation
WHEDA Wisconsin Housing and Economic Development Authority
WHEFA Wisconsin Health and Educational Facilities Authority

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 12. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 2023, and ending on June 30, 2025, is summarized as follows: [See Figure 20.005 (1) following]

***NOTE: We will insert the schedules when we receive the 2023-25 versions.

Figure: 20.005 (1)

SECTION 13. 20.005 (2) of the statutes is repealed and recreated to read:

20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

***NOTE: We will insert the schedule when we receive the 2023-25 version.

Figure: 20.005 (2) (a)

Figure: 20.005 (2) (b)

SECTION 14. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 (3) APPROPRIATIONS. The following schedule sets forth all annual, biennial, and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

PLACE CHAPTER 20 SCHEDULE HERE

SECTION 9101. Nonstatutory provisions; Administration.

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

SECTION 9103. Nonstatutory provisions; Arts Board.

SECTION 9104. Nonstatutory provisions; Building Commission.

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

SECTION 9106. Nonstatutory provisions; Children and Families.

SECTION 9107. Nonstatutory provisions; Circuit Courts.

SECTION 9108. Nonstatutory provisions; Corrections.

SECTION 9109. Nonstatutory provisions; Court of Appeals.

SECTION 9110. Nonstatutory provisions; District Attorneys.

SECTION 9111. Nonstatutory provisions; Educational Communications Board.

SECTION 9112. Nonstatutory provisions; Elections Commission.

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

SECTION 9114. Nonstatutory provisions; Employment Relations Commission.

SECTION 9115. Nonstatutory provisions; Ethics Commission.

SECTION 9116. Nonstatutory provisions; Financial Institutions.

SECTION 9117. Nonstatutory provisions; Governor.

SECTION 9118. Nonstatutory provisions; Health and Educational Facilities Authority.

SECTION 9119. Nonstatutory provisions; Health Services.

SECTION 9120. Nonstatutory provisions; Higher Educational Aids Board.

SECTION 9121. Nonstatutory provisions; Historical Society.

SECTION 9122. Nonstatutory provisions; Housing and Economic Development Authority.

SECTION 9123. Nonstatutory provisions; Insurance.

SECTION 9124. Nonstatutory provisions; Investment Board.

SECTION 9125. Nonstatutory provisions; Joint Committee on Finance.

SECTION 9126. Nonstatutory provisions; Judicial Commission.

SECTION 9127. Nonstatutory provisions; Justice.

SECTION 9128. Nonstatutory provisions; Legislature.

SECTION 9129. Nonstatutory provisions; Lieutenant Governor.

SECTION 9130. Nonstatutory provisions; Local Government.

SECTION 9131. Nonstatutory provisions; Military Affairs.

SECTION 9132. Nonstatutory provisions; Natural Resources.

SECTION 9133. Nonstatutory provisions; Public Defender Board.

SECTION 9134. Nonstatutory provisions; Public Instruction.

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

SECTION 9136. Nonstatutory provisions; Public Service Commission.

SECTION 9137. Nonstatutory provisions; Revenue.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

SECTION 9139. Nonstatutory provisions; Secretary of State.

SECTION 9140. Nonstatutory provisions; State Fair Park Board.

SECTION 9141. Nonstatutory provisions; Supreme Court.

SECTION 9142. Nonstatutory provisions; Technical College System.

SECTION 9143. Nonstatutory provisions; Tourism.

SECTION 9144. Nonstatutory provisions; Transportation.

SECTION 9145. Nonstatutory provisions; Treasurer.

SECTION 9146. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

SECTION 9148. Nonstatutory provisions; Veterans Affairs.

SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.

SECTION 9150. Nonstatutory provisions; Workforce Development.

SECTION 9151. Nonstatutory provisions; Other.

SECTION 9201. Fiscal changes; Administration.

SECTION 9202. Fiscal changes; Agriculture, Trade and Consumer Protection.

SECTION 9203. Fiscal changes; Arts Board.

SECTION 9204. Fiscal changes; Building Commission.

SECTION 9205. Fiscal changes; Child Abuse and Neglect Prevention Board.

SECTION 9206. Fiscal changes; Children and Families.

SECTION 9207. Fiscal changes; Circuit Courts.

SECTION 9208. Fiscal changes; Corrections.

SECTION 9209. Fiscal changes; Court of Appeals.

SECTION 9210. Fiscal changes; District Attorneys.

SECTION 9211. Fiscal changes; Educational Communications Board.

SECTION 9212. Fiscal changes; Elections Commission.

SECTION 9213. Fiscal changes; Employee Trust Funds.

SECTION 9214. Fiscal changes; Employment Relations Commission.

SECTION 9215. Fiscal changes; Ethics Commission.

SECTION 9216. Fiscal changes; Financial Institutions.

SECTION 9217. Fiscal changes; Governor.

SECTION 9218. Fiscal changes; Health and Educational Facilities Authority.

SECTION 9219. Fiscal changes; Health Services.

SECTION 9220. Fiscal changes; Higher Educational Aids Board.

SECTION 9221. Fiscal changes; Historical Society.

SECTION 9222. Fiscal changes; Housing and Economic Development Authority.

SECTION 9223. Fiscal changes; Insurance.

SECTION 9224. Fiscal changes; Investment Board.

SECTION 9225. Fiscal changes; Joint Committee on Finance.

SECTION 9226. Fiscal changes; Judicial Commission.

SECTION 9227. Fiscal changes; Justice.

SECTION 9228. Fiscal changes; Legislature.

SECTION 9229. Fiscal changes; Lieutenant Governor.

SECTION 9230. Fiscal changes; Local Government.

SECTION 9231. Fiscal changes; Military Affairs.

SECTION 9232. Fiscal changes; Natural Resources.

SECTION 9233. Fiscal changes; Public Defender Board.

SECTION 9234. Fiscal changes; Public Instruction.

SECTION 9235. Fiscal changes; Public Lands, Board of Commissioners of.

SECTION 9236. Fiscal changes; Public Service Commission.

SECTION 9237. Fiscal changes; Revenue.

SECTION 9238. Fiscal changes; Safety and Professional Services.

SECTION 9239. Fiscal changes; Secretary of State.

SECTION 9240. Fiscal changes; State Fair Park Board.

SECTION 9241. Fiscal changes; Supreme Court.

SECTION 9242. Fiscal changes; Technical College System.

SECTION 9243. Fiscal changes; Tourism.

SECTION 9244. Fiscal changes; Transportation.

SECTION 9245. Fiscal changes; Treasurer.

SECTION 9246. Fiscal changes; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9247. Fiscal changes; University of Wisconsin System.

SECTION 9248. Fiscal changes; Veterans Affairs.

SECTION 9249. Fiscal changes; Wisconsin Economic Development Corporation.

SECTION 9250. Fiscal changes; Workforce Development.

SECTION 9251. Fiscal changes; Other.

SECTION 9301. Initial applicability; Administration.

SECTION 9302. Initial applicability; Agriculture, Trade and Consumer Protection.

SECTION 9303. Initial applicability; Arts Board.

SECTION 9304. Initial applicability; Building Commission.

SECTION 9305. Initial applicability; Child Abuse and Neglect Prevention Board.

SECTION 9306. Initial applicability; Children and Families.

SECTION 9307. Initial applicability; Circuit Courts.

SECTION 9308. Initial applicability; Corrections.

SECTION 9309. Initial applicability; Court of Appeals.

SECTION 9310. Initial applicability; District Attorneys.

SECTION 9311. Initial applicability; Educational Communications Board.

SECTION 9312. Initial applicability; Elections Commission.

SECTION 9313. Initial applicability; Employee Trust Funds.

SECTION 9314. Initial applicability; Employment Relations Commission.

SECTION 9315. Initial applicability; Ethics Commission.

SECTION 9316. Initial applicability; Financial Institutions.

SECTION 9317. Initial applicability; Governor.

SECTION 9318. Initial applicability; Health and Educational Facilities Authority.

SECTION 9319. Initial applicability; Health Services.

SECTION 9320. Initial applicability; Higher Educational Aids Board.

SECTION 9321. Initial applicability; Historical Society.

SECTION 9322. Initial applicability; Housing and Economic Development Authority.

SECTION 9323. Initial applicability; Insurance.

SECTION 9324. Initial applicability; Investment Board.

SECTION 9325. Initial applicability; Joint Committee on Finance.

SECTION 9326. Initial applicability; Judicial Commission.

SECTION 9327. Initial applicability; Justice.

SECTION 9328. Initial applicability; Legislature.

SECTION 9329. Initial applicability; Lieutenant Governor.

SECTION 9330. Initial applicability; Local Government.

SECTION 9331. Initial applicability; Military Affairs.

SECTION 9332. Initial applicability; Natural Resources.

SECTION 9333. Initial applicability; Public Defender Board.

SECTION 9334. Initial applicability; Public Instruction.

SECTION 9335. Initial applicability; Public Lands, Board of Commissioners of.

SECTION 9336. Initial applicability; Public Service Commission.

SECTION 9337. Initial applicability; Revenue.

SECTION 9338. Initial applicability; Safety and Professional Services.

SECTION 9339. Initial applicability; Secretary of State.

SECTION 9340. Initial applicability; State Fair Park Board.

SECTION 9341. Initial applicability; Supreme Court.

SECTION 9342. Initial applicability; Technical College System.

SECTION 9343. Initial applicability; Tourism.

SECTION 9344. Initial applicability; Transportation.

SECTION 9345. Initial applicability; Treasurer.

SECTION 9346. Initial applicability; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9347. Initial applicability; University of Wisconsin System.

SECTION 9348. Initial applicability; Veterans Affairs.

SECTION 9349. Initial applicability; Wisconsin Economic Development Corporation.

SECTION 9350. Initial applicability; Workforce Development.

SECTION 9351. Initial applicability; Other.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9451 of this act, this act takes effect on July 1, 2023, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; Administration.

SECTION 9402. Effective dates; Agriculture, Trade and Consumer Protection.

SECTION 9403. Effective dates; Arts Board.

SECTION 9404. Effective dates; Building Commission.

SECTION 9405. Effective dates; Child Abuse and Neglect Prevention Board.

SECTION 9406. Effective dates; Children and Families.

SECTION 9407. Effective dates; Circuit Courts.

SECTION 9408. Effective dates; Corrections.

SECTION 9409. Effective dates; Court of Appeals.

SECTION 9410. Effective dates; District Attorneys.

SECTION 9411. Effective dates; Educational Communications Board.

SECTION 9412. Effective dates; Elections Commission.

SECTION 9413. Effective dates; Employee Trust Funds.

SECTION 9414. Effective dates; Employment Relations Commission.

SECTION 9415. Effective dates; Ethics Commission.

SECTION 9416. Effective dates; Financial Institutions.

SECTION 9417. Effective dates; Governor.

SECTION 9418. Effective dates; Health and Educational Facilities Authority.

SECTION 9419. Effective dates; Health Services.

SECTION 9420. Effective dates; Higher Educational Aids Board.

SECTION 9421. Effective dates; Historical Society.

SECTION 9422. Effective dates; Housing and Economic Development Authority.

SECTION 9423. Effective dates; Insurance.

SECTION 9424. Effective dates; Investment Board.

SECTION 9425. Effective dates; Joint Committee on Finance.

SECTION 9426. Effective dates; Judicial Commission.

SECTION 9427. Effective dates; Justice.

SECTION 9428. Effective dates; Legislature.

SECTION 9429. Effective dates; Lieutenant Governor.

SECTION 9430. Effective dates; Local Government.

SECTION 9431. Effective dates; Military Affairs.

SECTION 9432. Effective dates; Natural Resources.

SECTION 9433. Effective dates; Public Defender Board.

SECTION 9434. Effective dates; Public Instruction.

SECTION 9435. Effective dates; Public Lands, Board of Commissioners of.

SECTION 9436. Effective dates; Public Service Commission.

SECTION 9437. Effective dates; Revenue.

SECTION 9438. Effective dates; Safety and Professional Services.

SECTION 9439. Effective dates; Secretary of State.

SECTION 9440. Effective dates; State Fair Park Board.

SECTION 9441. Effective dates; Supreme Court.

SECTION 9442. Effective dates; Technical College System.

SECTION 9443. Effective dates; Tourism.

SECTION 9444. Effective dates; Transportation.

SECTION 9445. Effective dates; Treasurer.

SECTION 9446. Effective dates; University of Wisconsin Hospitals and Clinics Authority; Medical College of Wisconsin.

SECTION 9447. Effective dates; University of Wisconsin System.

SECTION 9448. Effective dates; Veterans Affairs.

SECTION 9449. Effective dates; Wisconsin Economic Development Corporation.

SECTION 9450. Effective dates; Workforce Development.

SECTION 9451. Effective dates; Other.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0387/P1
MDD:emw

DOA:.....Kirschbaum, BB0005 - Cheese distribution in tourist information centers

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
TOURISM

Cheese distribution

Under current law, the Department of Tourism must distribute donated, Wisconsin-made cheese at tourist information centers that the department operates. This bill eliminates that requirement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 15. 41.11 (5) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0388/P1
MDD:skw

DOA:.....Kirschbaum, BB0006 - Famous residents in marketing

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
TOURISM

Famous residents in marketing

Under current law, the Council on Tourism must consider using famous residents and former residents of Wisconsin in tourism marketing strategies. This bill eliminates that requirement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 16. 41.12 (3) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0389/P1
MDD:amn

DOA:.....Kirschbaum, BB0007 - WPGA Junior Foundation reporting requirement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
TOURISM

WPGA Junior Foundation

Under current law, the WPGA Junior Foundation, Inc., which is a nonprofit organization dedicated to promoting the game of golf to Wisconsin junior golfers and their families, is required to submit to the attorney general and each house of the legislature an audited financial statement of its use of payments paid to them by the Department of Tourism to fund efforts to provide opportunities, enjoyment, and education to junior golfers in this state.

This bill eliminates that reporting requirement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 17. 41.24 (3) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0390/P1
MDD:amn

DOA:.....Kirschbaum, BB0008 - Marketing efforts reporting requirement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
TOURISM

Marketing efforts reporting requirement

Under current law, the Department of Tourism must annually report the activities, marketing efforts, receipts, and disbursements of the department for the previous fiscal year to the Senate Natural Resources Committee and the Assembly Committee on Tourism.

This bill designates these annual reports be sent to the appropriate standing committees of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 18. 41.11 (1) (h) of the statutes is amended to read:

41.11 (1) (h) ~~Annually report to the senate natural resources committee and the assembly committee on tourism~~ appropriate standing committees of the

legislature under s. 13.172 (3) the activities, marketing efforts, receipts, and disbursements of the department for the previous fiscal year. The report under this paragraph shall include information on the marketing efforts conducted for the Frank Lloyd Wright Trail established under s. 84.10255.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0395/P3
ARG/MED/MIM:wlj

DOA:.....Kirschbaum, BB0009 - Worker misclassification

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Worker classification notice and posting

Current law requires DWD to perform certain duties related to worker classification, including for purposes of promoting and achieving compliance by employers with state employment laws. This bill requires DWD to design and make available to employers a notice regarding worker classification laws, requirements for employers and employees, and penalties for noncompliance. Under the bill, all employers in this state must post the notice in a conspicuous place where notices to employees are customarily posted. Finally, the bill provides a penalty of not more than \$100 for an employer who does not post the notice as required.

Unemployment insurance; worker misclassification penalties

Current law requires DWD to assess an administrative penalty against an employer engaged in construction projects or in the painting or drywall finishing of buildings or other structures who knowingly and intentionally provides false information to DWD for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee under the UI law. The penalty under current law is \$500 for each employee who is misclassified, not to exceed \$7,500 per incident. In addition, current law provides for criminal fines of up to \$25,000 for employers who, after having previously been assessed such an

administrative penalty, commit another violation. Current law additionally requires DWD to assess an administrative penalty against such an employer who, through coercion, requires an employee to adopt the status of a nonemployee; the penalty amount is \$1,000 for each employee so coerced, but not to exceed \$10,000 per calendar year. Penalties are deposited into the unemployment program integrity fund.

The bill does the following: 1) removes the \$7,500 and \$10,000 limitations on the administrative penalties and provides that the penalties double for each act occurring after the date of the first determination of a violation; 2) removes the limitations on the types of employers to whom the prohibitions apply, making them applicable to any type of employer; and 3) specifies that DWD may make referrals for criminal prosecution for alleged criminal misclassification violations regardless of whether an employer has been subject to any other penalty or assessment under the UI law.

Worker's compensation; penalties for uninsured employers

Under current law, an employer who requires an employee to pay for any part of worker's compensation insurance or who fails to provide mandatory worker's compensation insurance coverage is subject to a forfeiture. If the employer violates those requirements, for the first 10 days, the penalty under current law is not less than \$100 and not more than \$1,000 for such a violation. If the employer violates those requirements for more than 10 days, the penalty under current law is not less than \$10 and not more than \$100 for each day of such a violation.

Under the bill, the forfeitures for an employer who requires an employee to pay for worker's compensation coverage or fails to provide the coverage (violation) are as follows:

1. For a first violation, \$1,000 per violation or the amount of the insurance premium that would have been payable, whichever is greater.
2. For a second violation, \$2,000 per violation or two times the amount of the insurance premium that would have been payable, whichever is greater.
3. For a third violation, \$3,000 per violation or three times the amount of the insurance premium that would have been payable, whichever is greater.
4. For a fourth or subsequent violation, \$4,000 per violation or four times the amount of the insurance premium that would have been payable, whichever is greater.

Under current law, if an employer who is required to provide worker's compensation insurance coverage provides false information about the coverage to his or her employees or contractors who request information about the coverage, or fails to notify a person who contracts with the employer that the coverage has been canceled in relation to the contract, the employer is subject to a forfeiture of not less than \$100 and not more than \$1,000 for each such violation.

Under the bill, the penalty for a first or second such violation remains as specified under current law, the penalty for a third violation is \$3,000, and the penalty for a fourth or subsequent violation is \$4,000.

Currently, an uninsured employer must pay to DWD an amount that is equal to the greater of the following: 1) twice the amount that the uninsured employer

would have paid for worker's compensation coverage during periods in which the employer was uninsured in the preceding three years or 2) \$750 or, if certain conditions apply, \$100 per day.

The bill provides that the amounts an uninsured employer must pay to DWD for a determination of a failure to carry worker's compensation insurance are as follows:

1. For a first or second determination, the amounts specified in current law.
2. For a third determination, the greater of the following: a) three times the amount that the uninsured employer would have paid for worker's compensation coverage during periods in which the employer was uninsured in the preceding three years or b) \$3,000.
3. For a fourth or subsequent determination, the greater of the following: a) four times the amount that the uninsured employer would have paid for worker's compensation coverage during periods in which the employer was uninsured in the preceding three years or b) \$4,000.

False or fraudulent worker's compensation insurance applications

Current law specifies criminal penalties for various types of insurance fraud, which are punishable as either a Class A misdemeanor or a Class I felony, depending on the value of the claim or benefit. The bill adds to the list of criminally punishable insurance fraud the following: 1) the presentation of false or fraudulent applications for worker's compensation insurance coverage and 2) the presentation of applications for worker's compensation insurance coverage that falsely or fraudulently misclassify employees in order to lower premiums.

Also under current law, if an insurer or self-insured employer has evidence that a worker's compensation claim is false or fraudulent, the insurer or self-insured employer must generally report the claim to DWD. If, on the basis of the investigation, DWD has a reasonable basis to believe that criminal insurance fraud has occurred, DWD must refer the matter to the district attorney for prosecution. DWD may request assistance from DOJ to investigate false or fraudulent activity related to a worker's compensation claim. If, on the basis of that investigation, DWD has a reasonable basis to believe that theft, forgery, fraud, or any other criminal violation has occurred, DWD must refer the matter to the district attorney or DOJ for prosecution. The bill extends these requirements to insurers that have evidence that an application for worker's compensation insurance coverage is fraudulent or that an employer has committed fraud by misclassifying employees to lower the employer's worker's compensation insurance premiums.

Worker misclassification information

The bill requires DFI to provide informational materials and resources on worker misclassification to each person who files with DFI documents forming a business corporation, nonstock corporation, limited liability company, limited liability partnership, or limited partnership.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 19. 102.125 (1m) of the statutes is created to read:

102.125 (1m) APPLICATION AND PREMIUM FRAUD. If an insurer has evidence that an application for worker's compensation insurance coverage is fraudulent or that an employer has committed fraud by misclassifying employees to lower the employer's worker's compensation insurance premiums in violation of s. 943.395, the insurer shall report the claim to the department. The department may require an insurer to investigate an allegedly fraudulent application or alleged fraud by misclassification of employees and may provide the insurer with any records of the department relating to that alleged fraud. An insurer that investigates alleged fraud under this subsection shall report the results of that investigation to the department.

SECTION 20. 102.125 (2) of the statutes is amended to read:

102.125 (2) ASSISTANCE BY DEPARTMENT OF JUSTICE. The department of workforce development may request the department of justice to assist the department of workforce development in an investigation under sub. (1) or (1m) or in the investigation of any other suspected fraudulent activity on the part of an employer, employee, insurer, health care provider, or other person related to worker's compensation.

SECTION 21. 102.125 (3) of the statutes is amended to read:

102.125 (3) PROSECUTION. If based on an investigation under sub. (1), (1m), or (2) the department has a reasonable basis to believe that a violation of s. 943.20, 943.38, 943.39, 943.392, 943.395, 943.40, or any other criminal law has occurred, the

department shall refer the results of the investigation to the department of justice or to the district attorney of the county in which the alleged violation occurred for prosecution.

SECTION 22. 102.16 (4) of the statutes is amended to read:

102.16 (4) The department and the division have jurisdiction to pass on any question arising out of sub. (3) and to order the employer to reimburse an employee or other person for any sum deducted from wages or paid by him or her in violation of that subsection. In addition to the any penalty provided in s. 102.85 (1), any employer violating sub. (3) shall be liable to an injured employee for the reasonable value of the necessary services rendered to that employee under any arrangement made in violation of sub. (3) without regard to that employee's actual disbursements for those services.

SECTION 23. 102.82 (2) (a) (intro.) of the statutes is amended to read:

102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all for a 1st or 2nd determination by the department that an employer was uninsured, an uninsured employers employer shall pay to the department the greater of the following:

SECTION 24. 102.82 (2) (ab) of the statutes is created to read:

102.82 (2) (ab) Except as provided in pars. (ag), (am), and (ar), for a 3rd determination by the department that an employer was uninsured, an uninsured employer shall pay to the department the greater of the following:

1. Three times the amount determined by the department to equal what the uninsured employer would have paid during periods of illegal nonpayment for worker's compensation in the preceding 3-year period, based on the employer's payroll in the preceding 3 years.

2. Three thousand dollars.

SECTION 25. 102.82 (2) (ad) of the statutes is created to read:

102.82 (2) (ad) Except as provided in pars. (ag), (am), and (ar), for a 4th or subsequent determination by the department that an employer was uninsured, an uninsured employer shall pay to the department the greater of the following:

1. Four times the amount determined by the department to equal what the uninsured employer would have paid during periods of illegal nonpayment for worker's compensation in the preceding 3-year period, based on the employer's payroll in the preceding 3 years.

2. Four thousand dollars.

SECTION 26. 102.82 (2) (am) of the statutes is amended to read:

102.82 (2) (am) The department may waive any payment owed under par. (a), (ab), or (ad) by an uninsured employer if the department determines that the uninsured employer is subject to this chapter only because the uninsured employer has elected to become subject to this chapter under s. 102.05 (2) or 102.28 (2).

SECTION 27. 102.82 (2) (ar) of the statutes is amended to read:

102.82 (2) (ar) The department may waive any payment owed under par. (a), (ab), (ad), or (ag) or sub. (1) if the department determines that the sole reason for the uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured employer was a victim of fraud, misrepresentation or gross negligence by an insurance agent or insurance broker or by a person whom a reasonable person would believe is an insurance agent or insurance broker.

SECTION 28. 102.85 (1) of the statutes is repealed and recreated to read:

102.85 (1) (a) If an employer has failed to comply with s. 102.16 (3) or 102.28 (2), the employer shall, for a first violation, forfeit the greater of \$1,000 or the amount

of the premium that would have been payable for each time the employer failed to comply with s. 102.16 (3) or 102.28 (3).

(b) If an employer has failed to comply with s. 102.16 (3) or 102.28 (2), the employer shall, for a 2nd violation, forfeit the greater of \$2,000 or 2 times the amount of the premium that would have been payable for each time the employer failed to comply with s. 102.16 (3) or 102.28 (3).

(c) If an employer has failed to comply with s. 102.16 (3) or 102.28 (2), the employer shall, for a 3rd violation, forfeit the greater of \$3,000 or 3 times the amount of the premium that would have been payable for each time the employer failed to comply with s. 102.16 (3) or 102.28 (3).

(d) If an employer has failed to comply with s. 102.16 (3) or 102.28 (2), the employer shall, for a 4th or subsequent violation, forfeit the greater of \$4,000 or 4 times the amount of the premium that would have been payable for each time the employer failed to comply with s. 102.16 (3) or 102.28 (3).

SECTION 29. 102.85 (2) of the statutes is repealed and recreated to read:

102.85 (2) (a) No employer who is required to provide worker's compensation insurance coverage under this chapter may give false information about the coverage to his or her employees, the department, or any other person who contracts with the employer and who requests evidence of worker's compensation in relation to that contract.

(b) No employer who is required to provide worker's compensation insurance coverage under this chapter may fail to notify a person who contracts with the employer that the coverage has been canceled in relation to that contract.

(c) 1. An employer who violates par. (a) or (b) shall, except as provided in subs. 2. and 3., forfeit not less than \$100 and not more than \$1,000.

2. An employer who violates par. (a) or (b) shall forfeit \$3,000 for a 3rd violation of par. (a) or (b).

3. An employer who violates par. (a) or (b) shall forfeit \$4,000 for a 4th violation of par. (a) or (b).

SECTION 30. 103.06 (1) (b) (intro.) of the statutes is amended to read:

103.06 (1) (b) (intro.) “Employee” means, for purposes of compliance with the requirements specified in sub. (3) (a), any of the following who is employed by an employer:

SECTION 31. 103.06 (1) (c) (intro.) of the statutes is amended to read:

103.06 (1) (c) (intro.) “Employer” means, for purposes of compliance with the requirements specified in sub. (3) (a), any of the following that is engaged in the work described in s. 108.18 (2) (c):

SECTION 32. 103.06 (2) of the statutes is renumbered 103.06 (10), and 103.06 (10) (intro.) and (a), as renumbered, are amended to read:

103.06 (10) **WORKER CLASSIFICATION COMPLIANCE; DUTIES OF DEPARTMENT.** (intro.) ~~For purposes of promoting and achieving compliance by employers with the laws specified in sub. (3) (a) through the proper classification of persons performing services for an employer as employees and nonemployees, the~~ The department shall do all of the following:

(a) Educate employers, employees, nonemployees, and the public about the proper classification of persons performing services for an employer as employees and nonemployees. The department shall establish and maintain on the department’s website information regarding worker classification laws, requirements for employers and employees, penalties for noncompliance, and contact information at each state agency that administers worker classification laws.

SECTION 33. 103.06 (10) (f) of the statutes is created to read:

103.06 (10) (f) Design and make available to employers a notice regarding worker classification laws, requirements for employers and employees, and penalties for noncompliance. The department shall promulgate rules to implement this paragraph.

SECTION 34. 103.06 (11) of the statutes is created to read:

103.06 (11) NOTICE. All employers shall post, in one or more conspicuous places where notices to employees are customarily posted, the notice designed by the department under sub. (10) (f). Any employer who violates this subsection shall forfeit not more than \$100 for each offense.

SECTION 35. 108.221 (1) (a) of the statutes is renumbered 108.221 (1) (a) (intro.) and amended to read:

108.221 (1) (a) (intro.) Any employer ~~described in s. 108.18 (2) (c) or engaged in the painting or drywall finishing of buildings or other structures~~ who knowingly and intentionally provides false information to the department for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee shall, for each incident, be assessed a penalty by the department as follows:

1. For each act occurring before the date of the first determination of a violation of this subsection, the employer shall be assessed a penalty in the amount of \$500 for each employee who is misclassified, but not to exceed \$7,500 per incident.

SECTION 36. 108.221 (1) (a) 2. of the statutes is created to read:

108.221 (1) (a) 2. For each act occurring after the date of the first determination of a violation of this subsection, the employer shall be assessed a penalty in the amount of \$1,000 for each employee who is misclassified.

SECTION 37. 108.221 (2) of the statutes is renumbered 108.221 (2) (intro.) and amended to read:

108.221 (2) (intro.) Any employer ~~described in s. 108.18 (2) (c) or engaged in the painting or drywall finishing of buildings or other structures~~ who, through coercion, requires an individual to adopt the status of a nonemployee shall be assessed a penalty by the department as follows:

(a) For each act occurring before the date of the first determination of a violation of this subsection, the employer shall be assessed a penalty in the amount of \$1,000 for each individual so coerced, but not to exceed \$10,000 per calendar year.

SECTION 38. 108.221 (2) (b) of the statutes is created to read:

108.221 (2) (b) For each act occurring after the date of the first determination of a violation of this subsection, the employer shall be assessed a penalty in the amount of \$2,000 for each individual so coerced.

SECTION 39. 108.24 (2m) of the statutes is amended to read:

108.24 (2m) Any employer ~~described in s. 108.18 (2) (c) or engaged in the painting or drywall finishing of buildings or other structures~~ who, after having previously been assessed an administrative penalty by the department under s. 108.221 (1), knowingly and intentionally provides false information to the department for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee shall be fined \$1,000 for each employee who is misclassified, subject to a maximum fine of \$25,000 for each

violation. The department may, regardless of whether an employer has been subject to any administrative assessment under s. 108.221 or any other penalty or assessment under this chapter, refer violations of this subsection for prosecution by the department of justice or the district attorney for the county in which the violation occurred.

SECTION 40. 182.01 (8) of the statutes is created to read:

182.01 (8) INFORMATION TO BE PROVIDED WITH BUSINESS FORMATION FILINGS. The department shall provide informational materials and resources on worker misclassification to each person who files with the department any of the following:

- (a) Articles of incorporation under s. 180.0202 or 181.0202.
- (b) Articles of organization under s. 183.0201.
- (c) A statement of qualification under s. 178.0901.
- (d) A certificate of limited partnership under s. 179.0201.

SECTION 41. 943.395 (1) (e) of the statutes is created to read:

943.395 (1) (e) Presents an application for worker's compensation insurance coverage that is false or fraudulent or that falsely or fraudulently misclassifies employees to lower worker's compensation insurance premiums.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0404/P2
JAM:wlj

DOA:.....Stinebrink, BB0012 - Wisconsin veterans cemetery eligibility requirements

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Wisconsin veterans cemetery eligibility requirements

This bill changes an eligibility requirement for an individual to be buried in one of the state veterans cemeteries. Under current law, an individual who was discharged under other than dishonorable conditions must have been a Wisconsin resident in order to be eligible for burial in one of the state veterans cemeteries. In select cases, children and spouses of eligible veterans must also be Wisconsin residents in order to be buried in a state veterans cemetery. This bill removes the Wisconsin residency eligibility requirements in determining whether an individual or his or her spouse or children may be buried in a state veterans cemetery. The bill also directs from which appropriation account some eligible individuals' burial expenses may be paid.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 42. 45.61 (2) (a) of the statutes is amended to read:

45.61 (2) (a) A person who died while on active duty or who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her entry into active service and his or her dependent child and surviving spouse.

SECTION 43. 45.61 (2) (am) of the statutes is repealed.

SECTION 44. 45.61 (2) (b) of the statutes is repealed.

SECTION 45. 45.61 (2) (c) (intro.) of the statutes is repealed.

SECTION 46. 45.61 (2) (c) 1. of the statutes is amended to read:

45.61 (2) (c) 1. Is The spouse or dependent child of a person who is serving on active duty at the time of the spouse's or dependent child's death if the person was a resident of this state at the time of his or her entry or reentry into active service.

SECTION 47. 45.61 (2) (c) 2. of the statutes is amended to read:

45.61 (2) (c) 2. ~~Was a resident of this state at the time of his or her entry or reentry into active service and~~ The spouse of a person who was discharged or released from active duty in the U.S. armed forces under honorable conditions.

SECTION 48. 45.61 (2) (c) 3. of the statutes is repealed.

SECTION 49. 45.61 (2) (d) of the statutes is amended to read:

45.61 (2) (d) A person who ~~was a resident of this state at the time of his or her entry or reentry into service~~ served in any a national guard or a reserve component of the U.S. armed forces or who was a resident of this state for at least 12 consecutive months immediately preceding his or her death, and the person's spouse, surviving spouse, and dependent children, if the person is eligible for burial in a national cemetery under 38 USC 2402.

SECTION 50. 45.61 (2) (e) of the statutes is repealed.

SECTION 51. 45.61 (3) of the statutes is amended to read:

45.61 (3) FEES AND COSTS. The department may charge a fee for burials under this section and may promulgate rules for the assessment of any fee. The cost of preparing the grave and the erection of a marker for a person described under sub. (2) (a), ~~(b)~~, or (d), ~~or~~ (e) shall be paid from the appropriation under s. 20.485 (1) (gk).

SECTION 52. 45.61 (4) (a) of the statutes is amended to read:

45.61 (4) (a) Application for burial shall be made to the department. The surviving spouse of the person described under sub. (2) (a), ~~(b)~~, or (d), ~~or~~ (e), if that person is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the privilege of selecting a plot next to that person if available. The department shall hold the plot for the surviving spouse for a period of one year from the date of granting the privilege, but may extend the hold, on request, for additional one-year periods.

SECTION 53. 45.61 (5) (a) of the statutes is renumbered 45.61 (5) and amended to read:

45.61 (5) Expenses incident to the burial under this section of persons described in sub. (2) (a) ~~and (b) to (e)~~ shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation accounts under s. 20.485 (4) (g), (m), or (q) or, for members of veterans homes, from the appropriation account under s. 20.485 (1) (gk) ~~for members of veterans homes, and the. The~~ amount expended for those expenses under this subsection shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

SECTION 54. 45.61 (5) (b) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0405/P3
MCP/JK/CMH/JPC:cjs

DOA:.....Martin, BB0013 - Marijuana legalization

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

MARIJUANA LEGALIZATION AND REGULATION

Under this bill, a person who is at least 21 years old may legally possess marijuana. A person who is at least 18 may possess marijuana if the person has certain medical conditions. Under the bill, a person may produce, process, or sell marijuana if the person has a permit. This bill creates an excise tax for the privilege of producing, processing, distributing, or selling marijuana in this state, and all of the revenue collected from the tax is deposited into a segregated fund called the “community reinvestment fund.” Under the bill, a person who may possess medical marijuana is not subject to sales or excise taxes on the purchase or use of the marijuana. The bill does not affect federal law, which generally prohibits persons from manufacturing, delivering, or possessing marijuana and applies to both intrastate and interstate violations.

Legalizing the possession of marijuana

Current law prohibits a person from manufacturing, distributing, or delivering marijuana; possessing marijuana with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess marijuana; using drug paraphernalia; or possessing drug paraphernalia with the intent to produce, distribute, or use a controlled substance. The bill changes state law to allow a Wisconsin resident who is at least 21 to possess no more than two ounces of marijuana and to allow a nonresident of Wisconsin who is at least 21 to possess no more than one-quarter

ounce of marijuana. The bill also allows a qualifying patient to possess marijuana for medical purposes. Under the bill, generally, a qualifying patient is an individual who has been diagnosed by a physician as having or undergoing a debilitating medical condition or treatment and who is at least 18 years old. The bill also eliminates the prohibition on possessing or using drug paraphernalia that relates to marijuana consumption.

Under the bill, a person who possesses more marijuana than the maximum amount the person is allowed is subject to a penalty, which varies depending on the amount of overage. A person who exceeds the amount by not more than one ounce is subject to a civil forfeiture not to exceed \$1,000. A person who exceeds the maximum amount by more than one ounce is guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment not to exceed 90 days or both. The person is guilty of a Class I felony if the person also takes action to hide the amount of marijuana he or she has and has in place a security system to alert him or her to the presence of law enforcement or a method to intimidate, or a system that could injure or kill, a person approaching the area containing the marijuana.

Regulating the production, processing, and selling marijuana

Under the bill, no person may sell, distribute, or transfer marijuana unless the person has a permit from DOR. A person who violates this prohibition is guilty of a Class I felony if the intended recipient is an adult and is guilty of a Class H felony if the intended recipient is a minor and the person is at least three years older than the minor.

The bill requires a person to obtain separate permits from DOR to produce, process, distribute, or sell marijuana, and requires marijuana producers and processors to obtain additional permits from DATCP. The requirements for obtaining these permits differ based on whether the permit is issued by DOR or DATCP but, in general, a person may not obtain such a permit if he or she is not a state resident, is under the age of 21, or has been convicted of certain crimes or committed certain offenses. In addition, a person may not operate under a DOR or DATCP permit within 500 feet of a school, playground, recreation facility, child care facility, public park, public transit facility, or library. A person who holds a permit from DOR must also comply with certain operational requirements.

Under the bill, a permit applicant with 20 or more employees may not receive a permit from DATCP or DOR unless the the applicant certifies that the applicant has entered into a labor peace agreement with a labor organization. The labor peace agreement prohibits the labor organization and its members from engaging in any economic interference with persons doing business in this state, prohibits the applicant from disrupting the efforts of the labor organization to communicate with and to organize and represent the applicant's employees, and provides the labor organization access to areas in which the employees work to discuss employment rights and the terms and conditions of employment. Current law prohibits the state and any local unit of government from requiring a labor peace agreement as a condition for any regulatory approval. The permit requirements under the bill are not subject to that prohibition.

The bill also requires DATCP and DOR to use a competitive scoring system to determine which applicants are eligible to receive permits. Each department must issue permits to the highest scoring applicants that it determines will best protect the environment; provide stable, family-supporting jobs to local residents; ensure worker and consumer safety; operate secure facilities; and uphold the laws of the jurisdictions in which they operate. Each department may deny a permit to an applicant with a low score.

The bill prohibits a DOR permittee from selling, distributing, or transferring marijuana to a person who is under the age of 21 (a minor) and from allowing a minor to be on premises for which a permit is issued. If a permittee violates one of those prohibitions, the permittee may be subject to a civil forfeiture of not more than \$500 and the permit may be suspended for up to 30 days.

Under the bill, a minor who does any of the following is subject to a forfeiture of not less than \$250 nor more than \$500: procures or attempts to procure marijuana from a permittee; falsely represents his or her age to receive marijuana from a permittee; knowingly possesses marijuana; or knowingly enters any premises for which a permit has been issued without being accompanied by his or her parent, guardian, or spouse who is at least 21 years of age or at least 18 years of age if a qualifying patient.

Under the bill, an individual may cultivate as many as six marijuana plants. Only a person who has a permit from DATCP may produce or process more marijuana plants. A person without a permit who possesses more than six but not more than 12 marijuana plants that have reached the flowering stage is subject to a civil forfeiture not to exceed twice the permitting fee (\$250 under the bill). If the person possesses more than 12 plants that have reached the flowering stage, the person is guilty of a misdemeanor and subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days or both. The person is guilty of a Class I felony if the person also takes action to hide the number of plants he or she has and the person also has in place a security system to alert him or her to the presence of law enforcement or a method to intimidate, or a system that could injure or kill, a person approaching the area containing the plants.

The bill requires DOR to create and maintain a medical marijuana registry program whereby a person who is a qualifying patient may obtain a registry identification card and purchase marijuana from a retail establishment without having to pay the sales or excise taxes imposed on that sale. A “qualifying patient” is a person who is at least 18 and has been diagnosed by a physician as having a debilitating medical condition such as cancer, glaucoma, AIDS, or another specified condition or is undergoing a debilitating medical treatment.

Previous convictions relating to marijuana

The bill creates a process to review convictions for acts that have been decriminalized under the bill. If the person is currently serving a sentence or on probation for such a conviction, the person may petition a court to dismiss the conviction and expunge the record. If the person has completed a sentence or period of probation for such a conviction, the person may petition a court to expunge the record or, if applicable, redesignate it to a lower crime. Any conviction that is

expunged under the bill is not considered a conviction for any purpose under state or federal law.

Registration for THC testing labs

The bill requires DATCP to register entities as tetrahydrocannabinols (THC)-testing laboratories. The laboratories must test marijuana for contaminants; research findings on the use of medical marijuana; and provide training on safe and efficient cultivation, harvesting, packaging, labeling, and distribution of marijuana, security and inventory accountability, and research on medical marijuana.

Discrimination based on marijuana use

Under the fair employment law, no employer or other person may engage in any act of employment discrimination against any individual on the basis of the individual's use or nonuse of lawful products off the employer's premises during nonworking hours, subject to certain exceptions, one of which is if the use impairs the individual's ability to undertake adequately the job-related responsibilities of that individual's employment. The bill specifically defines marijuana as a lawful product for purposes of the fair employment law, such that no person may engage in any act of employment discrimination against an individual because of the individual's use of marijuana off the employer's premises during nonworking hours, subject to those exceptions.

Under current law, an individual may be disqualified from receiving unemployment insurance benefits if he or she is terminated because of misconduct or substantial fault. The bill specifically provides that an employee's use of marijuana off the employer's premises during nonworking hours does not constitute misconduct or substantial fault unless termination for that use is permitted under one of the exceptions under the fair employment law.

Unless federal law requires otherwise, the bill prohibits a hospital, physician, organ procurement organization, or other person from determining the ultimate recipient of an anatomical gift on the sole basis of a positive test for the use of marijuana by a potential recipient.

Drug screening and testing

The bill exempts THC, including marijuana, from drug testing for certain public assistance programs. Currently, a participant in a community service job or transitional placement under the Wisconsin Works program (W2) or a recipient of the FoodShare program, also known as the food stamp program, who is convicted of possession, use, or distribution of a controlled substance must submit to a test for controlled substances as a condition of continued eligibility. DHS is currently required to request a waiver of federal Medicaid law to require drug screening and testing as a condition of eligibility for the childless adult demonstration project in the Medical Assistance program. Current law also requires DHS to promulgate rules to develop and implement a drug screening, testing, and treatment policy for able-bodied adults without dependents in the FoodShare employment and training program. The bill exempts THC from all of those drug-testing requirements and programs. In addition, because THC is not a controlled substance under state law under the bill, the requirement under current law that DCF promulgate rules to create a controlled substance abuse screening and testing requirement for

applicants for the work experience program for noncustodial parents under W2 and the Transform Milwaukee Jobs and Transitional Jobs programs does not include THC.

Under current law, DWD must establish a program to test claimants who apply for unemployment insurance benefits for the presence of controlled substances, as defined under federal law. If a claimant tests positive for a controlled substance, the claimant may be denied UI benefits, subject to certain exceptions and limitations. The bill excludes THC for purposes of this testing requirement. As such, under the bill, an individual who tests positive for THC may not be denied UI benefits.

Grants to counties to support behavioral health services

The bill directs DHS to promulgate rules to establish grants to counties to support mental health and substance use disorder services, to be paid from the revenue generated from the excise tax on marijuana that is deposited into the community reinvestment fund.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 55. 20.115 (7) (gc) of the statutes is amended to read:

20.115 (7) (gc) *Industrial hemp and marijuana*. All moneys received under s. 94.55 for regulation of activities relating to industrial hemp under s. 94.55 and to marijuana under s. 94.56.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 56. 20.115 (7) (ge) of the statutes is created to read:

20.115 (7) (ge) *Marijuana producers and processors; official logotype*. All moneys received under s. 94.56 for regulation of activities relating to marijuana

under s. 94.56, for conducting public awareness campaigns under s. 94.56, and for the creation of a logotype under s. 100.145.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 57. 20.435 (5) (q) of the statutes is created to read:

20.435 (5) (q) *Payments to counties.* From the community reinvestment fund, all moneys received under subch. IV of ch. 139 for grants to counties under s. 250.22.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 58. 20.566 (1) (bn) of the statutes is created to read:

20.566 (1) (bn) *Administration and enforcement of marijuana tax and regulation.* The amounts in the schedule for the purposes of administering the marijuana tax imposed under subch. IV of ch. 139 and for the costs incurred in enforcing the taxing and regulation of marijuana producers, marijuana processors, and marijuana retailers under subch. IV of ch. 139.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 59. 20.835 (2) (eq) of the statutes is created to read:

20.835 (2) (eq) *Marijuana tax refunds.* A sum sufficient to pay refunds under subch. IV of ch. 139.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 60. 25.316 of the statutes is created to read:

25.316 Community reinvestment fund. There is established a separate nonlapsible trust fund, designated the community reinvestment fund consisting of all moneys received under subch. IV of ch. 139, including interest and penalties.

SECTION 61. 49.148 (4) (a) of the statutes is amended to read:

49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in a community service job or transitional placement who, after August 22, 1996, was convicted in any state or federal court of a felony that had as an element possession, use or distribution of a controlled substance to submit to a test for use of a controlled substance as a condition of continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works agency shall decrease the presanction benefit amount for that participant by not more than 15 percent for not fewer than 12 months, or for the remainder of the participant's period of participation in a community service job or transitional placement, if less than 12 months. If, at the end of 12 months, the individual is still a participant in a community service job or transitional placement and submits to another test for use of a controlled substance and if the results of the test are negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction under this paragraph. In this subsection, "controlled substance" does not include tetrahydrocannabinols in any form, including tetrahydrocannabinols contained in marijuana, obtained from marijuana, or chemically synthesized.

SECTION 62. 49.79 (1) (b) of the statutes is amended to read:

49.79 (1) (b) "Controlled substance" has the meaning given in 21 USC 802 (6), except that "controlled substance" does not include tetrahydrocannabinols in any form, including tetrahydrocannabinols contained in marijuana, obtained from marijuana, or chemically synthesized.

SECTION 63. 59.54 (25) (title) of the statutes is amended to read:

59.54 (25) (title) POSSESSION REGULATION OF MARIJUANA.

SECTION 64. 59.54 (25) (a) (intro.) of the statutes is amended to read:

59.54 (25) (a) (intro.) The board may enact and enforce an ordinance to ~~prohibit the possession of marijuana, as defined in s. 961.01 (14), subject to the exceptions in~~

~~s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance that is consistent with s. 961.71 or 961.72; except that if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana alleging a violation of s. 961.72 (2) (b) 2. or (c) 3., the subject of the complaint may not be prosecuted under this subsection for the same action that is the subject of the complaint unless all of the following occur:~~

SECTION 65. 66.0107 (1) (bm) of the statutes is amended to read:

66.0107 (1) (bm) Enact and enforce an ordinance ~~to prohibit the possession of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance that is consistent with s. 961.71 or 961.72; except that if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana alleging a violation of s. 961.72 (2) (b) 2. or (c) 3., the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.~~

SECTION 66. 66.04185 of the statutes is created to read:

66.04185 Cultivation of tetrahydrocannabinols. No city, village, town, or county may prohibit cultivating tetrahydrocannabinols outdoors if the cultivation is by an individual who has no more than 6 marijuana plants at one time for his or her personal use.

SECTION 67. 73.17 of the statutes is created to read:

73.17 Medical marijuana registry program. (1) DEFINITIONS. In this section:

(a) “Debilitating medical condition or treatment” means any of the following:

1. Cancer; glaucoma; acquired immunodeficiency syndrome; a positive test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV; inflammatory bowel disease, including ulcerative colitis or Crohn’s disease; a hepatitis C virus infection; Alzheimer’s disease; amyotrophic lateral sclerosis; nail patella syndrome; Ehlers-Danlos Syndrome; post-traumatic stress disorder; or the treatment of these conditions.

2. A chronic or debilitating disease or medical condition or the treatment of such a disease or condition that causes cachexia, severe pain, severe nausea, seizures, including those characteristic of epilepsy, or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.

(b) “Department” means the department of revenue.

(c) “Physician” means a person licensed under s. 448.04 (1) (a).

(d) “Qualifying patient” means a person who has been diagnosed by a physician as having or undergoing a debilitating medical condition or treatment but does not include a person under the age of 18 years.

(e) “Tax exemption certificate” means a certificate to claim the exemption under s. 77.54 (71).

(f) “Usable marijuana” has the meaning given in s. 139.97 (13).

(g) “Written certification” means means a statement made by a person’s physician if all of the following apply:

1. The statement indicates that, in the physician’s professional opinion, the person has or is undergoing a debilitating medical condition or treatment and the

potential benefits of the person's use of usable marijuana would likely outweigh the health risks for the person.

2. The statement indicates that the opinion described in subd. 1. was formed after a full assessment of the person's medical history and current medical condition that was conducted no more than 6 months prior to making the statement and that was made in the course of a bona fide physician-patient relationship.

3. The statement is signed by the physician or is contained in the person's medical records.

4. The statement contains an expiration date that is no more than 48 months after issuance and the statement has not expired.

(2) APPLICATION. An adult who is claiming to be a qualifying patient may apply for a registry identification card by submitting to the department a signed application form containing or accompanied by all of the following:

(a) His or her name, address, and date of birth.

(b) A written certification.

(c) The name, address, and telephone number of the person's current physician, as listed in the written certification.

(3) PROCESSING THE APPLICATION. The department shall verify the information contained in or accompanying an application submitted under sub. (2) and shall approve or deny the application within 30 days after receiving it. The department may deny an application submitted under sub. (2) only if the required information has not been provided or if false information has been provided.

(4) ISSUING A REGISTRY IDENTIFICATION CARD AND TAX EXEMPTION CERTIFICATE. The department shall issue to the applicant a registry identification card and tax exemption certificate within 5 days after approving an application under sub. (3).

Unless voided under sub. (5) (b) or revoked under rules issued by the department under sub. (7), a registry identification card and tax exemption certificate shall expire 4 years from the date of issuance. A tax exemption certificate shall contain the information determined by the department. A registry identification card shall contain all of the following:

- (a) The name, address, and date of birth of the registrant.
- (b) The date of issuance and expiration date of the registry identification card.
- (c) A photograph of the registrant.
- (d) Other information the department may require by rule.

(5) ADDITIONAL INFORMATION TO BE PROVIDED BY REGISTRANT. (a) A registrant shall notify the department of any change in the registrant's name and address. A registrant who is a qualifying patient shall notify the department of any change in his or her physician or of any significant improvement in his or her health as it relates to his or her debilitating medical condition or treatment.

(b) If a registrant fails to notify the department within 10 days after any change for which notification is required under par. (a), his or her registry identification card and tax exemption certificate is void.

(6) RECORDS. (a) The department shall maintain a list of all registrants.

(b) Notwithstanding s. 19.35 and except as provided in par. (c), the department may not disclose information from an application submitted or a registry identification card issued under this section.

(c) The department may disclose to state or local law enforcement agencies information from an application submitted by, or from a registry identification card issued to, a specific person under this section for the purpose of verifying that the person possesses a valid registry identification card.

(7) RULES. The department shall promulgate rules to implement this section.

SECTION 68. 77.54 (71) of the statutes is created to read:

77.54 (71) The sales price from the sale of and the storage, use, or other consumption of usable marijuana, as defined in s. 139.97 (13), purchased by an individual who holds a valid certificate issued under s. 73.17 (4).

SECTION 69. 94.55 (2t) of the statutes is repealed.

SECTION 70. 94.56 of the statutes is created to read:

94.56 Marijuana producers and processors. (1) DEFINITIONS. In this section:

(a) “Labor peace agreement” means an agreement between a person applying for a permit under this section and a labor organization, as defined in s. 5.02 (8m), that does all of the following:

1. Prohibits labor organizations and its members from engaging in picketing, work stoppages, boycotts, and any other economic interference with persons doing business in this state.

2. Prohibits the applicant from disrupting the efforts of the labor organization to communicate with and to organize and represent the applicant’s employees.

3. Provides the labor organization access at reasonable times to areas in which the applicant’s employees work for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

(b) “Marijuana” has the meaning given in s. 961.70 (2).

(c) “Marijuana processor” has the meaning given in s. 139.97 (6).

(d) “Marijuana producer” has the meaning given in s. 139.97 (7).

(e) “Usable marijuana” has the meaning given in s. 139.97 (13).

(f) “Permittee” means a marijuana producer or marijuana processor who is issued a permit under this section.

(2) PERMIT REQUIRED. (a) No person may operate in this state as a marijuana producer or marijuana processor without a permit from the department. A person who acts as a marijuana producer and a marijuana processor shall obtain a separate permit for each activity. A permit issued under this section is not transferable from one person to another or from one premises to another. A separate permit is required for each place in this state where the operations of a marijuana producer or marijuana processor occur. A person is not required to obtain a permit under this section if the person produces or processes only industrial hemp and holds a valid license under s. 94.55.

(b) This subsection applies to all officers, directors, agents, and stockholders holding 5 percent or more of the stock of any corporation applying for a permit under this section.

(c) Subject to ss. 111.321, 111.322, and 111.335, a permit under this section may not be granted to any person to whom any of the following applies:

1. The person has been convicted of a violent misdemeanor, as defined in s. 941.29 (1g) (b), at least 3 times.
2. The person has been convicted of a violent felony, as defined in s. 941.29 (1g) (a), unless pardoned.
3. During the preceding 3 years, the person has been committed under s. 51.20 for being drug dependent.
4. The person chronically and habitually uses alcohol beverages or other substances to the extent that his or her normal faculties are impaired. A person is presumed to chronically and habitually use alcohol beverages or other substances to

the extent that his or her normal faculties are impaired if, within the preceding 3 years, any of the following applies:

a. The person has been committed for involuntary treatment under s. 51.45 (13).

b. The person has been convicted of a violation of s. 941.20 (1) (b).

c. In 2 or more cases arising out of separate incidents, a court has found the person to have committed a violation of s. 346.63 or a local ordinance in conformity with that section; a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63; or a violation of the law of another jurisdiction, as defined in s. 340.01 (41m), that prohibits use of a motor vehicle while intoxicated, while under the influence of a controlled substance, a controlled substance analog, or a combination thereof, with an excess or specified range of alcohol concentration, or while under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.

5. The person has income that comes principally from gambling or has been convicted of 2 or more gambling offenses.

6. The person has been convicted of crimes relating to prostitution.

7. The person has been convicted of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.

8. The person is under the age of 21.

9. The person has not been a resident of this state continuously for at least 90 days prior to the application date.

(cm) An applicant with 20 or more employees may not receive a permit under this section unless the applicant certifies to the department that the applicant has

entered into a labor peace agreement and will abide by the terms of the agreement as a condition of maintaining a valid permit under this section. The applicant shall submit to the department a copy of the page of the labor peace agreement that contains the signatures of the labor organization representative and the applicant.

****NOTE: This is reconciled s. 94.56 (2) (cm). This SECTION has been affected by drafts with the following LRB numbers: 23-1402/p2 and 23-0405/p2.

(cn) The department shall use a competitive scoring system to determine which applicants are eligible to receive a permit under this section. The department shall issue permits to the highest scoring applicants that it determines will best protect the environment; provide stable, family-supporting jobs to local residents; ensure worker and consumer safety; operate secure facilities; and uphold the laws of the jurisdictions in which they operate. The department may deny a permit to an applicant with a low score as determined under this paragraph. The department may request that the applicant provide any information or documentation that the department deems necessary for purposes of making a determination under this paragraph.

(d) 1. Before the department issues a new or renewed permit under this section, the department shall give notice of the permit application to the governing body of the municipality where the permit applicant intends to operate the premises of a marijuana producer or marijuana processor. No later than 30 days after the department submits the notice, the governing body of the municipality may file with the department a written objection to granting or renewing the permit. At the municipality's request, the department may extend the period for filing objections.

2. A written objection filed under subd. 1. shall provide all the facts on which the objection is based. In determining whether to grant or deny a permit for which

an objection has been filed under this paragraph, the department shall give substantial weight to objections from a municipality based on chronic illegal activity associated with the premises for which the applicant seeks a permit or the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, the conduct of the applicant's patrons inside or outside the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, and local zoning ordinances. In this subdivision, "chronic illegal activity" means a pervasive pattern of activity that threatens the public health, safety, and welfare of the municipality, including any crime or ordinance violation, and that is documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar law enforcement agency records.

(e) After denying a permit, the department shall immediately notify the applicant in writing of the denial and the reasons for the denial. After making a decision to grant or deny a permit for which a municipality has filed an objection under par. (d), the department shall immediately notify the governing body of the municipality in writing of its decision and the reasons for the decision.

(f) 1. The department's denial of a permit under this section is subject to judicial review under ch. 227.

2. The department's decision to grant a permit under this section regardless of an objection filed under par. (d) is subject to judicial review under ch. 227.

(g) The department shall not issue a permit under this section to any person who does not hold a valid certificate under s. 73.03 (50).

(3) FEES; TERM. (a) Each person who applies for a permit under this section shall submit with the application a \$250 fee. A permit issued under this section is

valid for one year and may be renewed, except that the department may revoke or suspend a permit prior to its expiration. A person is not entitled to a refund of the fees paid under this subsection if the person's permit is denied, revoked, or suspended.

(b) A permittee shall annually pay to the department a fee for as long as the person holds a valid permit under this section. The annual fee for a marijuana processor permittee is \$2,000. The annual fee for a marijuana producer permittee is one of the following, unless the department, by rule, establishes a higher amount:

1. If the permittee plants, grows, cultivates, or harvests not more than 1,800 marijuana plants, \$1,800.

2. If the permittee plants, grows, cultivates, or harvests more than 1,800 but not more than 3,600 marijuana plants, \$2,900.

3. If the permittee plants, grows, cultivates, or harvests more than 3,600 but not more than 6,000 marijuana plants, \$3,600.

4. If the permittee plants, grows, cultivates, or harvests more than 6,000 but not more than 10,200 marijuana plants, \$5,100.

5. If the permittee plants, grows, cultivates, or harvests more than 10,200 marijuana plants, \$7,100 plus \$800 for every 3,600 marijuana plants over 10,200.

(4) SCHOOLS. The department may not issue a permit under this section to operate any premises that are within 500 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation facility, child care facility, public park, public transit facility, or library.

(5) EDUCATION AND AWARENESS CAMPAIGN. The department shall develop and make available training programs for marijuana producers on how to safely and efficiently plant, grow, cultivate, harvest, and otherwise handle marijuana, and for

marijuana processors on how to safely and efficiently produce and handle marijuana products and test marijuana for contaminants. The department shall conduct an awareness campaign to inform potential marijuana producers and marijuana processors of the availability and viability of marijuana as a crop or product in this state.

(6) RULES. The department shall promulgate rules necessary to administer and enforce this section, including rules relating to the inspection of the plants, facilities, and products of permittees; training requirements for employees of permittees; and the competitive scoring system for determining which applicants are eligible to receive a permit under this section.

(7) PENALTIES. (a) Unless another penalty is prescribed for the violation, any person who violates sub. (2), fails to pay the required fee under sub. (3), or violates any of the requirements established by the rules promulgated under sub. (6) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.

(b) In addition to the penalties imposed under par. (a), the department shall revoke the permit of any person convicted of any violation described under par. (a) and not issue another permit to that person for a period of 2 years following the revocation. The department may suspend or revoke the permit of any permittee who violates s. 100.30, any provision of this section, or any rules promulgated under sub. (6). The department shall revoke the permit of any permittee who violates s. 100.30 3 or more times within a 5-year period.

SECTION 71. 94.57 of the statutes is created to read:

94.57 Testing laboratories. The department shall register entities as tetrahydrocannabinols testing laboratories. The laboratories may possess or

manufacture tetrahydrocannabinols or drug paraphernalia and shall perform the following services:

(1) Test marijuana produced for the medical use of tetrahydrocannabinols for potency and for mold, fungus, pesticides, and other contaminants.

(2) Collect information on research findings and conduct research related to the medical use of tetrahydrocannabinols, including research that identifies potentially unsafe levels of contaminants.

(3) Provide training on the following:

(a) The safe and efficient cultivation, harvesting, packaging, labeling, and distribution of marijuana for the medical use of tetrahydrocannabinols.

(b) Security and inventory accountability procedures.

(c) The most recent research on the use of tetrahydrocannabinols.

SECTION 72. 100.145 of the statutes is created to read:

100.145 Recreational marijuana logotype. The department shall design an official logotype appropriate for including on a label affixed to recreational marijuana under s. 139.973 (10) (a).

SECTION 73. 108.02 (18r) of the statutes is created to read:

108.02 (18r) MARIJUANA. "Marijuana" has the meaning given in s. 111.32 (11m).

SECTION 74. 108.04 (5m) of the statutes is created to read:

108.04 (5m) DISCHARGE FOR USE OF MARIJUANA. (a) Notwithstanding sub. (5), "misconduct," for purposes of sub. (5), does not include the employee's use of marijuana off the employer's premises during nonworking hours or a violation of the employer's policy concerning such use, unless termination of the employee because of that use is permitted under s. 111.35.

(b) Notwithstanding sub. (5g), “substantial fault,” for purposes of sub. (5g), does not include the employee’s use of marijuana off the employer’s premises during nonworking hours or a violation of the employer’s policy concerning such use, unless termination of the employee because of that use is permitted under s. 111.35.

SECTION 75. 111.32 (9m) of the statutes is created to read:

111.32 (9m) “Lawful product” includes marijuana.

SECTION 76. 111.32 (11m) of the statutes is created to read:

111.32 (11m) “Marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including tetrahydrocannabinols.

SECTION 77. 111.35 (2) (e) of the statutes is amended to read:

111.35 (2) (e) Conflicts with any federal or state statute, rule or regulation.

This paragraph does not apply with respect to violations concerning marijuana or tetrahydrocannabinols under 21 USC 841 to 865.

SECTION 78. 114.09 (2) (bm) 1. (intro.) of the statutes is amended to read:

114.09 (2) (bm) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall order the person violating sub. (1) (b) 1. or 1m. to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person’s use of alcohol, tetrahydrocannabinols, controlled substances, or controlled substance analogs and development of an airman safety plan for the person. The court shall notify the person, the department, and the proper federal agency of the assessment order. The assessment order shall:

SECTION 79. 114.09 (2) (bm) 4. of the statutes is amended to read:

114.09 (2) (bm) 4. The assessment report shall order compliance with an airman safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The safety plan may include a component that makes the person aware of the effect of his or her offense on a victim and a victim's family. The safety plan may include treatment for the person's misuse, abuse, or dependence on alcohol, tetrahydrocannabinols, controlled substances, or controlled substance analogs. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. An airman safety plan under this paragraph shall include a termination date consistent with the plan that shall not extend beyond one year. The county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or noncompliance with assessment and treatment.

SECTION 80. 115.35 (1) of the statutes is renumbered 115.35 (1) (a) (intro.) and amended to read:

115.35 (1) (a) (intro.) A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him or her to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: ~~controlled~~

1. Controlled substances, as defined in s. 961.01 (4); controlled substance analogs, as defined in s. 961.01 (4m); alcohol; and tobacco; ~~mental.~~

2. Mental health; ~~sexually~~.

3. Sexually transmitted diseases, including acquired immunodeficiency syndrome; ~~human~~.

4. Human growth and development; ~~and~~.

5. Other related health and safety topics as determined by the department.

(b) Participation in the human growth and development topic of the curricula described in par. (a) shall be entirely voluntary. The department may not require a school board to use a specific human growth and development curriculum.

SECTION 81. Subchapter IV of chapter 139 [precedes 139.97] of the statutes is created to read:

CHAPTER 139

SUBCHAPTER IV

MARIJUANA TAX AND REGULATION

139.97 Definitions. In this subchapter:

(1) “Department” means the department of revenue.

(2) “Lot” means a definite quantity of marijuana or usable marijuana identified by a lot number, every portion or package of which is consistent with the factors that appear in the labeling.

(3) “Lot number” means a number that specifies the person who holds a valid permit under this subchapter and the harvesting or processing date for each lot.

(4) “Marijuana” has the meaning given in s. 961.70 (2).

(5) “Marijuana distributor” means a person in this state who purchases or receives usable marijuana from a marijuana processor and who sells or otherwise transfers the usable marijuana to a marijuana retailer for the purpose of resale to consumers.

(6) “Marijuana processor” means a person in this state who processes marijuana into usable marijuana, packages and labels usable marijuana for sale in retail outlets, and sells at wholesale or otherwise transfers usable marijuana to marijuana distributors.

(7) “Marijuana producer” means a person in this state who produces marijuana and sells it at wholesale or otherwise transfers it to marijuana processors.

(8) “Marijuana retailer” means a person in this state that sells usable marijuana at a retail outlet.

(9) “Microbusiness” means a marijuana producer that produces marijuana in one area that is less than 10,000 square feet and who also operates as any 2 of the following:

- (a) A marijuana processor.
- (b) A marijuana distributor.
- (c) A marijuana retailer.

(10) “Permittee” means a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness that is issued a permit under s. 139.972.

(11) “Retail outlet” means a location for the retail sale of usable marijuana.

(12) “Sales price” has the meaning given in s. 77.51 (15b).

(13) “Usable marijuana” means marijuana that has been processed for human consumption and includes dried marijuana flowers, marijuana-infused products, and marijuana edibles.

139.971 Marijuana tax. (1) (a) An excise tax is imposed on a marijuana producer at the rate of 15 percent of the sales price on each wholesale sale or transfer in this state of marijuana to a marijuana processor. This paragraph applies to a

microbusiness that transfers marijuana to a processing operation within the microbusiness.

(b) An excise tax is imposed on a marijuana retailer at the rate of 10 percent of the sales price on each retail sale in this state of usable marijuana, except that the tax does not apply to sales of usable marijuana to an individual who holds a valid tax exemption certificate issued under s. 73.17 (4).

(2) Each person liable for the taxes imposed under sub. (1) shall pay the taxes to the department no later than the 15th day of the month following the month in which the person's tax liability is incurred and shall include with the payment a return on a form prescribed by the department.

(3) For purposes of this section, a marijuana producer may not sell marijuana directly to a marijuana distributor or marijuana retailer, and a marijuana retailer may purchase usable marijuana for resale only from a marijuana distributor. This subsection does not apply to a microbusiness that transfers marijuana or usable marijuana to another operation with the microbusiness.

139.972 Permits required. (1) (a) No person may operate in this state as a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness without first filing an application for and obtaining the proper permit from the department to perform such operations. In addition, no person may operate in this state as a marijuana producer or marijuana processor without first filing an application for and obtaining the proper permit under s. 94.56.

(b) This section applies to all officers, directors, agents, and stockholders holding 5 percent or more of the stock of any corporation applying for a permit under this section.

(c) Subject to ss. 111.321, 111.322, and 111.335, a permit under this section may not be granted to any person to whom any of the following applies:

1. The person has been convicted of a violent misdemeanor, as defined in s. 941.29 (1g) (b), at least 3 times.
2. The person has been convicted of a violent felony, as defined in s. 941.29 (1g) (a), unless pardoned.
3. During the preceding 3 years, the person has been committed under s. 51.20 for being drug dependent.
4. The person chronically and habitually uses alcohol beverages or other substances to the extent that his or her normal faculties are impaired. A person is presumed to chronically and habitually use alcohol beverages or other substances to the extent that his or her normal faculties are impaired if, within the preceding 3 years, any of the following applies:
 - a. The person has been committed for involuntary treatment under s. 51.45 (13).
 - b. The person has been convicted of a violation of s. 941.20 (1) (b).
 - c. In 2 or more cases arising out of separate incidents, a court has found the person to have committed a violation of s. 346.63 or a local ordinance in conformity with that section; a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63; or a violation of the law of another jurisdiction, as defined in s. 340.01 (41m), that prohibits use of a motor vehicle while intoxicated, while under the influence of a controlled substance, a controlled substance analog, or a combination thereof, with an excess or specified range of alcohol concentration, or while under the influence of any drug to a degree that

renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.

5. The person has income that comes principally from gambling or has been convicted of 2 or more gambling offenses.

6. The person has been convicted of crimes relating to prostitution.

7. The person has been convicted of of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.

8. The person is under the age of 21.

9. The person has not been a resident of this state continuously for at least 90 days prior to the application date.

(cm) An applicant with 20 or more employees may not receive a permit under this section to operate as a marijuana distributor or marijuana retailer unless the applicant certifies to the department that the applicant has entered into a labor peace agreement, as defined in s. 94.56 (1) (a), and will abide by the terms of the agreement as a condition of maintaining a valid permit under this section. The applicant shall submit to the department a copy of the page of the labor peace agreement that contains the signatures of the labor organization representative and the applicant.

****NOTE: This is reconciled s. 139.972 (1) (cm). This SECTION has been affected by drafts with the following LRB numbers: 23-1402/p2 and 23-0405/p2.

(cn) The department shall use a competitive scoring system to determine which applicants are eligible to receive a permit under this section. The department shall issue permits to the highest scoring applicants that it determines will best protect the environment; provide stable, family-supporting jobs to local residents; ensure worker and consumer safety; operate secure facilities; and uphold the laws of the

jurisdictions in which they operate. The department shall, using criteria established by rule, score an applicant for a permit to operate as a marijuana retailer on the applicant's ability to articulate a social equity plan related to the operation of a marijuana retail establishment. The department may deny a permit to an applicant with a low score as determined under this paragraph. The department may request that the applicant provide any information or documentation that the department deems necessary for purposes of making a determination under this paragraph.

(d) 1. Before the department issues a new or renewed permit under this section, the department shall give notice of the permit application to the governing body of the municipality where the permit applicant intends to operate the premises of a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness. No later than 30 days after the department submits the notice, the governing body of the municipality may file with the department a written objection to granting or renewing the permit. At the municipality's request, the department may extend the period for filing objections.

2. A written objection filed under subd. 1. shall provide all the facts on which the objection is based. In determining whether to grant or deny a permit for which an objection has been filed under this paragraph, the department shall give substantial weight to objections from a municipality based on chronic illegal activity associated with the premises for which the applicant seeks a permit or the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, the conduct of the applicant's patrons inside or outside the premises of any other operation in this state for which the applicant holds or has held a valid permit or license, and local zoning ordinances. In this subdivision, "chronic illegal activity" means a pervasive pattern of activity that threatens the public

health, safety, and welfare of the municipality, including any crime or ordinance violation, and that is documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar law enforcement agency records.

(e) After denying a permit, the department shall immediately notify the applicant in writing of the denial and the reasons for the denial. After making a decision to grant or deny a permit for which a municipality has filed an objection under par. (d), the department shall immediately notify the governing body of the municipality in writing of its decision and the reasons for the decision.

(f) 1. The department's denial of a permit under this section is subject to judicial review under ch. 227.

2. The department's decision to grant a permit under this section regardless of an objection filed under par. (d) is subject to judicial review under ch. 227.

(g) The department shall not issue a permit under this section to any person who does not hold a valid certificate under s. 73.03 (50).

(2) Each person who applies for a permit under this section shall submit with the application a \$250 fee. Each person who is granted a permit under this section shall annually pay to the department a \$2,000 fee for as long as the person holds a valid permit under this section. A permit issued under this section is valid for one year and may be renewed, except that the department may revoke or suspend a permit prior to its expiration. A person is not entitled to a refund of the fees paid under this subsection if the person's permit is denied, revoked, or suspended.

(3) The department may not issue a permit under this section to operate any premises which are within 500 feet of the perimeter of the grounds of any elementary

or secondary school, playground, recreation facility, child care facility, public park, public transit facility, or library.

(4) Under this section, a separate permit is required for and issued to each class of permittee, and the permit holder may perform only the operations authorized by the permit. A permit issued under this section is not transferable from one person to another or from one premises to another. A separate permit is required for each place in this state where the operations of a marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness occur, including each retail outlet. No person who has been issued a permit to operate as a marijuana retailer, or who has any direct or indirect financial interest in the operation of a marijuana retailer, shall be issued a permit to operate as a marijuana producer, marijuana processor, or marijuana distributor. A person who has been issued a permit to operate as a microbusiness is not required to hold separate permits to operate as a marijuana processor, marijuana distributor, or marijuana retailer, but shall specify on the person's application for a microbusiness permit the activities that the person will be engaged in as a microbusiness.

(5) Each person issued a permit under this section shall post the permit in a conspicuous place on the premises to which the permit relates.

139.973 Regulation. (1) (a) No permittee may employ an individual who is under the age of 21 to work in the business to which the permit relates.

(b) Subject to ss. 111.321, 111.322, and 111.335, no permittee may employ an individual if any of the conditions under s. 139.972 (1) (c) 1. to 7. applies to the individual.

(2) A retail outlet shall sell no products or services other than usable marijuana or paraphernalia intended for the storage or use of usable marijuana.

(3) No marijuana retailer may allow a person who is under the age of 21 to enter or be on the premises of a retail outlet in violation of s. 961.71 (2m), unless that person is a qualifying patient, as defined in s. 73.17 (1) (d).

(4) The maximum amount of usable marijuana that a retail outlet may sell to an individual consumer in a single transaction may not exceed a permissible amount, as defined in s. 961.70 (3).

(4m) A marijuana retailer may not collect, retain, or distribute personal information regarding the retailer's customers except that which is necessary to complete a sale of usable marijuana.

(5) No marijuana retailer may display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign that is no larger than 1,600 square inches identifying the retail outlet by the permittee's business or trade name.

(6) No marijuana retailer may display usable marijuana in a manner that is visible to the general public from a public right-of-way.

(7) No marijuana retailer or employee of a retail outlet may consume, or allow to be consumed, any usable marijuana on the premises of the retail outlet.

(7m) A marijuana retailer may operate a retail outlet only between the hours of 8 a.m. and 8 p.m.

(8) Except as provided under sub. (5), no marijuana producer, marijuana processor, marijuana distributor, marijuana retailer, or microbusiness may place or maintain, or cause to be placed or maintained, an advertisement of usable marijuana in any form or through any medium.

(9) (a) On a schedule determined by the department, every marijuana producer, marijuana processor, or microbusiness shall submit representative

samples of the marijuana and usable marijuana produced or processed by the marijuana producer, marijuana processor, or microbusiness to a testing laboratory registered under s. 94.57 for testing marijuana and usable marijuana in order to certify that the marijuana and usable marijuana comply with standards prescribed by the department by rule, including testing for potency and for mold, fungus, pesticides, and other contaminants. The laboratory testing the sample shall destroy any part of the sample that remains after the testing.

(b) Marijuana producers, marijuana processors, and microbusinesses shall submit the results of the testing provided under par. (a) to the department in the manner prescribed by the department by rule.

(c) If a representative sample tested under par. (a) does not meet the standards prescribed by the department, the department shall take the necessary action to ensure that the entire lot from which the sample was taken is destroyed. The department shall promulgate rules to determine lots and lot numbers for purposes of this subsection and for the reporting of lots and lot numbers to the department.

(10) (a) A marijuana processor or a microbusiness that operates as a marijuana processor shall affix a label to all usable marijuana that the marijuana processor or microbusiness sells to marijuana distributors. The label may not be designed to appeal to persons under the age of 18. The label shall include all of the following:

1. The ingredients and the tetrahydrocannabinols concentration in the usable marijuana.
2. The producer's business or trade name.
3. The producer's permit number.
4. The harvest batch number of the marijuana.
5. The harvest date.

6. The strain name and product identity.

7. The net weight.

8. The activation time.

9. The name of laboratory performing any test, the test batch number, and the test analysis dates.

10. The logotype for recreational marijuana developed by the department of agriculture, trade and consumer protection under s. 100.145.

11. Warnings about the risks of marijuana use and pregnancy and risks of marijuana use by persons under the age of 18.

(b) No marijuana processor or microbusiness that operates as a marijuana processor may make usable marijuana using marijuana grown outside this state. The label on each package of usable marijuana may indicate that the usable marijuana is made in this state.

(11) (a) No permittee may sell marijuana or usable marijuana that contains more than 3 parts tetrahydrocannabinols to one part cannabidiol.

(b) No permittee may sell marijuana or usable marijuana that tests positive under sub. (9) (a) for mold, fungus, pesticides, or other contaminants if the contaminants, or level of contaminants, are identified by a testing laboratory to be potentially unsafe to the consumer.

(12) Immediately after beginning employment with a permittee, every employee of a permittee shall receive training, approved by the department, on the safe handling of marijuana and usable marijuana and on security and inventory accountability procedures.

(13) The department shall deposit all moneys received under this subchapter into the community reinvestment fund.

139.974 Records and reports. (1) Every permittee shall keep accurate and complete records of the production and sales of marijuana and usable marijuana in this state. The records shall be kept on the premises described in the permit and in such manner as to ensure permanency and accessibility for inspection at reasonable hours by the department's authorized personnel. The department shall prescribe reasonable and uniform methods of keeping records and making reports and shall provide the necessary forms to permittees.

(2) If the department determines that any permittee's records are not kept in the prescribed form or are in such condition that the department requires an unusual amount of time to determine from the records the amount of the tax due, the department shall give notice to the permittee that the permittee is required to revise the permittee's records and keep them in the prescribed form. If the permittee fails to comply within 30 days, the permittee shall pay the expenses reasonably attributable to a proper examination and tax determination at the rate of \$30 a day for each auditor used to make the examination and determination. The department shall send a bill for such expenses, and the permittee shall pay the amount of such bill within 10 days.

(3) If any permittee fails to file a report when due, the permittee shall be required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is mailed in a properly addressed envelope with postage prepaid, the envelope is officially postmarked, or marked or recorded electronically as provided under section 7502 (f) (2) (c) of the Internal Revenue Code, on the date due, and the report is actually received by the department or at the destination that the department prescribes within 5 days of the due date. A report that is not mailed is timely if it is received on or before the due date by the department or at the destination that the

department prescribes. For purposes of this subsection, “mailed” includes delivery by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

(4) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating to confidentiality of income, franchise, and gift tax returns, apply to any information obtained from any permittee under this subchapter on a tax return, report, schedule, exhibit, or other document or from an audit report relating to any of those documents, except that the department shall publish production and sales statistics.

139.975 Administration and enforcement. (1) The department shall administer and enforce this subchapter and promulgate rules necessary to administer and enforce this subchapter.

(2) The duly authorized employees of the department have all necessary police powers to prevent violations of this subchapter.

(3) Authorized personnel of the department of justice and the department of revenue, and any law enforcement officer, within their respective jurisdictions, may at all reasonable hours enter the premises of any permittee and examine the books and records to determine whether the tax imposed by this subchapter has been fully paid and may enter and inspect any premises where marijuana or usable marijuana is produced, processed, made, sold, or stored to determine whether the permittee is complying with this subchapter.

(4) The department may suspend or revoke the permit of any permittee who violates s. 100.30, any provision of this subchapter, or any rules promulgated under sub. (1). The department shall revoke the permit of any permittee who violates s. 100.30 3 or more times within a 5-year period.

(5) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax

when due and, if paid under protest, may at any time within 90 days from the date of payment sue the state to recover the tax paid. If it is finally determined that any part of the tax was wrongfully collected, the secretary of administration shall pay the amount wrongfully collected. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.

(6) (a) Any person may be compelled to testify in regard to any violation of this subchapter of which the person may have knowledge, even though such testimony may tend to incriminate the person, upon being granted immunity from prosecution in connection with the testimony, and upon the giving of such testimony, the person shall not be prosecuted because of the violation relative to which the person has testified.

(b) The immunity provided under par. (a) is subject to the restrictions under s. 972.085.

(7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed under this subchapter.

(8) Sections 71.74 (1), (2), (10), (11), and (14), 71.77, 71.91 (1) (a) and (c) and (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes under ch. 71 applies to the collection of the taxes under this subchapter, except that the period during which notice of an additional assessment shall be given begins on the due date of the report under this subchapter.

(9) Any building or place of any kind where marijuana or usable marijuana is sold, possessed, stored, or manufactured without a lawful permit or in violation of

s. 139.972 or 139.973 is declared a public nuisance and may be closed and abated as such.

(10) At the request of the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this subchapter.

139.976 Theft of tax moneys. All marijuana tax moneys received by a permittee for the sale of marijuana or usable marijuana on which the tax under this subchapter has become due and has not been paid are trust funds in the permittee's possession and are the property of this state. Any permittee who fraudulently withholds, appropriates, or otherwise uses marijuana tax moneys that are the property of this state is guilty of theft under s. 943.20 (1), whether or not the permittee has or claims to have an interest in those moneys.

139.977 Seizure and confiscation. (1) All marijuana and usable marijuana produced, processed, made, kept, stored, sold, distributed, or transported in violation of this subchapter, and all tangible personal property used in connection with the marijuana or usable marijuana, is unlawful property and subject to seizure by the department or a law enforcement officer. Except as provided in sub. (2), all marijuana and usable marijuana seized under this subsection shall be destroyed.

(2) If marijuana or usable marijuana on which the tax has not been paid is seized as provided under sub. (1), it may be given to law enforcement officers to use in criminal investigations or sold to qualified buyers by the department, without notice. If the department finds that the marijuana or usable marijuana may deteriorate or become unfit for use in criminal investigations or for sale, or that those uses would otherwise be impractical, the department may order it destroyed.

(3) If marijuana or usable marijuana on which the tax has been paid is seized as provided under sub. (1), it shall be returned to the true owner if ownership can be ascertained and the owner or the owner's agent is not involved in the violation resulting in the seizure. If the ownership cannot be ascertained or if the owner or the owner's agent was guilty of the violation that resulted in the seizure of the marijuana or usable marijuana, it may be sold or otherwise disposed of as provided in sub. (2).

(4) If tangible personal property other than marijuana or usable marijuana is seized as provided under sub. (1), the department shall advertise the tangible personal property for sale by publication of a class 2 notice under ch. 985. If no person claiming a lien on, or ownership of, the property has notified the department of the person's claim within 10 days after last insertion of the notice, the department shall sell the property. If a sale is not practical the department may destroy the property. If a person claiming a lien on, or ownership of, the property notifies the department within the time prescribed in this subsection, the department may apply to the circuit court in the county where the property was seized for an order directing disposition of the property or the proceeds from the sale of the property. If the court orders the property to be sold, all liens, if any, may be transferred from the property to the sale proceeds. Neither the property seized nor the proceeds from the sale shall be turned over to any claimant of lien or ownership unless the claimant first establishes that the property was not used in connection with any violation under this subchapter or that, if so used, it was done without the claimant's knowledge or consent and without the claimant's knowledge of facts that should have given the claimant reason to believe it would be put to such use. If no claim of lien or ownership

is established as provided under this subsection the property may be ordered destroyed.

139.978 Interest and penalties. (1) Any person who makes or signs any false or fraudulent report under this subchapter or who attempts to evade the tax imposed by s. 139.971, or who aids in or abets the evasion or attempted evasion of that tax, may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(2) Any permittee who fails to keep the records required by s. 139.974 (1) and (2) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.

(3) Any person who refuses to permit the examination or inspection authorized under s. 139.975 (3) may be fined not more than \$500 or imprisoned not more than 6 months or both. The department shall immediately suspend or revoke the permit of any person who refuses to permit the examination or inspection authorized under s. 139.975 (3).

(4) Any person who violates any of the provisions of this subchapter for which no other penalty is prescribed shall be fined not less than \$100 nor more than \$1,000 or imprisoned not less than 10 days nor more than 90 days or both.

(5) Any person who violates any of the rules promulgated in accordance with this subchapter shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both.

(6) In addition to the penalties imposed for violating the provisions of this subchapter or any of the department's rules, the department shall revoke the permit of any person convicted of such a violation and not issue another permit to that person for a period of 2 years following the revocation.

(7) Unpaid taxes bear interest at the rate of 12 percent per year from the due date of the return until paid or deposited with the department, and all refunded taxes bear interest at the rate of 3 percent per year from the due date of the return to the date on which the refund is certified on the refund rolls.

(8) All nondelinquent payments of additional amounts owed shall be applied in the following order: penalties, interest, tax principal.

(9) Delinquent marijuana taxes bear interest at the rate of 1.5 percent per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:

(a) In the case of a timely filed return, no return filed or a late return, on or before the due date of the return.

(b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.

(10) If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25 percent of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.

139.979 Personal use. An individual who possesses no more than 6 marijuana plants that have reached the flowering stage at any one time is not subject to the tax imposed under s. 139.971. An individual who possesses more than 6 marijuana plants that have reached the flowering stage at any one time shall apply for the appropriate permit under s. 139.972 and pay the appropriate tax imposed under s. 139.971.

139.980 Agreement with tribes. The department may enter into an agreement with a federally recognized American Indian tribe in this state for the

administration and enforcement of this subchapter and to provide refunds of the tax imposed under s. 139.971 on marijuana sold on tribal land by or to enrolled members of the tribe residing on the tribal land.

SECTION 82. 157.06 (11) (hm) of the statutes is created to read:

157.06 (11) (hm) Unless otherwise required by federal law, a hospital, physician, procurement organization, or other person may not determine the ultimate recipient of an anatomical gift based solely upon a positive test for the use of marijuana by a potential recipient.

SECTION 83. 157.06 (11) (i) of the statutes is amended to read:

157.06 (11) (i) Except as provided under ~~par. pars.~~ (a) 2. and (hm), nothing in this section affects the allocation of organs for transplantation or therapy.

SECTION 84. 250.22 of the statutes is created to read:

250.22 Payments to counties. The department shall promulgate rules to establish grants to counties to support mental health and substance use disorder services. The department shall fund all grants established under this section from the appropriation under s. 20.435 (5) (q).

SECTION 85. 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),

(25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) (a), and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8), and (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30, 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch. 91.

SECTION 86. 349.02 (2) (b) 4. of the statutes is amended to read:

349.02 **(2)** (b) 4. Local ordinances enacted under s. 59.54 (25) (a) or (25m) or 66.0107 (1) (bm).

SECTION 87. 961.01 (14) of the statutes is renumbered 961.70 (2) and amended to read:

961.70 **(2)** “Marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, ~~including if the tetrahydrocannabinols concentration of the plant part, seeds, resin, compound, manufacture, salt, derivative, mixture, or preparation is greater than 0.3 percent on a dry weight basis.~~ “Marijuana” does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed

of the plant which is incapable of germination. "Marijuana" does not include hemp, as defined in s. 94.55 (1).

SECTION 88. 961.11 (4g) of the statutes is repealed.

SECTION 89. 961.14 (4) (t) of the statutes is repealed.

SECTION 90. 961.32 (2m) of the statutes is repealed.

SECTION 91. 961.34 of the statutes is renumbered 961.75, and 961.75 (title), as renumbered, is amended to read:

961.75 (title) ~~Controlled substances~~ Marijuana therapeutic research.

SECTION 92. 961.38 (1n) of the statutes is repealed.

SECTION 93. 961.41 (1) (h) of the statutes is repealed.

SECTION 94. 961.41 (1m) (h) of the statutes is repealed.

SECTION 95. 961.41 (1q) of the statutes is repealed.

SECTION 96. 961.41 (1r) of the statutes is amended to read:

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

SECTION 97. 961.41 (1x) of the statutes is amended to read:

961.41 (1x) CONSPIRACY. Any person who conspires, as specified in s. 939.31, to commit a crime under sub. (1) (cm) to ~~(h)~~ (g) or (1m) (cm) to ~~(h)~~ (g) is subject to the applicable penalties under sub. (1) (cm) to ~~(h)~~ (g) or (1m) (cm) to ~~(h)~~ (g).

SECTION 98. 961.41 (3g) (c) of the statutes is amended to read:

961.41 (3g) (c) *Cocaine and cocaine base.* If a person possesses or attempts to possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine base, the person shall be fined not more than \$5,000 and may be imprisoned for not more than one year in the county jail upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

SECTION 99. 961.41 (3g) (d) of the statutes is amended to read:

961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone, N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, or a controlled substance analog of lysergic acid diethylamide, phencyclidine, amphetamine, 3,4-methylenedioxymethamphetamine, methcathinone, cathinone, N-benzylpiperazine, a substance specified in s. 961.14 (4) (a) to (h), (m) to (q), (sm), (u) to (xb), or (7) (L), psilocin, or psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both upon a first

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

SECTION 100. 961.41 (3g) (e) of the statutes is repealed.

SECTION 101. 961.41 (3g) (em) of the statutes is amended to read:

961.41 (3g) (em) *Synthetic cannabinoids*. If a person possesses or attempts to possess a controlled substance specified in s. 961.14 (4) (tb), or a controlled substance analog of a controlled substance specified in s. 961.14 (4) (tb), the person may be fined not more than \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, ~~marijuana~~, or depressant, stimulant, or hallucinogenic drugs.

SECTION 102. 961.47 (1) of the statutes is amended to read:

961.47 (1) Whenever any person who has not previously been convicted of any offense under this chapter, or of any offense under any statute of the United States or of any state or of any county ordinance relating to controlled substances or controlled substance analogs, narcotic drugs, ~~marijuana~~ or stimulant, depressant,

or hallucinogenic drugs, pleads guilty to or is found guilty of possession or attempted possession of a controlled substance or controlled substance analog under s. 961.41 (3g) (b), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for 2nd or subsequent convictions under s. 961.48. There may be only one discharge and dismissal under this section with respect to any person.

SECTION 103. 961.48 (3) of the statutes is amended to read:

961.48 (3) For purposes of this section, a felony offense under this chapter is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor offense under this chapter or under any statute of the United States or of any state relating to controlled substances or controlled substance analogs, narcotic drugs, ~~marijuana~~ or depressant, stimulant, or hallucinogenic drugs.

SECTION 104. 961.48 (5) of the statutes is amended to read:

961.48 (5) This section does not apply if the person is presently charged with a felony under s. 961.41 (3g) (c), (d), ~~(e)~~, or (g).

SECTION 105. 961.49 (1m) (intro.) of the statutes is amended to read:

961.49 (1m) (intro.) If any person violates s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g) or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (dm), (e),

(f), or (g) ~~or (h)~~ by possessing with intent to deliver or distribute, cocaine, cocaine base, fentanyl, a fentanyl analog, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, or methcathinone ~~or any form of tetrahydrocannabinols~~ or a controlled substance analog of any of these substances and the delivery, distribution or possession takes place under any of the following circumstances, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years:

SECTION 106. 961.571 (1) (a) 7. of the statutes is repealed.

SECTION 107. 961.571 (1) (a) 11. (intro.) of the statutes is amended to read:

961.571 (1) (a) 11. (intro.) Objects used, designed for use or primarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

SECTION 108. 961.571 (1) (a) 11. e. of the statutes is repealed.

SECTION 109. 961.571 (1) (a) 11. k. and L. of the statutes are repealed.

SECTION 110. Subchapter VIII of chapter 961 [precedes 961.70] of the statutes is created to read:

CHAPTER 961

SUBCHAPTER VIII

REGULATION OF MARIJUANA

961.70 Definitions. In this subchapter:

(1) “Extreme measure to avoid detection” means any of the following:

(a) A system that aims to alert a person if law enforcement approaches an area that contains marijuana plants if the system exceeds a security system that would be used by a reasonable person in the person’s region.

(b) A method of intimidating individuals who approach an area that contains marijuana plants if the method exceeds a method that would be used by a reasonable person in the person's region.

(c) A system that is designed so that an individual approaching the area that contains marijuana plants may be injured or killed by the system.

(1m) "Legal age" means 21 years of age, except that in the case of a qualifying patient, as defined in s. 73.17 (1) (d), "legal age" means 18 years of age.

(3) "Permissible amount" means one of the following:

(a) For a person who is a resident of Wisconsin, an amount that does not exceed 2 ounces of usable marijuana.

(b) For a person who is not a resident of Wisconsin, an amount that does not exceed one-quarter ounce of usable marijuana.

(4) "Permittee" has the meaning given under s. 139.97 (10).

(5) "Retail outlet" has the meaning given in s. 139.97 (11).

(6) "Tetrahydrocannabinols concentration" means the percent of tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product, or the combined percent of tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content.

(7) "Underage person" means a person who has not attained the legal age.

(8) "Usable marijuana" has the meaning given in s. 139.97 (13).

961.71 Underage persons prohibitions; penalties. (1) (a) 1. No permittee may sell, distribute, or deliver marijuana to any underage person.

2. No permittee may directly or indirectly permit an underage person to violate sub. (2m).

(b) A permittee that violates par. (a) 1. or 2. may be subject to a forfeiture of not more than \$500 and to a suspension of the permittee's permit for an amount of time not to exceed 30 days.

(c) In determining whether a permittee has violated par. (a) 2., all relevant circumstances surrounding the presence of the underage person may be considered. In determining whether a permittee has violated par. (a) 1., all relevant circumstances surrounding the selling, distributing, or delivering of marijuana may be considered. In addition, proof of all of the following facts by the permittee is a defense to any prosecution for a violation under par. (a):

1. That the underage person falsely represented that he or she had attained the legal age.

2. That the appearance of the underage person was such that an ordinary and prudent person would believe that the underage person had attained the legal age.

3. That the action was made in good faith and in reliance on the representation and appearance of the underage person in the belief that the underage person had attained the legal age.

4. That the underage person supported the representation under subd. 1. with documentation that he or she had attained the legal age.

(2) Any underage person who does any of the following is subject to a forfeiture of not less than \$250 nor more than \$500:

(a) Procures or attempts to procure marijuana from a permittee.

(b) Falsely represents his or her age for the purpose of receiving marijuana from a permittee.

(c) Knowingly possesses or consumes marijuana.

(d) Violates sub. (2m).

(2m) An underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal age may not enter, knowingly attempt to enter, or be on the premises of a retail outlet.

(3) An individual who has attained the legal age and who knowingly does any of the following may be subject to a forfeiture that does not exceed \$1,000:

(a) Permits or fails to take action to prevent a violation of sub. (2) (c) on premises owned by the individual or under the individual's control.

(b) Encourages or contributes to a violation of sub. (2) (a).

961.72 Restrictions; penalties. **(1)** No person except a permittee may sell, or possess with the intent to sell, marijuana. No person may distribute or deliver, or possess with the intent to distribute or deliver, marijuana except a permittee. Any person who violates a prohibition under this subsection is guilty of the following:

(a) Except as provided in par. (b), a Class I felony.

(b) If the individual to whom the marijuana is, or is intended to be, sold, distributed, or delivered has not attained the legal age and the actual or intended seller, distributor, or deliverer is at least 3 years older than the individual to whom the marijuana is, or is intended to be, sold, distributed, or delivered, a Class H felony.

(2) (a) A person that is not a permittee who possesses an amount of marijuana that exceeds the permissible amount by not more than one ounce is subject to a civil forfeiture not to exceed \$1,000.

(b) A person who is not a permittee who possesses an amount of marijuana that exceeds the permissible amount by more than one ounce is one of the following:

1. Except as provided in subd. 2., subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.

2. Guilty of a Class I felony if the person has taken action to hide how much marijuana the person possesses and has in place an extreme measure to avoid detection.

(c) A person who is not a permittee that possesses more than 6 marijuana plants that have reached the flowering stage at one time must apply for a permit under s. 139.972 and is one of the following:

1. Except as provided in subds. 2. and 3., subject to a civil forfeiture that is not more than twice the permitting fee under s. 139.972.

2. Except as provided in subd. 3., subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both, if the number of marijuana plants that have reached the flowering stage is more than 12.

3. Guilty of a Class I felony if the number of marijuana plants that have reached the flowering stage is more than 12, if the individual has taken action to hide the number of marijuana plants that have reached the flowering stage and if the person has in place an extreme measure to avoid detection.

(d) Whoever uses or displays marijuana in a public space is subject to a civil forfeiture of not more than \$100.

(3) Any person who sells or attempts to sell marijuana via mail, telephone, or Internet is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

SECTION 111. 967.055 (1m) (b) 5. of the statutes is repealed.

SECTION 112. 971.365 (1) (a) of the statutes is amended to read:

971.365 **(1)** (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g) ~~or~~ (h) involving more than one violation, all violations

may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

SECTION 113. 971.365 (1) (b) of the statutes is amended to read:

971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41 (1m) (cm), (d), (dm), (e), (f), or (g) ~~or (h)~~ involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

SECTION 114. 971.365 (1) (c) of the statutes is amended to read:

971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats., or s. 961.41 (3g) (am), (c), (d), ~~(e)~~, or (g) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

SECTION 115. 971.365 (2) of the statutes is amended to read:

971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m) (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats., or s. 961.41 (1) (cm), (d), (dm), (e), (f), or (g), ~~or (h)~~, (1m) (cm), (d), (dm), (e), (f), or (g), ~~or (h)~~ or (3g) (am), (c), (d), ~~(e)~~, or (g) on which no evidence was received at the trial on the original charge.

SECTION 116. 973.016 of the statutes is created to read:

973.016 Special disposition for marijuana-related crimes. (1)
RESENTENCING PERSONS SERVING A SENTENCE OR PROBATION. (a) A person serving a sentence or on probation may request resentencing or dismissal as provided under par. (b) if all of the following apply:

1. The sentence or probation period was imposed for a violation of s. 961.41 (1) (h), 2021 stats., s. 961.41 (1m) (h), 2021 stats., or s. 961.41 (3g) (e), 2021 stats.

2. One of the following applies:

a. The person would not have been guilty of a crime had the violation occurred on or after the effective date of this subd. 2. a. [LRB inserts date].

b. The person would have been guilty of a lesser crime had the violation occurred on or after the effective date of this subd. 2. b. [LRB inserts date].

(b) 1. A person to whom par. (a) applies shall file a petition with the sentencing court to request resentencing, adjustment of probation, or dismissal.

2. If the court receiving a petition under subd. 1. determines that par. (a) applies, the court shall schedule a hearing to consider the petition. At the hearing, if the court determines that par. (a) 2. b. applies, the court shall resentence the person or adjust the probation and change the record to reflect the lesser crime, and, if the court determines that par. (a) 2. a. applies, the court shall dismiss the conviction and expunge the record. Before resentencing, adjusting probation, or dismissing a conviction under this subdivision, the court shall determine that the action does not present an unreasonable risk of danger to public safety.

3. If the court resentences the person or adjusts probation, the person shall receive credit for time or probation served for the relevant offense.

(2) REDESIGNATING OFFENSE FOR PERSONS WHO COMPLETED A SENTENCE OR PROBATION. (a) A person who has completed his or her sentence or period of probation may request under par. (b) expungement of the conviction because the conviction is legally invalid or redesignation to a lesser crime if all of the following apply:

1. The sentence or probation period was imposed for a violation of s. 961.41 (1) (h), 2021 stats., s. 961.41 (1m) (h), 2021 stats., or s. 961.41 (3g) (e), 2021 stats.

2. One of the following applies:

a. The person would not have been guilty of a crime had the violation occurred on or after the effective date of this subd. 2. a. [LRB inserts date].

b. The person would have been guilty of a lesser crime had the violation occurred on or after the effective date of this subd. 2. b. [LRB inserts date].

(b) 1. A person to whom par. (a) applies shall file a petition with the sentencing court to request expungement or redesignation.

2. If the court receiving a petition under subd. 1. determines that par. (a) applies, the court shall schedule a hearing to consider the petition. At the hearing, if the court determines that par. (a) 2. b. applies, the court shall redesignate the crime to a lesser crime and change the record to reflect the lesser crime, and if the court determines that par. (a) 2. a. applies, the court shall expunge the conviction. Before redesignating or expunging under this subdivision, the court shall determine that the action does not present an unreasonable risk of danger to public safety.

(3) EFFECT OF RESENTENCING, DISMISSAL, REDESIGNATION, OR EXPUNGEMENT. If the court changes or expunges a record under this section, a conviction that was changed or expunged is not considered a conviction for any purpose under state or federal law, including for purposes of s. 941.29 or 18 USC 921.

SECTION 9128. Nonstatutory provisions; Legislature.

(1) **JOINT LEGISLATIVE COUNCIL STUDY.** The joint legislative council shall study the implementation of the marijuana tax and regulation provided under subch. IV of ch. 139 and identify uses for the revenues generated by the tax. The joint legislative council shall report its findings, conclusions, and recommendations to the

joint committee on finance no later than 2 years after the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0414/P1
MIM:emw

DOA:.....Sherwin, BB0014 - ETF earnings allocations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

ADMINISTRATIVE CHANGES

Trust funds earnings allocations

Under current law, investment gains and losses of the core and variable retirement investment trust funds are distributed in a ratio of each participating account's average daily balance to the total average daily balance of all participating accounts. The State of Wisconsin Investment Board invests assets of the core and variable investment trust funds, which are commingled under current law, but all activity is not recorded on a daily basis for the separate participating accounts. SWIB provides certified annual earnings reports for the core and variable trust funds.

This bill provides that ETF must distribute the earnings to each participating account by calculating a simple average balance, which uses beginning and end-of-year balances for each participating account, and comparing that average balance to the total average balance of all participating accounts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 117. 40.04 (3) (a) of the statutes is amended to read:

40.04 (3) (a) The net gain or loss of the variable retirement investment trust shall be distributed annually on December 31 to each participating account in the same ratio as each account's average daily balance within the respective trust bears to the total average daily balance of all participating accounts in the trust. The amount to be distributed shall be the excess of the increase within the period in the value of the assets of the trust resulting from income from the investments of the trust and from the sale or appreciation in value of any investment of the trust, over the decrease within the period in the value of the assets resulting from the sale or the depreciation in value of any investments of the trust.

SECTION 118. 40.04 (3) (am) 3. (intro.) of the statutes is amended to read:

40.04 (3) (am) 3. (intro.) Annually, on December 31, the sum of all of the following shall be distributed from the market recognition account to each participating account in the core retirement investment trust in the same ratio as each account's average daily balance bears to the total average daily balance of all participating accounts in the trust:

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0421/P2
MIM:klm

DOA:.....Kirschbaum, BB0015 - Migrant labor contractors and camp fees
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

MIGRANT LABOR

Migrant labor contractors and migrant labor camps

Under current law, migrant labor contractors are required to have a certificate of registration from DWD, which the contractor must renew annually. To receive the certificate, the contractor must provide an application, which must be accompanied by a fee. Also under current law, a person that maintains a migrant labor camp is required to have a certificate from DWD to operate the camp, which the person must renew annually. To receive the certificate, the operator of the camp must provide an application, which must be accompanied by a fee. Current law requires that these fees be deposited in the state general fund and not credited to a specific appropriation. This bill instead requires that the fees be credited to the DWD auxiliary services appropriation and authorizes that appropriation to be used for administrative costs related to the migrant labor program administered by DWD.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 119. 20.445 (1) (ga) of the statutes is amended to read:

20.445 (1) (ga) *Auxiliary services.* All moneys received from fees collected under ss. 102.16 (2m) (d), 103.005 (15), 103.91 (3), 103.92 (1) (a), and 106.09 (7) for the delivery of services under ss. 102.16 (2m) (f), 103.005 (15), and 106.09 and ch. 108, and for administrative services under ss. 103.905 to 103.97.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0424/P1
MIM:amn

DOA:.....Kirschbaum, BB0016 - UEF appropriation change

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Worker's compensation uninsured employers fund

DWD administers the worker's compensation program in this state. Employers are required to have worker's compensation insurance or to self-insure. The program includes an uninsured employers fund (UEF), which is used to pay worker's compensation benefits on claims filed by employees who are injured while working for uninsured employers in this state. The money for the UEF comes from, among various sources, penalties assessed against uninsured employers. This bill changes the appropriation for the UEF from a sum sufficient appropriation to a continuing appropriation.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 120. 20.445 (1) (sm) of the statutes is amended to read:

20.445 (1) (sm) *Uninsured employers fund; payments.* From the uninsured employers fund, ~~a sum sufficient to make~~ all moneys received from sources identified

under s. 102.80 (1m) for the purpose of making the payments under s. 102.81 (1) and to obtain reinsurance under s. 102.81 (2). No moneys may be expended or encumbered under this paragraph until the first day of the first July beginning after the day that the secretary of workforce development files the certificate under s. 102.80 (3) (a).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0425/P1
MIM:amn

DOA:.....Kirschbaum, BB0017 - WISBF SEG appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Reimbursements for supplemental worker's compensation benefits

Under current law, worker's compensation insurers are required to pay supplemental benefits to certain employees who were permanently disabled by an injury that is compensable under worker's compensation.

DWD is authorized to collect up to \$5,000,000 from insurers that provide worker's compensation insurance to provide those supplemental benefits. This money must be used exclusively to provide reimbursements to insurers that pay those supplemental benefits and that request reimbursements. This bill creates a new, separate appropriation in the worker's compensation operations fund, to be used exclusively to provide these reimbursements. The bill does not increase revenue to DWD or collections from insurers.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 121. 20.445 (1) (ra) of the statutes is amended to read:

20.445 (1) (ra) *Worker's compensation operations fund; administration.* From the worker's compensation operations fund, the amounts in the schedule for the administration of the worker's compensation program by the department, for assistance to the department of justice in investigating and prosecuting fraudulent activity related to worker's compensation, for transfer to the uninsured employers fund under s. 102.81 (1) (c), and for transfer to the appropriation accounts under par. (rp) and s. 20.427 (1) (ra). All moneys received under ss. 102.28 (2) (b) and 102.75 (1) shall be credited to this appropriation account. From this appropriation, an amount not to exceed \$5,000 may be expended each fiscal year for payment of expenses for travel and research by the council on worker's compensation, an amount not to exceed \$500,000 may be transferred in each fiscal year to the uninsured employers fund under s. 102.81 (1) (c), the amount in the schedule under par. (rp) shall be transferred to the appropriation account under par. (rp), and the amount in the schedule under s. 20.427 (1) (ra) shall be transferred to the appropriation account under s. 20.427 (1) (ra).

SECTION 122. 20.445 (1) (rr) of the statutes is created to read:

20.445 (1) (rr) *Worker's compensation operations fund; special assessment insurer reimbursements.* From the worker's compensation operations fund, the amounts in the schedule for providing reimbursement to insurance carriers paying supplemental benefits under s. 102.44 (1) (c). All moneys received under s. 102.75 (1g) shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 123. 102.75 (1m) of the statutes is amended to read:

102.75 **(1m)** The moneys collected under subs. (1) and (1g) and under ss. 102.28 (2) and 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible fund designated as the worker's compensation operations fund. Moneys in the fund may be expended only as provided in ss. 20.427 (1) (ra) and 20.445 (1) (ra), (rb), ~~and (rp), and (rr)~~ and may not be used for any other purpose of the state.

SECTION 9250. Fiscal changes; Workforce Development.

(1) **WORK INJURY SUPPLEMENTAL BENEFITS FUND.** On the effective date of this subsection, there is transferred from the appropriation account under s. 20.445 (1) (t) to the appropriation account under s. 20.445 (1) (rr) the unencumbered balance of the amount collected under s. 102.75 (1g).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0650/P2
MJW:cjs

DOA:.....Stinebrink, BB0019 - Wisconsin Resource Center Security Staff

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Transfer of security operations at Wisconsin Resource Center

This bill transfers security operations at the Wisconsin Resource Center from DOC to DHS. The transfer includes the transfer of assets, liabilities, position authorizations and the incumbent employees holding those positions, tangible personal property, contracts, and any currently pending matters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 124. 20.435 (2) (bm) of the statutes is amended to read:

20.435 (2) (bm) *Secure mental health units or facilities.* The amounts in the schedule for the general program operations of the Wisconsin Resource Center under s. 46.056 and other secure mental health units or facilities under s. 980.065 at which

persons committed under s. 980.06 are placed, ~~but not for security operations at the Wisconsin Resource Center.~~

SECTION 125. 46.056 (1) of the statutes is renumbered 46.056.

SECTION 126. 46.056 (2) of the statutes is repealed.

SECTION 9108. Nonstatutory provisions; Corrections.

(1) TRANSFER OF SECURITY OPERATIONS AT THE WISCONSIN RESOURCE CENTER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of corrections that are primarily related to security operations at the Wisconsin Resource Center, as determined by the secretary of administration, become the assets and liabilities of the department of health services.

(b) *Positions and employees.* On the effective date of this paragraph, 110.0 FTE GPR positions, and the incumbent employees holding those positions, in the department of corrections responsible for the performance of security operations at the Wisconsin Resource Center under s. 46.056 (2), 2021 stats., as determined by the secretary of administration, are transferred to the department of health services.

(c) *Employee status.* Employees transferred under par. (b) have all the rights and the same status under ch. 230 of the statutes in the department of health services that they enjoyed in the department of corrections immediately before the transfer. Notwithstanding s. 230.28 (4), no employee transferred under par. (b) who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of corrections that are primarily related to security operations at the Wisconsin Resource Center, as

determined by the secretary of administration, is transferred to the department of health services.

(e) *Pending matters.* Any matter pending with the department of corrections on the effective date of this paragraph that is primarily related to security operations at the Wisconsin Resource Center, as determined by the secretary of administration, is transferred to the department of health services. All materials submitted to or actions taken by the department of corrections with respect to the pending matter are considered as having been submitted to or taken by the department of health services.

(f) *Contracts.* All contracts entered into by the department of corrections primarily related to security operations at the Wisconsin Resource Center, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to the department of health services. The department of health services shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0654/P2
KP:emw

DOA:.....Mott, BB0021 - POWTS eligibility

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

Private on-site wastewater treatment system grants

This bill extends the grant program aiding certain persons and businesses served by failing private on-site wastewater treatment systems (POWTS), which are commonly known as septic tanks. Under current law, the program is repealed effective June 30, 2023. In addition, under the bill, a failing POWTS installed at least 33 years before the submission of a grant application is eligible to receive a grant. Current law authorizes grants only for failing POWTS that were installed before July 1, 1978.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 127. 20.165 (2) (j) of the statutes, as affected by 2017 Wisconsin Act 331, section 2, is amended to read:

20.165 (2) (j) *Safety and building operations*. The amounts in the schedule for the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and (2m), and 236.335 and for the purpose of transferring the amounts in the schedule under par. (kf) to the appropriation account under par. (kf). All moneys received under ch. 145 and ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 167.35 (2) (f), and 236.12 (7) shall be credited to this appropriation account.

SECTION 128. 20.165 (2) (kf) of the statutes is created to read:

20.165 (2) (kf) *Private on-site wastewater treatment system replacement and rehabilitation*. As a continuing appropriation, the amounts in the schedule for financial assistance under the private on-site wastewater treatment system replacement and rehabilitation program under s. 145.246. All moneys transferred from par. (j) shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 129. 145.20 (5) (a) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

145.20 (5) (a) The department shall establish a maintenance program to be administered by governmental units responsible for the regulation of private on-site wastewater treatment systems. The department shall determine the private on-site wastewater treatment systems to which the maintenance program applies. At a minimum the maintenance program is applicable to all new or replacement private on-site wastewater treatment systems constructed in a governmental unit after the date on which the governmental unit adopts this program. The department may apply the maintenance program by rule to private on-site wastewater treatment

systems constructed in a governmental unit responsible for the regulation of private on-site wastewater treatment systems on or before the date on which the governmental unit adopts the program. The department shall determine the private on-site wastewater treatment systems to which the maintenance program applies in governmental units that do not meet the conditions for eligibility under s. 145.246 (8).

SECTION 130. 145.20 (5) (am) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

145.20 (5) (am) Each governmental unit responsible for the regulation of private on-site wastewater treatment systems shall adopt and begin the administration of the program established under par. (a) before October 1, 2019. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private on-site wastewater treatment systems located in the governmental unit and shall complete the initial inventory before October 1, 2017. In order to be eligible for grant funding under s. 145.246, a governmental unit must comply with these deadlines.

SECTION 131. 145.246 of the statutes is created to read:

145.246 Private on-site wastewater treatment system replacement or rehabilitation. (1) DEFINITIONS. In this section:

(a) “Determination of failure” means any of the following:

1. A determination that a private on-site wastewater treatment system is failing, according to the criteria under s. 145.01 (4m), based on an inspection of the private on-site wastewater treatment system by an employee of the state or a governmental unit who is certified to inspect private on-site wastewater treatment systems by the department.

2. A written enforcement order issued under s. 145.02 (3) (f), 145.20 (2) (f), or 281.19 (2).

3. A written enforcement order issued under s. 254.59 (1) by a governmental unit.

(b) “Governmental unit” means a governmental unit responsible for the regulation of private on-site wastewater treatment systems. “Governmental unit” also includes a federally recognized American Indian tribe or band.

(c) “Indian lands” means lands owned by the United States and held for the use or benefit of Indian tribes or bands or individual Indians and lands within the boundaries of a federally recognized reservation that are owned by Indian tribes or bands or individual Indians.

(d) “Participating governmental unit” means a governmental unit which applies to the department for financial assistance under sub. (7) and which meets the conditions specified under sub. (8).

(e) “Principal residence” means a residence which is occupied at least 51 percent of the year by the owner.

(f) “Sewage” means the water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings, as defined in s. 101.01 (12), with such surface water or groundwater as may be present.

(g) “Small commercial establishment” means a commercial establishment or business place with a maximum daily waste water flow rate of less than 5,000 gallons per day.

(2) CATEGORIES OF FAILING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS. For the purposes of this section, the department shall establish the category of each

failing private on-site wastewater treatment system for which a grant application is submitted, as follows:

(a) Category 1: failing private on-site wastewater treatment systems described in s. 145.01 (4m) (a) to (c).

(b) Category 2: failing private on-site wastewater treatment systems described in s. 145.01 (4m) (d).

(c) Category 3: failing private on-site wastewater treatment systems described in s. 145.01 (4m) (e).

(3) ELIGIBILITY. (a) 1. A person is eligible for grant funds under this section if he or she owns a principal residence which is served by a category 1 or 2 failing private on-site wastewater treatment system, if the private on-site wastewater treatment system was installed at least 33 years before the person submits a grant application, if the family income of the person does not exceed the income limitations under par. (c), if the amount of the grant determined under sub. (6) is at least \$100, if the residence is not located in an area served by a sewer, and if determination of failure is made prior to the rehabilitation or replacement of the failing private on-site wastewater treatment system.

2. A business is eligible for grant funds under this section if it owns a small commercial establishment which is served by a category 1 or 2 failing private on-site wastewater treatment system, if the private on-site wastewater treatment system was installed at least 33 years before the business submits a grant application, if the gross revenue of the business does not exceed the limitation under par. (d), if the small commercial establishment is not located in an area served by a sewer, and if a determination of failure is made prior to the rehabilitation or replacement of the private on-site wastewater treatment system.

3. A person who owns a principal residence or small commercial establishment which is served by a category 1 or 2 failing private on-site wastewater treatment system may submit an application for grant funds during the 3-year period after the determination of failure is made. Grant funds may be awarded after work is completed if rehabilitation or replacement of the system meets all requirements of this section and rules promulgated under this section.

(b) Each principal residence or small commercial establishment may receive only one grant under this section.

(c) 1. In order to be eligible for grant funds under this section, the annual family income of the person who owns the principal residence may not exceed \$45,000. Beginning July 1, 2024, and annually on July 1 thereafter, the department shall adjust the dollar amount specified in this subdivision by an amount equal to that dollar amount multiplied by the percentage change in the U.S. consumer price index for urban wage earners and clerical workers, U.S. city average, for the prior year, rounded to the nearest dollar. The department shall publish the dollar amounts on its website. Notwithstanding s. 227.10, the adjusted dollar amounts need not be promulgated as rules under ch. 227.

2. Except as provided under subd. 4., annual family income shall be based upon the federal adjusted gross income of the owner and the owner's spouse, if any, as computed for the taxable year prior to the year in which the determination of failure is made.

3. In order to be eligible for grant funds under this section, a person shall submit a copy of the federal income tax returns upon which the determination of federal adjusted gross income under subd. 2. was made together with any application required by the governmental unit.

4. A governmental unit may disregard the federal income tax return that is submitted under subd. 3. and may determine annual family income based upon satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income of the owner and the owner's spouse in the current year. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of federal adjusted gross income or projected federal adjusted gross income in a current year.

(d) 1. In order to be eligible for grant funds under this section, the annual gross revenue of the business that owns the small commercial establishment may not exceed \$362,500.

2. Except as provided in subd. 4., annual gross revenue shall be based upon the gross revenue of the business for the taxable year prior to the year in which the determination of failure is made. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a prior taxable year.

3. In order to be eligible for grant funds under this section, a business shall submit documentation required by the department under subd. 2. together with any application required by the governmental unit.

4. A governmental unit may disregard the documentation of gross revenue for the taxable year prior to the year in which the determination of failure is made and may determine annual gross revenue based upon satisfactory evidence of gross revenue of the business in the current year. The department shall promulgate rules establishing criteria for determining what constitutes satisfactory evidence of gross revenue in a current year.

(e) The department of revenue shall, upon request by the department, verify the income information submitted by an applicant or grant recipient.

(4) DENIAL OF APPLICATION. (a) The department or a governmental unit shall deny a grant application under this section if the applicant or a person who would be directly benefited by the grant intentionally caused the conditions which resulted in a category 1 or 2 failing private on-site wastewater treatment system. The department or governmental unit shall notify the applicant in writing of a denial, including the reason for the denial.

(b) The department shall notify a governmental unit if an individual's name appears on the statewide support lien docket under s. 49.854 (2) (b). The department or a governmental unit shall deny an application under this section if the name of the applicant or an individual who would be directly benefited by the grant appears on the statewide support lien docket under s. 49.854 (2) (b), unless the applicant or individual who would be benefited by the grant provides to the department or governmental unit a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(5) USE OF FUNDS. (a) Except for grants under par. (b), funds available under a grant under this section shall be applied to the rehabilitation or replacement of the private on-site wastewater treatment system. An existing private on-site wastewater treatment system may be replaced by an alternative private on-site wastewater treatment system or by a system serving more than one principal residence.

(b) Funds available under a grant under this section for experimental private on-site wastewater treatment systems shall be applied to the installation and monitoring of the experimental private on-site wastewater treatment systems.

(6) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on-site wastewater treatment system that would be necessary to allow the rehabilitated system or new system to meet the minimum requirements of the state plumbing code promulgated under s. 145.02.

(b) Except as provided in par. (e), costs allowable in determining grant funding under this section may not exceed the costs of rehabilitating or replacing a private on-site wastewater treatment system by the least costly methods, except that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private on-site wastewater treatment system other than a holding tank.

(c) Except as provided in pars. (d) and (e), the state grant share under this section is limited to \$7,000 for each principal residence or small commercial establishment to be served by the private on-site wastewater treatment system or to the amount determined by the department based upon private on-site wastewater treatment system grant funding tables, whichever is less. The department shall prepare and publish private on-site wastewater treatment system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private on-site wastewater treatment system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02. The maximum state share limitations shall be designed to pay approximately 60 percent of the average

allowable cost of private on-site wastewater treatment system rehabilitation or replacement based upon estimated or actual costs of that rehabilitation or replacement. The department shall revise the grant funding tables when it determines that 60 percent of current costs of private on-site wastewater treatment system rehabilitation or replacement exceed the amounts in the grant funding tables by more than 10 percent, except that the department may not revise the grant funding tables more often than once every 2 years.

(d) Except as provided in par. (e), if the income of a person who owns a principal residence that is served by a category 1 or 2 failing private on-site wastewater treatment system is greater than \$32,000, the amount of the grant under this section is limited to the amount determined under par. (c) less 30 percent of the amount by which the person's income exceeds \$32,000.

(e) Costs allowable for experimental private on-site wastewater treatment systems shall include the costs of installing and monitoring experimental private on-site wastewater treatment systems installed under s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify how the department will select, monitor, and allocate the state share for experimental private on-site wastewater treatment systems that the department funds under this section.

(7) APPLICATION. (a) In order to be eligible for a grant under this section, a governmental unit shall make an application for replacement or rehabilitation of private on-site wastewater treatment systems of principal residences or small commercial establishments and shall submit an application for participation to the department. The application shall be in the form and include the information the department prescribes. In order to be eligible for funds available in a fiscal year, an

application is required to be received by the department prior to February 1 of the previous fiscal year.

(b) An American Indian tribe or band may submit an application for participation for any Indian lands under its jurisdiction.

(8) CONDITIONS; GOVERNMENTAL UNITS. As a condition for obtaining grant funding under this section, a governmental unit shall do all of the following:

(a) Adopt and administer the maintenance program established under s. 145.20 (5).

(b) Certify that grants will be used for private on-site wastewater treatment system replacement or rehabilitation for a principal residence or small commercial establishment owned by a person who meets the eligibility requirements under sub. (3), that the funds will be used as provided under sub. (5) and that allowable costs will not exceed the amount permitted under sub. (6).

(c) Certify that grants will be used for private on-site wastewater treatment systems which will be properly installed and maintained.

(d) Certify that grants provided to the governmental unit will be disbursed to eligible owners.

(e) Establish a process for regulation and inspection of private on-site wastewater treatment systems.

(f) Establish a system of user charges and cost recovery if the governmental unit considers this system to be appropriate. User charges and cost recovery may include the cost of the grant application fee and the cost of supervising installation and maintenance.

(g) Establish a system which provides for the distribution of grant funds received among eligible applicants based on the amount requested in the application

as approved by the department. If the amount received by a county is insufficient to fully fund all grants, the county shall prorate grant funds on the same basis as sub. (12).

(9) ASSISTANCE. The department shall make its staff available to provide technical assistance to each governmental unit. The department shall prepare and distribute to each participating governmental unit a manual of procedures for the grant program under this section.

(10) DISTRIBUTION OF LITERATURE. The department shall prepare literature that describes the eligibility for receiving a grant under this section for a principal residence. The department shall supply the literature to counties, and counties shall distribute the literature to recipients of public benefits.

(11) ALLOCATION OF FUNDS. (a) *Determination of eligible applications.* At the beginning of each fiscal year the department shall determine the state grant share for applications from eligible owners received by participating governmental units. The department may revise this determination if a governmental unit does not meet the conditions specified under sub. (8) or if it determines that individuals do not meet eligibility requirements under sub. (3).

(b) *Allocation.* The department shall allocate available funds for grants to each participating governmental unit according to the total amount of the state grant share for all eligible applications received by that governmental unit.

(c) *Limitation; commercial establishments.* The department may not allocate more than 10 percent of the funds available under this subsection each fiscal year for grants for small commercial establishments.

(d) *Limitation; experimental private on-site wastewater treatment systems.* The department may not allocate more than 10 percent of the funds available under

this subsection each fiscal year for grants for the installation and monitoring of experimental private on-site wastewater treatment systems.

(12) PRORATING. (a) Except as provided in par. (d), the department shall prorate available funds under this subsection if funds are not sufficient to fully fund all applications. A prorated payment shall be deemed full payment of the grant.

(b) Except as provided in par. (d), if funds are sufficient to fully fund all category 1 but not all category 2 failing private on-site wastewater treatment systems, the department shall fully fund all category 1 systems and prorate the funds for category 2 systems on a proportional basis.

(c) Except as provided in par. (d), if funds are not sufficient to fully fund all category 1 failing private on-site wastewater treatment systems, the department shall fund the category 1 systems on a proportional basis and deny the grant applications for all category 2 systems.

(d) The department is not required to prorate available funds for grants for the installation and monitoring of experimental private on-site wastewater treatment systems.

(13) DETERMINATION OF ELIGIBILITY; DISBURSEMENT OF GRANTS. (a) The department shall review applications for participation in the state program submitted under sub. (7). The department shall determine if a governmental unit submitting an application meets the conditions specified under sub. (8).

(b) The department shall promulgate rules which shall define payment mechanisms to be used to disburse grants to a governmental unit.

(14) INSPECTION. Agents of the department or the governmental unit may enter premises where private on-site wastewater treatment systems are located pursuant to a special inspection warrant as required under s. 66.0119 to collect samples,

records, and information and to ascertain compliance with the rules and orders of the department or the governmental unit.

(15) ENFORCEMENT. (a) If the department has reason to believe that a violation of this section or any rule promulgated under this section has occurred, it may do any of the following:

1. Cause written notice to be served upon the alleged violator. The notice shall specify the alleged violation and contain the findings of fact on which the charge of violation is based and may include an order that necessary corrective action be taken within a reasonable time. This order shall become effective unless, no later than 30 days after the date the notice and order are served, the person named in the notice and order requests in writing a hearing before the department. Upon this request and after due notice, the department shall hold a hearing. Instead of an order, the department may require that the alleged violator appear before the department for a hearing at a time and place specified in the notice and answer the charges complained of.

2. Initiate action under sub. (16).

(b) If after the hearing the department finds that a violation has occurred, it shall affirm or modify its order previously issued or issue an appropriate order for the prevention, abatement, or control of the violation or for other corrective action. If the department finds that no violation has occurred, it shall rescind its order. Any order issued as part of a notice or after hearing may prescribe one or more dates by which necessary action shall be taken in preventing, abating, or controlling the violation.

(c) Additional grants under this section to a governmental unit previously awarded a grant under this section may be suspended or terminated if the

department finds that a private on-site wastewater treatment system previously funded in the governmental unit is not being or has not been properly rehabilitated, constructed, installed, or maintained.

(16) PENALTIES. Any person who violates this section or a rule or order promulgated under this section shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense. While an order is suspended, stayed, or enjoined, this penalty does not accrue.

SECTION 132. 281.57 (7) (c) 1. of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are limited in each fiscal year to receiving total grant awards not to exceed 33 percent of the sum of the amounts in the schedule for that fiscal year for the appropriation under s. 20.165 (2) (kf) and the amount authorized under sub. (10) for that fiscal year plus the unencumbered balance at the end of the preceding fiscal year for the amount authorized under sub. (10). This subdivision is not applicable to grant awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0655/P1
KP:skw

DOA:.....Mott, BB0020 - Vendor/inspection contract accounting

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

Create appropriation for DSPS contractors

The bill creates an appropriation for payments received by DSPS contractors and vendors for services performed related to the regulation of industry, buildings, and safety.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 133. 20.165 (2) (jm) of the statutes is created to read:

20.165 (2) (jm) *Contractor payments received for regulation.* All moneys received by contractors and vendors as payments for services performed for the department relating to the regulation of industry, buildings, and safety under chs. 101 and 145 and ss. 167.10 and 167.27.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0696/P4
SWB:emw/cdc/amn

DOA:.....Bollhorst, BB0022 - Medicaid expansion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Medicaid expansion; elimination of childless adults demonstration project

BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in the bill. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless

adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project, known as BadgerCare Plus Core, as a separate program on July 1, 2023.

2017 Wisconsin Act 370 requires by statute that DHS implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions, including imposing premiums on, requiring a health risk assessment of, and limiting the time of eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 required DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements relating to approved waiver implementation, Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program. The bill eliminates the statutory implementation requirement for the BadgerCare Reform waiver, including the deadline and penalties, eliminates the statutory requirement for DHS to seek the waiver, and allows DHS to modify or withdraw the waiver.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 134. 20.435 (4) (jw) of the statutes is amended to read:

20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received from payment of enrollment fees under the program under s. 49.45 (23), all moneys transferred under s. 50.38 (9), all moneys transferred under s. 256.23 (6), all moneys transferred from the appropriation account under par. (jz), and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23)~~, to provide a portion of the state share of

administrative costs for the BadgerCare Plus Medical Assistance program under s. 49.471, ~~and for administration of the hospital assessment under s. 50.38, and for administration of the ambulance service provider fee under s. 256.23.~~

***NOTE: This is reconciled s. 20.435 (4) (jw). This SECTION has been affected by drafts with the following LRB numbers: -0696/P1 and LRB-0697/P1.

SECTION 135. 49.45 (2p) of the statutes is repealed.

SECTION 136. 49.45 (23) of the statutes is repealed.

***NOTE: This is reconciled s. 49.45 (23). This SECTION has been affected by drafts with the following LRB numbers: -0696/P1 and -1103/P1.

SECTION 137. 49.45 (23b) of the statutes is repealed.

***NOTE: This is reconciled s. 49.45 (23b). This SECTION has been affected by drafts with the following LRB numbers: -0696/P1 and -1103/P1.

SECTION 138. 49.471 (1) (cr) of the statutes is created to read:

49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a federal medical assistance percentage described under 42 USC 1396d (y) or (z).

SECTION 139. 49.471 (4) (a) 4. b. of the statutes is amended to read:

49.471 (4) (a) 4. b. The individual’s family income does not exceed ~~100~~ 133 percent of the poverty line ~~before application of the 5 percent income disregard under 42 CFR 435.603 (d).~~

SECTION 140. 49.471 (4) (a) 8. of the statutes is created to read:

49.471 (4) (a) 8. An individual who meets all of the following criteria:

a. The individual is an adult under the age of 65.

b. The adult has a family income that does not exceed 133 percent of the poverty line, except as provided in sub. (4g).

c. The adult is not otherwise eligible for the Medical Assistance program under this subchapter or the Medicare program under 42 USC 1395 et seq.

SECTION 141. 49.471 (4g) of the statutes is created to read:

49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For services provided to individuals described under sub. (4) (a) 8., the department shall comply with all federal requirements to qualify for the highest available enhanced federal medical assistance percentage. The department shall submit any amendment to the state medical assistance plan, request for a waiver of federal Medicaid law, or other approval request required by the federal government to provide services to the individuals described under sub. (4) (a) 8. and qualify for the highest available enhanced federal medical assistance percentage.

****NOTE: This is reconciled s. 49.471 (4g). This SECTION has been affected by drafts with the following LRB numbers: LRB-0696/P2 and LRB-1103/P2.

SECTION 142. 49.686 (3) (d) of the statutes is amended to read:

49.686 (3) (d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2). This paragraph does not apply to an individual ~~who is eligible for benefits under the demonstration project for childless adults under s. 49.45 (23) or to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471 (4) (a) 8. or (11).~~

SECTION 143. 2017 Wisconsin Act 370, section 44 (2) and (3) are repealed.

****NOTE: This is reconciled 2017 Wisconsin Act 370, section 44 (2) and (3). This SECTION has been affected by drafts with the following LRB numbers: -0696/P1 and -1103/P1.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health services shall submit any necessary request to the federal department of health and human services for a state plan amendment or waiver of federal Medicaid law or to modify or withdraw from any waiver of federal Medicaid law relating to the childless adults demonstration project under s. 49.45 (23), 2021 stats., to reflect the

incorporation of recipients of Medical Assistance under the demonstration project into the BadgerCare Plus program under s. 49.471 and the termination of the demonstration project. The department of health services may submit a request to the federal department of health and human services to modify or withdraw from the waiver granted under s. 49.45 (23) (g), 2021 stats.

****NOTE: This is reconciled SECTION 9119 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0696/P3 and LRB-1103/P2.

SECTION 9419. Effective dates; Health Services.

(1) **MEDICAID EXPANSION.** The treatment of ss. 20.435 (4) (jw), 49.45 (23) and (23b), 49.471 (1) (cr), (4) (a) 4. b. and 8., and (4g), and 49.686 (3) (d) and 2017 Wisconsin Act 370, section 44 (2) and (3) and SECTION 9119 (1) of this act take effect on July 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0697/P2
SWB:skw

DOA:.....Bollhorst, BB0023 - Ambulance assessment and CPE programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Ambulance assessment and certified public expenditures program

This bill creates an appropriation to make payments from the ambulance service provider trust fund to eligible ambulance service providers as specified under 2021 Wisconsin Act 228. 2021 Wisconsin Act 228 implemented an ambulance service provider assessment on private ambulance service providers for supplemental reimbursements under the Medical Assistance program and a supplemental reimbursement under the Medical Assistance program to public ambulance service providers through certified public expenditures. Currently, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Generally, under the Medical Assistance program, the state provides its share of the funding for benefits and the federal government then contributes its designated share of funding, also known as federal financial participation. 2021 Wisconsin Act 228 imposes on each private ambulance service provider a fee for the privilege of doing business in Wisconsin and established an ambulance service provider trust fund for the fees collected.

The bill also requires DHS to transfer moneys annually from the ambulance service provider trust fund to cover the administrative costs associated with

administering the ambulance assessment and making supplemental reimbursements to ambulance providers.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 144. 20.435 (4) (xm) of the statutes is created to read:

20.435 (4) (xm) *Ambulance service provider trust fund; ambulance payments.*

From the ambulance service provider trust fund, all moneys received from the assessment under s. 256.23, except amounts transferred to the appropriation under s. 20.435 (4) (jw) as specified in s. 256.23 (6), to make payments to eligible ambulance service providers as specified under s. 49.45 (3) (em).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 145. 49.45 (3) (em) of the statutes is amended to read:

49.45 (3) (em) The department shall expend moneys collected under s. 256.23 (2), less amounts transferred under s. 256.23 (6), to supplement reimbursement for eligible ambulance service providers, as defined in s. 256.23 (1) (a), for services provided under the Medical Assistance program under this subchapter, including services reimbursed on a fee-for-service basis and provided under managed care, by eligible ambulance service providers. Health plans shall be indemnified and held harmless for any errors made by the department or its agents in calculation of any supplemental reimbursement made under this paragraph.

SECTION 146. 256.23 (6) of the statutes is created to read:

256.23 (6) In each fiscal year, the secretary of administration shall transfer from the ambulance service provider trust fund under s. 25.776 to the appropriation under s. 20.435 (4) (jw) an amount equal to the annual costs of administering the

ambulance assessment as specified under this section and making supplemental reimbursements to ambulance service providers under s. 49.45 (3) (em).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0713/P2
RAC&MIM:amn

DOA:.....Sherwin, BB0029 - GO Refunding Bond Authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

Refunding certain general obligation debt

This bill increases from \$9,510,000,000 to \$11,235,000,000 the amount of state public debt that may be contracted to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities. The unpaid indebtedness includes unpaid premium and interest amounts. Under current law, the Building Commission may not incur public debt for refunding purposes unless the true interest costs to the state can be reduced.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 147. 20.866 (2) (xm) of the statutes is amended to read:

20.866 (2) (xm) *Building commission; refunding tax-supported and self-amortizing general obligation debt.* From the capital improvement fund, a sum

sufficient to refund the whole or any part of any unpaid indebtedness used to finance tax-supported or self-amortizing facilities. In addition to the amount that may be contracted under par. (xe), the state may contract public debt in an amount not to exceed ~~\$7,510,000,000~~ \$11,235,000,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$2,000,000,000 for this purpose.~~ Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for tax-supported and self-amortizing facilities in proportional amounts to the purposes for which the debt was refinanced. No moneys may be expended under this paragraph unless the true interest costs to the state can be reduced by the expenditure.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0715/P1
MIM:kms&wlj

DOA:.....Rice, BB0032 - NCSB appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

National and community service board appropriation

Current law appropriates moneys received from the federal Corporation for National and Community Service to administer the national and community service program. The bill changes this continuing appropriation from one that is limited to the amounts in the schedule to one that is composed of all moneys received.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 148. 20.505 (4) (o) of the statutes is amended to read:

20.505 (4) (o) *National and community service board; federal aid for administration.* ~~From the~~ All moneys received from the corporation for national and

community service under 42 USC ~~12542 (a)~~ 4950 and 12571 (a), ~~as a continuing appropriation, the amounts in the schedule for the administration of the national and community service program under s. 16.22.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0716/P1
MIM:skw

DOA:.....Rice, BB0031 - Homeless case management grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Homeless case management services grants

Under current law, DOA may award up to 10 grants of up to \$50,000 each year to shelter facilities for case management services provided to homeless families. This bill eliminates the limit on the number of grants that may be awarded, and raises the grant limit to \$75,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 149. 16.3085 (2) (a) of the statutes is amended to read:

16.3085 (2) (a) From the appropriation under s. 20.505 (7) (kg), the department may award ~~up to 10~~ grants, of up to \$50,000 \$75,000 each, annually to any shelter facility.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0717/P1
KP:cde

DOA:.....Sherwin, BB0027 - Transfer of high voltage transmission lines administration

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

High-voltage transmission line fees

The bill requires PSC to administer annual impact and onetime environmental impact fees paid under current law by persons authorized by PSC to operate high-voltage transmission lines. Under current law, DOA administers the fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 150. 16.969 (title) of the statutes is renumbered 196.492 (title).

SECTION 151. 16.969 (1) (intro.) and (b) of the statutes are consolidated, renumbered 196.492 (1) and amended to read:

196.492 (1) In this section: ~~(b) “High-voltage, “high-voltage transmission line”~~ means a high-voltage transmission line, as defined in s. 196.491 (1) (f), that is designed for operation at a nominal voltage of 345 kilovolts or more.

SECTION 152. 16.969 (1) (a) of the statutes is repealed.

SECTION 153. 16.969 (2) of the statutes is renumbered 196.492 (2), and 196.492 (2) (intro.), as renumbered, is amended to read:

196.492 (2) (intro.) The ~~department~~ commission shall promulgate rules that require a person who is issued a certificate of public convenience and necessity by the commission under s. 196.491 (3) for a high-voltage transmission line to pay the ~~department~~ commission the following fees:

SECTION 154. 16.969 (3) of the statutes is renumbered 196.492 (3), and 196.492 (3) (a) and (b) 1. and 2., as renumbered, are amended to read:

196.492 (3) (a) The ~~department~~ commission shall distribute the fees that are paid by a person under the rules promulgated under sub. (2) (a) to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

(b) 1. The ~~department~~ commission shall pay 50 percent of the fee to each county that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such county.

2. The ~~department~~ commission shall pay 50 percent of the fee to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

SECTION 155. 16.969 (4) of the statutes is renumbered 196.492 (4).

SECTION 156. 20.505 (1) (ge) of the statutes is renumbered 20.155 (1) (gg) and amended to read:

20.155 (1) (gg) *High-voltage transmission line annual impact fee distributions.*

All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (a) for distributions to towns, villages and cities under s. ~~16.969~~ 196.492 (3) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 157. 20.505 (1) (gs) of the statutes is renumbered 20.155 (1) (gr) and amended to read:

20.155 (1) (gr) *High-voltage transmission line environmental impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (b) for distributions to counties, towns, villages and cities under s. ~~16.969~~ 196.492 (3) (b).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 158. 196.491 (3g) (a) of the statutes is amended to read:

196.491 (3g) (a) A person who receives a certificate of public convenience and necessity for a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more under sub. (3) shall pay the ~~department of administration~~ commission an annual impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (a) and shall pay the ~~department of administration~~ commission a one-time environmental impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (b).

SECTION 9101. Nonstatutory provisions; Administration.

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

(a) *Definition.* In this subsection, “fees” means the annual impact and onetime environmental impact fees required to be paid under the rules promulgated under s. 16.969 (2) (a), 2021 stats., and s. 16.969 (2) (b), 2021 stats.

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

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

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

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

(f) *Contracts.* All contracts entered into by the department of administration primarily relating to the fees, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to

the public service commission. The public service commission shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

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

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

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0718/P1
MIM:amn

DOA:.....Sherwin, BB0025 - Office of Internal Audit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

ADMINISTRATIVE CHANGES

Internal auditor

This bill creates an Office of Internal Audit attached to ETF. Under the bill, the office plans and conducts audits of activities and programs administered by ETF, among other responsibilities, while following policies, principles, and directives established by the Employee Trust Funds Board.

The bill requires the ETF board to appoint an internal auditor and internal audit staff within the classified service who report directly to the board. Currently, the internal auditor for ETF reports to the secretary of ETF, and internal audit staff report to the internal auditor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 159. 15.165 (title) of the statutes is amended to read:

15.165 (title) Same; attached boards and offices.

SECTION 160. 15.165 (5) of the statutes is created to read:

15.165 (5) OFFICE OF INTERNAL AUDIT. There is created an office of internal audit that is attached to the department of employee trust funds under s. 15.03. The office shall be under the direction and supervision of an internal auditor who shall be appointed by the employee trust funds board in the classified service. The internal auditor shall report directly to the employee trust funds board.

SECTION 161. 40.03 (1) (dm) of the statutes is created to read:

40.03 (1) (dm) Shall develop and implement policies, principles, and directives for the office of internal audit and determine the qualifications of and appoint, in the classified service, staff for the office of internal audit. Staff appointed under this paragraph shall report directly to the board.

SECTION 162. 40.03 (4m) of the statutes is created to read:

40.03 (4m) OFFICE OF INTERNAL AUDIT. (a) The office of internal audit shall provide independent assurance that the public employee trust fund assets under the control of the department are safeguarded for the purpose of ensuring the fulfillment of the benefit commitments to individuals under this chapter.

(b) The internal auditor may review any activity, information, or record of the department that relates to the administration of the fund.

(c) The internal auditor shall plan and conduct audit activities, including external audits, risk assessments, research projects, and management reviews, under the direction of the board and in accordance with policies, principles, and directives determined by the board.

(d) The internal auditor shall monitor the department's compliance with applicable legal requirements and contracts entered into by the department and the board.

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

(1) INCUMBENT INTERNAL AUDITOR. The individual holding the position of internal auditor in the department of employee trust funds on the day before the effective date of this subsection shall continue to serve in that position until an internal auditor is appointed under s. 15.165 (5).

(2) INCUMBENT STAFF. Individuals holding positions as staff internal auditors in the department of employee trust funds on the day before the effective date of this subsection shall continue to serve in those positions until staff are appointed under s. 40.03 (1) (dm).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0719/P2
MIM:emw

DOA:.....Sherwin, BB0024 - ICI changes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

DISABILITY PLANS

1. *Income continuation insurance*

Under current law, the Group Insurance Board (GIB) must offer employees group income continuation insurance (ICI) coverage that pays for lost earnings as a result of injury or illness with separate provisions for short-term insurance with a benefit duration of no more than one year and long-term insurance covering injury or illness of indefinite duration.

This bill transfers oversight of the group ICI plan to the Employee Trust Funds Board (ETFB). The bill also provides that, as of January 1, 2025, ETFB must provide a group ICI plan, but ETFB is not required to provide separate short-term and long-term insurance or a particular benefit duration.

Under current law, an employee is eligible for benefits under the group ICI plan only after exhausting accumulated sick leave not to exceed 130 days. The bill eliminates that requirement and instead allows an employee to select among waiting periods determined by ETFB.

2. *Employer and employee share of ICI premium payments*

The bill changes how the employer and employee shares of premium payments for ICI are determined. Under current law, the employer pays part of an employee's

ICI premium, and the employee pays the remainder. The employer's share is a certain percentage of the total premium cost that increases as an employee accumulates unused sick leave. For certain employees subject to collective bargaining agreements and for faculty and staff of the University of Wisconsin System, the employer and employee shares may be different from the prescribed formula that is based on the employee's accumulation of sick leave.

Under the bill, beginning January 1, 2025, for all employees, including UW System faculty and staff, unless a collective bargaining agreement provides otherwise, the employer pays the premium for the longest waiting period available to the employee under the ICI contract. If an employee elects a shorter waiting period, the employee pays the difference in premium amounts between the longest waiting period and the waiting period selected by the employee.

3. Group LTDI plan

Under current law, ETFB may determine that GIB must establish a group insurance plan to provide certain disability annuity or death benefits. Under this authority, GIB currently oversees a group long-term disability insurance (LTDI) plan. The bill provides explicit statutory authority for ETFB to establish the LTDI plan and transfers oversight of the LTDI plan from GIB to ETFB.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 163. 13.121 (4) of the statutes is amended to read:

13.121 (4) INSURANCE. For the purpose of premium determinations under s. 40.05 (4) and ~~(5)~~ each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the administrator of the division of personnel management in the department of administration and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

SECTION 164. 40.03 (1) (i) of the statutes is amended to read:

40.03 (1) (i) May determine that some or all of the disability annuities and death benefits provided from the Wisconsin retirement system shall instead be provided through group insurance plans ~~to be established by the group insurance board~~ either as separate plans or as integral parts of the group life and income continuation insurance plans established under this chapter.

SECTION 165. 40.03 (1) (p) of the statutes is amended to read:

40.03 (1) (p) May, upon the recommendation of the actuary, transfer in whole or in part the assets and reserves held in any account described in s. 40.04 (9) to a different account described in s. 40.04 (9), for the purpose of providing any group insurance benefit ~~offered by the group insurance board~~.

SECTION 166. 40.03 (1) (q) of the statutes is created to read:

40.03 (1) (q) For the purposes of the group income continuation insurance plan established under ss. 40.61 and 40.62 and the group long-term disability insurance plan established under s. 40.64:

1. May, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the plans.

2. May, wholly or partially in lieu of subd. 1., on behalf of the state, provide the plans on a self-insured basis.

3. May take any action as trustees that is considered advisable and not specifically prohibited or delegated to some other governmental agency to carry out the purpose and intent of the plans.

4. May apportion all excess moneys becoming available to the board through operation of the plans to reduce premium payments in following contract years or to

establish reserves to stabilize costs in subsequent years. If the board determines that the excess became available due to favorable experience of specific groups of employers or specific employee groups, the board may make the apportionment in a manner designated to benefit the specific employers or employee groups only or to a greater extent than other employers and employee groups.

5. Shall take prompt action to liquidate any actuarial or cash deficit that occurs in the accounts and reserves maintained in the fund for the plans.

6. Shall accept timely appeals of determinations made by the department affecting any right or benefit under the plans.

SECTION 167. 40.03 (2) (i) of the statutes is amended to read:

40.03 (2) (i) ~~Shall~~ Except as provided under pars. (ig) and (ir), shall promulgate, with the approval of the board, all rules, except rules promulgated under par. (ig) or (ir), that are required for the efficient administration of the fund or of any of the benefit plans established by this chapter. In addition to being approved by the board, and shall promulgate rules as necessary for a group long-term disability insurance plan established under s. 40.64. All rules promulgated under this paragraph are subject to board approval under sub. (1) (m). Except for rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to teachers must be approved are subject to approval by the teachers retirement board and under sub. (7) (d). Except for rules promulgated under s. 40.30 (6), the rules promulgated under this paragraph relating to participants other than teachers must be approved are subject to approval by the Wisconsin retirement board, except rules promulgated under s. 40.30 sub. (8) (d).

***NOTE: This is reconciled s. 40.03 (2) (i). This SECTION has been affected by drafts with the following LRB numbers: -0719/P1 and -1037/P1.

SECTION 168. 40.03 (2) (ig) of the statutes is amended to read:

40.03 (2) (ig) Shall promulgate, with the approval of the group insurance board, all rules required for the administration of the group health, long-term care, ~~income continuation~~ or life insurance plans established under subchs. IV to and VI and health savings accounts under subch. IV.

SECTION 169. 40.03 (6) (intro.) of the statutes is amended to read:

40.03 (6) GROUP INSURANCE BOARD. (intro.) ~~The~~ With respect to the group insurance plans provided for by this chapter other than the group income continuation insurance plan established under ss. 40.61 and 40.62 and the group long-term disability insurance plan established under s. 40.64, the group insurance board:

SECTION 170. 40.03 (6) (a) 1. of the statutes is amended to read:

40.03 (6) (a) 1. Except as provided in par. (m), shall, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the group insurance plans ~~provided for by this chapter; or~~

SECTION 171. 40.03 (6) (d) (intro.) of the statutes is amended to read:

40.03 (6) (d) (intro.) May take any action as trustees ~~which~~ that is deemed advisable and not specifically prohibited or delegated to some other governmental agency, to carry out the purpose and intent of the group insurance plans ~~provided under this chapter,~~ including, but not limited to, provisions in the appropriate contracts relating to:

SECTION 172. 40.03 (6) (i) of the statutes is amended to read:

40.03 (6) (i) Shall accept timely appeals of determinations made by the department affecting any right or benefit under any group insurance plan provided ~~for under this chapter that is overseen by the group insurance board.~~

SECTION 173. 40.05 (5) (intro.) of the statutes is renumbered 40.05 (5) and amended to read:

40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. For the group income continuation insurance provided under ~~subch. V ss. 40.61 and 40.62,~~ the employee shall pay the amount remaining after the employer has contributed ~~the following an amount equal to the gross premium payable for insurance coverage that includes the longest waiting period available to the employee under the insurance contract by rule or, if different, the amount determined under a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10;~~

SECTION 174. 40.05 (5) (a) of the statutes is repealed.

SECTION 175. 40.05 (5) (b) of the statutes is repealed.

SECTION 176. 40.23 (1) (bm) of the statutes is renumbered 40.23 (1) (bm) 1. and amended to read:

40.23 (1) (bm) 1. If an application by a participant age 55 or over, or by a protective occupation participant age 50 or over, for group long-term disability insurance benefits under s. 40.64 is disapproved under rules promulgated by the department, the date which would have been the effective date for the insurance benefits ~~shall be~~ is the retirement annuity effective date if requested by the applicant within 60 days of the disapproval or, if the disapproval is appealed, within 60 days of the final disposition of the appeal.

SECTION 177. 40.61 (1) of the statutes is amended to read:

40.61 (1) The procedures and provisions pertaining to enrollment, premium transmitted and coverage of eligible employees for group income continuation benefits shall be established by contract or rule except as otherwise specifically provided by this chapter.

SECTION 178. 40.61 (2) of the statutes is amended to read:

40.61 (2) Except as provided in sub. (4), ~~any~~ an eligible employee may become covered by group income continuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month that first occurs during the 30-day period, or by electing coverage within 60 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date of eligibility for teachers employed by the university and effective as of the following April 1 for all other employees. ~~Any~~ An employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub. (3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date of approval of evidence. The method to be used shall be determined by the group insurance board under sub. (1).

SECTION 179. 40.61 (2) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

40.61 (2) Except as provided in sub. (4), an eligible employee may become covered by group income continuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month that first occurs during the 30-day period, ~~or by electing coverage within 60 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date of eligibility for teachers employed by the university and effective as of the following April 1 for all other employees.~~ An employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub. (3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date of approval of evidence. The method to be used shall be determined by the board under sub. (1).

SECTION 180. 40.61 (3) of the statutes is amended to read:

40.61 (3) ~~Any~~ An employer under s. 40.02 (28), other than the state, may offer to all of its employees ~~an~~ a group income continuation insurance plan through a program offered by the ~~group insurance~~ board. Notwithstanding sub. (2) and ss. 40.05 (5) and 40.62, the department may by rule establish different eligibility standards or contribution requirements for ~~such~~ those employees and employers and may by rule limit the categories of employers ~~which~~ that may be included as participating employers under this subchapter.

SECTION 181. 40.62 (1) of the statutes is amended to read:

40.62 (1) The ~~group insurance~~ board shall establish an a group income continuation insurance plan providing for full or partial payment of the financial loss of earnings incurred as a result of injury or illness with separate provisions for short-term insurance with a benefit duration of no more than one year and long-term insurance covering injury or illness of indefinite duration. ~~Employees~~ An employee insured under the plan ~~shall be~~ is eligible for benefits upon exhaustion of accumulated sick leave and completion of the ~~elimination~~ waiting period established by the ~~group insurance~~ board.

SECTION 182. 40.62 (1) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is renumbered 40.62 and amended to read:

40.62 Income continuation insurance benefits. The board shall establish a group income continuation insurance plan providing for full or partial payment of the financial loss of earnings incurred as a result of injury or illness ~~with separate provisions for short-term insurance with a benefit duration of no more than one year and long-term insurance covering injury or illness of indefinite duration.~~ An employee insured under the plan is eligible for benefits upon ~~exhaustion of accumulated sick leave and completion of the~~ a waiting period selected by the employee from the available options established by the board.

SECTION 183. 40.62 (1m) of the statutes is repealed.

SECTION 184. 40.62 (2) of the statutes is repealed.

SECTION 185. 40.63 (7) of the statutes is renumbered 40.23 (1) (bm) 2.

SECTION 186. 40.64 of the statutes is created to read:

40.64 Long-term disability insurance coverage. The board may establish a group long-term disability insurance plan.

SECTION 187. 757.02 (5) of the statutes is amended to read:

757.02 (5) Except for retired judges appointed under s. 753.075, each supreme court justice, court of appeals judge and circuit court judge included under ch. 40 shall accrue sick leave at the rate established under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium payment determinations under s. 40.05 (4) and (5).

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

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

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

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

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

(d) *Pending matters.* Any matter pending with the group insurance board on the effective date of this paragraph that is primarily related to the group income continuation insurance plan or long-term disability insurance plan, as determined by the secretary of employee trust funds, is transferred to the employee trust funds board. All materials submitted to or actions taken by the group insurance board with respect to the pending matter are considered as having been submitted to or taken by the employee trust funds board.

SECTION 9313. Initial applicability; Employee Trust Funds.

(1) INCOME CONTINUATION INSURANCE PREMIUMS. The treatment of ss. 13.121 (4), 40.05 (5) (intro.), (a), and (b), and 757.02 (5) first applies to premiums paid on the effective date of this subsection.

SECTION 9413. Effective dates; Employee Trust Funds.

(1) INCOME CONTINUATION INSURANCE PREMIUMS; ELECTION OF INCOME CONTINUATION INSURANCE COVERAGE; ELIGIBILITY FOR INCOME CONTINUATION INSURANCE BENEFITS. The treatment of ss. 13.121 (4), 40.05 (5) (intro.), (a), and (b), 40.61 (2) (by SECTION 179), 40.62 (1m) and (2), and 757.02 (5), the renumbering and amendment of s. 40.62 (1), and SECTION 9313 (1) of this act take effect on January 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0722/P1
MIM:amn

DOA:.....Rice, BB0030 - Veteran rental assistance program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Rental assistance grants for homeless veterans

This bill requires DOA to award grants to each continuum of care organization in Wisconsin for the purpose of providing tenant-based rental assistance to homeless veterans. A continuum of care organization is an organization designated by the federal Department of Housing and Urban Development that provides funding and services to alleviate homelessness.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 188. 16.3078 of the statutes is created to read:

16.3078 Rental assistance grants for homeless veterans. From the appropriation under s. 20.505 (7) (bq), the department shall award grants to each

continuum of care organization in this state designated by the federal department of housing and urban development. All grant funds shall be used to provide tenant-based rental assistance to homeless veterans in this state.

SECTION 189. 20.505 (7) (bq) of the statutes is created to read:

20.505 (7) (bq) *Rental assistance for homeless veterans.* The amounts in the schedule for the rental assistance grants awarded under s. 16.3078.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0723/P3
KP:amn&wlj

DOA:.....Rice, BB0033 - Exempt WHEDA headquarters from real estate
taxation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

Property tax exemption for WHEDA headquarters

This bill exempts land and buildings owned by WHEDA and used as its corporate headquarters, including associated parking facilities, from the property tax.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 190. 70.11 (38v) of the statutes is created to read:

70.11 (38v) WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY HEADQUARTERS. Land and buildings on that land owned by the Wisconsin Housing and Economic Development Authority and used exclusively as either the corporate headquarters of the Wisconsin Housing and Economic Development Authority or the parking facilities associated with those headquarters.

SECTION 9337. Initial applicability; Revenue.

(1) WHEDA HEADQUARTERS. The treatment of s. 70.11 (38v) first applies to the property tax assessments as of January 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0731/P2
EHS:cdc

DOA:.....Vencill, BB0036 - Stewardship program lapse correction

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT to amend 20.370 (5) (hq) and 20.370 (5) (hr) of the statutes; **relating to:**
the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Moneys from forestry activities transferred to the capital improvement fund

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 program, which is administered by DNR. The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants to local governments and nonprofit organizations to acquire land for these purposes. Current law establishes the amounts that DNR may obligate in each fiscal year through fiscal year 2025-26 for expenditure under each of five subprograms of the stewardship program. Moneys obligated under the stewardship program are appropriated from the capital improvement fund (CIF) and stewardship bond proceeds are deposited into CIF.

Current law provides that, in obligating moneys under the subprogram for land acquisition, DNR must set aside certain amounts to be obligated only for DNR to acquire land and to provide grants to counties for land acquisition (county forest grants). Specifically, the set-aside for DNR land acquisition each fiscal year is

\$1,000,000 plus the amount transferred to the capital improvement fund (CIF) under an appropriation that transfers from moneys received for forestry activities (the forestry account) to CIF \$0 in 2021-22 and \$5,000,000 in 2022-23. The set-aside for county forest grants is equal to the amount transferred to CIF under an appropriation that transfers from the forestry account to CIF \$0 in 2021-22 and \$3,000,000 in 2022-23.

This bill maintains in the 2023-25 biennium the amounts in the schedule that may be transferred to CIF under each appropriation, but provides that the total amount transferred may not exceed the total amounts in the schedule for both appropriations less the unobligated balance in CIF at the end of that fiscal year. The bill also provides that the amount transferred to CIF under each appropriation must be reduced by the unobligated balance in CIF on a pro rata basis.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 191. 20.370 (5) (hq) of the statutes is amended to read:

20.370 (5) (hq) *Department land acquisition.* From the moneys received by the department for forestry activities, the amounts in the schedule for transfer to the capital improvement fund. The total amount transferred to the capital improvement fund under this paragraph and par. (hr) may not exceed the total amounts in the schedule under both paragraphs less the unencumbered balance in the capital improvement fund at the end of that fiscal year. The amount transferred under each paragraph is reduced on a pro rata basis by the unencumbered balance in the capital improvement fund.

SECTION 192. 20.370 (5) (hr) of the statutes is amended to read:

20.370 (5) (hr) *County forest grants.* From the moneys received by the department for forestry activities, the amounts in the schedule for transfer to the capital improvement fund. The total amount transferred to the capital improvement fund under this paragraph and par. (hq) may not exceed the total amounts in the

schedule under both paragraphs less the unencumbered balance in the capital improvement fund at the end of that fiscal year. The amount transferred under each paragraph is reduced on a pro rata basis by the unencumbered balance in the capital improvement fund.

SECTION 193. 23.0917 (3) (bt) 3. of the statutes is amended to read:

23.0917 (3) (bt) 3. For each fiscal year beginning with fiscal year 2022-23 and ending with fiscal year 2025-26, \$1,000,000 plus the ~~amount transferred to the capital improvement fund~~ amounts in the schedule under s. 20.370 (5) (hq) in that fiscal year.

SECTION 194. 23.0917 (3) (bw) 2. of the statutes is amended to read:

23.0917 (3) (bw) 2. In obligating moneys under the subprogram for land acquisition, for each fiscal year beginning with fiscal year 2022-23 and ending with fiscal year 2025-26, the department shall set aside the ~~amount transferred to the capital improvement fund~~ amounts in the schedule under s. 20.370 (5) (hr) in that fiscal year to be obligated only to provide grants to counties under s. 23.0953.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0732/P1
ZDW:skw

DOA:.....Vencill, BB0037 - Online vehicle admission and trail pass system

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Online sales system for vehicle admission receipts and state trail passes

This bill creates a continuing appropriation from the conservation fund to DNR for costs associated with online sales systems for vehicle admission receipts for state parks, forests, and recreation areas and state trail passes.

Under current law, no person may operate a vehicle in any state park or in certain other recreational areas on state land unless the vehicle displays a current vehicle admission receipt. Vehicle admission receipts may currently be purchased in-person, via phone, at self-registration kiosks, and online. Current law also requires a state trail pass for certain activities on state trails. State trail passes may currently be purchased in-person, via phone, and at self-registration kiosks, but not online.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 195. 20.370 (1) (et) of the statutes is created to read:

20.370 (1) (et) *Parks and forests - online sales systems.* As a continuing appropriation, the amounts in the schedule for costs associated with an online sales system for vehicle admission receipts for state parks, forests, and recreation areas and an online sales system for state trail passes.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0735/P1
MDE:wlj

DOA:.....Rice, BB0028 - State housing tax credit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Low-income housing tax credit

Under current law, WHEDA may certify a person to claim, for a period of up to six years, a state tax credit if the person has an ownership interest in a low-income housing project in Wisconsin and qualifies for the federal low-income housing tax credit program. This bill increases the period for which the credit may be claimed from 6 years to 10 years and increases the amount of credits that WHEDA may annually certify from \$42,000,000 to \$100,000,000. The bill also requires that the project be allocated the federal credit and financed with tax-exempt bonds that are not subject to the federal credit's volume cap—as opposed to *any* tax-exempt bonds, as required under current law—and allows WHEDA to waive these requirements to the extent that WHEDA anticipates that sufficient tax-exempt private activity bond volume cap under federal law will not be available to finance low-income housing projects in any year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 196. 71.07 (8b) (a) 5. of the statutes is amended to read:

71.07 (8b) (a) 5. “Credit period” means the period of ~~6~~ 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this subdivision, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 197. 71.07 (8b) (a) 7. of the statutes is amended to read:

71.07 (8b) (a) 7. “Qualified development” means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, ~~pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the~~ qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

SECTION 198. 71.28 (8b) (a) 5. of the statutes is amended to read:

71.28 (8b) (a) 5. “Credit period” means the period of ~~6~~ 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this subdivision, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 199. 71.28 (8b) (a) 7. of the statutes is amended to read:

71.28 (8b) (a) 7. “Qualified development” means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, ~~pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.~~

SECTION 200. 71.47 (8b) (a) 5. of the statutes is amended to read:

71.47 (8b) (a) 5. “Credit period” means the period of ~~6~~ 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this subdivision, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 201. 71.47 (8b) (a) 7. of the statutes is amended to read:

71.47 (8b) (a) 7. “Qualified development” means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, ~~pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the~~

Internal Revenue Code will not be available to finance low-income housing projects in any year.

SECTION 202. 76.639 (1) (e) of the statutes is amended to read:

76.639 (1) (e) “Credit period” means the period of ~~6~~ 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this paragraph, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 203. 76.639 (1) (g) of the statutes is amended to read:

76.639 (1) (g) “Qualified development” means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.

SECTION 204. 234.45 (1) (c) of the statutes is amended to read:

234.45 (1) (c) “Credit period” means the period of ~~6~~ 10 taxable years beginning with the taxable year in which a qualified development is placed in service. For purposes of this paragraph, if a qualified development consists of more than one building, the qualified development is placed in service in the taxable year in which the last building of the qualified development is placed in service.

SECTION 205. 234.45 (1) (e) of the statutes is amended to read:

234.45 (1) (e) “Qualified development” means a qualified low-income housing project under section 42 (g) of the Internal Revenue Code that is financed with tax-exempt bonds, ~~pursuant to section 42 (i) (2) described in section 42 (h) (4) (A) of the Internal Revenue Code, allocated the credit under section 42 of the Internal Revenue Code, and located in this state; except that the authority may waive, in the qualified allocation plan under section 42 (m) (1) (B) of the Internal Revenue Code, the requirements of tax-exempt bond financing and federal credit allocation to the extent the authority anticipates that sufficient volume cap under section 146 of the Internal Revenue Code will not be available to finance low-income housing projects in any year.~~

SECTION 206. 234.45 (4) of the statutes is amended to read:

234.45 (4) ALLOCATION LIMITS. In any calendar year, the aggregate amount of all state tax credits for which the authority certifies persons in allocation certificates issued under sub. (3) in that year may not exceed ~~\$42,000,000~~ \$100,000,000, including all amounts each person is eligible to claim for each year of the credit period, plus the total amount of all unallocated state tax credits from previous calendar years and plus the total amount of all previously allocated state tax credits that have been revoked or cancelled or otherwise recovered by the authority.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0736/P1
MDE:wlj

DOA:.....Rice, BB0026 - New DEHCR appropriation for housing quality standards

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Housing quality standards grants

This bill requires DOA to award grants to owners of rental housing units in Wisconsin for purposes of satisfying applicable housing quality standards.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 207. 16.3077 of the statutes is created to read:

16.3077 Housing quality standards grants. From the appropriation under s. 20.505 (7) (bp), the department shall award grants to owners of rental housing units in this state for purposes of satisfying applicable housing quality standards.

SECTION 208. 20.505 (7) (bp) of the statutes is created to read:

20.505 (7) (bp) *Housing quality standards grants.* The amounts in the schedule for housing quality standards grants under s. 16.3077.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0737/P1
MDE:wlj

DOA:.....Rice, BB0034 - Limit on notes and bonds backed by the capital reserve fund

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Capital reserve fund bonding limit

Under current law, WHEDA issues notes and bonds for most WHEDA programs, including housing programs for individuals and families of low or moderate income. Current law prohibits WHEDA from issuing notes and bonds that are secured by a capital reserve fund if the total aggregate outstanding principal amount would exceed \$800,000,000. This bill increases this limit to \$1,200,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 209. 234.18 (1) of the statutes is renumbered 234.18 and amended to read:

234.18 Limit on amount of outstanding bonds and notes. The authority may not issue notes and bonds that are secured by a capital reserve fund to which

s. 234.15 (4) applies if, upon issuance, the total aggregate outstanding principal amount of notes and bonds that are secured by a capital reserve fund to which s. 234.15 (4) applies would exceed ~~\$600,000,000~~ \$1,200,000,000. This section does not apply to bonds and notes issued to refund outstanding notes and bonds.

SECTION 210. 234.18 (2) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0740/P1
EAW:amn

DOA:.....Rice, BB0035 - Transitional Jobs and Transform Milwaukee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Transform Milwaukee Jobs and Transitional Jobs programs

Under current law, DCF administers a temporary wage subsidy program for individuals who meet all of the following qualifications: 1) are at least 18 years old and, if over 25 years old, are the parent or primary relative caregiver of a child under the age of 18; 2) have a household income below 150 percent of the poverty line; 3) have been unemployed for at least four weeks; 4) are ineligible to receive unemployment insurance benefits; 5) are not participating in a Wisconsin Works employment position; and 6) satisfy applicable substance abuse screening, testing, and treatment requirements.

The bill modifies the qualifications for participating in the program by removing the requirement that the individual has been unemployed for at least four weeks, and by specifying that anyone who is not receiving unemployment insurance benefits, regardless of their eligibility to receive those benefits, may participate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 211. 49.163 (2) (am) 4. of the statutes is repealed.

SECTION 212. 49.163 (2) (am) 5. of the statutes is amended to read:

49.163 (2) (am) 5. ~~Be ineligible~~ Have not filed for unemployment insurance benefits or have filed but is not eligible to receive unemployment insurance benefits.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0751/P1
ZDW:emw

DOA:.....Hutter, BB0040 - Contaminated sediment bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Bonding for Great Lakes contaminated sediment removal

Under current law, the state may contract up to \$40,000,000 in public debt to provide financial assistance for projects to remove contaminated sediment from Lake Michigan or Lake Superior, or a tributary of Lake Michigan or Lake Superior, if DNR has identified the body of water as being impaired by the sediment. This bill increases the bonding authority for sediment removal projects by \$15,000,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 213. 20.866 (2) (ti) of the statutes is amended to read:

20.866 (2) (ti) *Natural resources; contaminated sediment removal.* From the capital improvement fund, a sum sufficient for the department of natural resources

to fund removal of contaminated sediment under s. 281.87. The state may contract public debt in an amount not to exceed ~~\$32,000,000~~ \$55,000,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$4,000,000 for this purpose. The state may contract additional public debt in an amount up to \$4,000,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0752/P1
ZDW:cjs

DOA:.....Hutter, BB0039 - Dam safety projects bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Bonding for dam safety projects

Under current law, the state may contract up to \$39,500,000 in public debt to provide financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects. This bill increases the bonding authority for these projects by \$10,000,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 214. 20.866 (2) (tx) of the statutes is amended to read:

20.866 (2) (tx) *Natural resources; dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to

provide financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed ~~\$25,500,000~~ \$49,500,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$4,000,000 for this purpose. The state may contract additional public debt in an amount up to \$10,000,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0753/P1
ZDW:skw

DOA:.....Hutter, BB0041 - Stormwater appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Stormwater appropriation

Under current law, a person may need to obtain a permit from DNR to discharge storm water. Current law appropriates money annually from the general fund for the administration of the storm water discharge permit program. Storm water permit fees collected by DNR are credited to the storm water permit appropriation.

This bill changes the storm water permit appropriation from an annual to a continuing appropriation. An annual appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which made. A continuing appropriation is expendable until fully depleted or repealed.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 215. 20.370 (9) (bj) of the statutes is amended to read:

20.370 (9) (bj) *Storm water management — fees.* From the general fund, the amounts in the schedule ~~all moneys received under s. 283.33 (9) and under 2009 Wisconsin Act 28, section 9110 (11f),~~ for the administration, including enforcement, of the storm water discharge permit program under s. 283.33. ~~All moneys received under s. 283.33 (9) and under 2009 Wisconsin Act 28, section 9110 (11f) shall be credited to this appropriation account.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0758/P1
EAW:kms&cjs

DOA:.....Richter, BB0043 - Juvenile corrections daily rates

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Daily rates for juvenile correctional services

The bill increases the per person daily rate paid by counties to DOC for services provided to juveniles who are placed in a Type 1 juvenile correctional facility from \$1,178 in fiscal year 2022-23 to \$1,246 in fiscal year 2023-24 and \$1,268 in fiscal year 2024-25.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 216. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on July 1, 2019, and ending on June 30, 2020, the per person daily cost assessment to counties shall be \$532 for care in a Type 1

~~juvenile correctional facility, as defined in s. 938.02 (19), and \$532 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3). Beginning on July 1, 2021~~ 2023, and ending on June 30, ~~2022~~ 2024, the per person daily cost assessment to counties ~~shall be \$1,154~~ is \$1,246 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and ~~\$1,154~~ \$1,246 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

SECTION 217. 301.26 (4) (d) 3. of the statutes is amended to read:

~~301.26 (4) (d) 3. Beginning on July 1, 2020, and ending on December 31, 2020, the per person daily cost assessment to counties shall be \$550 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and \$550 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3). Beginning on January 1, 2021, and ending on June 30, 2021, the per person daily cost assessment to counties shall be \$615 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and \$615 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3). Beginning on July 1, 2022~~ 2024, and ending on June 30, ~~2023~~ 2025, the per person daily cost assessment to counties shall ~~be \$1,178~~ is \$1,268 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and ~~\$1,178~~ \$1,268 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0762/P1
MJW:kms&cjs

DOA:.....Richter, BB0042 - Law Enforcement Investigation Reimbursement
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM

Reimbursement for law enforcement investigative services

Under current law, DOC must reimburse counties for certain expenses related to an action or proceeding involving a prisoner in a state prison or a juvenile in a juvenile correctional facility in the county. This bill adds that DOC must reimburse any county, city, village, or town that provides law enforcement investigative services for an incident involving a prisoner in a state prison or a juvenile in a juvenile correctional facility.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 218. 16.51 (7) of the statutes is amended to read:

16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND JUVENILES IN JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and

audit claims, duly certified and approved by the department of corrections, from the county clerk of any county ~~in, city, village, or town on~~ behalf of the county, ~~city, village, or town~~, which are presented for ~~payment to reimburse the county~~ reimbursement for certain expenses incurred or paid by it in reference to all matters ~~growing out of actions and proceedings~~ involving prisoners in state prisons, as defined in s. 302.01, or juveniles in juvenile correctional facilities, as defined in s. 938.02 (10p), including prisoners or juveniles transferred to a mental health institute for observation or treatment, ~~when the~~. The department shall reimburse under this subsection a county in which a state prison or juvenile correctional facility is located for expenses relating to actions or proceedings involving a prisoner in the state prison or a juvenile in the juvenile correctional facility that are commenced ~~in counties in which the prisons or juvenile correctional facilities are located~~ by a district attorney or by the prisoner or juvenile as a postconviction remedy or a matter involving the prisoner's status as a prisoner or the juvenile's status as a resident of a juvenile correctional facility and for certain expenses incurred or paid by it the county in reference to holding those juveniles in secure custody while those actions or proceedings are pending. The department shall reimburse a county, city, village, or town under this subsection for expenses relating to law enforcement investigative services that it provided for an incident involving a prisoner in a state prison or a juvenile in a juvenile correctional facility within its jurisdiction. Expenses shall only include the amounts that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other ~~county~~ jurisdiction had the offense or crime occurred therein.

SECTION 219. 20.410 (1) (c) of the statutes is amended to read:

20.410 (1) (c) *Reimbursement claims of counties or municipalities containing state prisons.* A sum sufficient to pay all valid claims made by county clerks of counties, cities, villages, or towns containing state prisons as provided in s. 16.51 (7).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 220. 20.410 (3) (c) of the statutes is amended to read:

20.410 (3) (c) *Reimbursement claims of counties or municipalities containing juvenile correctional facilities.* A sum sufficient to pay all valid claims made by county clerks of counties, cities, villages, or towns containing state juvenile correctional facilities as provided in s. 16.51 (7).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 221. 60.33 (10p) of the statutes is created to read:

60.33 (10p) CLAIMS IN TOWNS CONTAINING STATE INSTITUTIONS. Make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 222. 61.25 (11) of the statutes is created to read:

61.25 (11) To make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 223. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), ~~and (m)~~, 62.175, 62.23 (7) (em) and (he), and 62.237, does not apply to 1st class cities under special charter.

SECTION 224. 62.09 (11) (m) of the statutes is created to read:

62.09 (11) (m) The clerk shall make a certified claim against the state, without direction from the council, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0771/P1
MIM:skw

DOA:.....Sherwin, BB0045 - ETF benefits for domestic partners

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

Benefits for domestic partners

2017 Wisconsin Act 59, the 2017 biennial budget act, repealed certain benefits provided to domestic partners of public employees who receive benefits through the Wisconsin Retirement System, the Group Insurance Board, and the Deferred Compensation Program. This bill reestablishes those benefits.

Specifically, Act 59 did all of the following: 1) for purposes of the Wisconsin Retirement System, limited domestic partners to only those individuals who submitted an affidavit of domestic partnership to ETF before January 1, 2018; 2) prohibited GIB from covering an eligible employee's domestic partner or stepchild under a domestic partnership in a group health insurance plan offered by GIB; 3) eliminated the option for a surviving domestic partner to purchase health insurance coverage under a group health insurance plan offered by GIB; and 4) for deaths occurring on or after January 1, 2018, provided that a surviving domestic partner is not a default beneficiary for purposes of a deferred compensation plan and is not eligible to receive duty disability survivorship benefits. The bill reverses, prospectively, those changes to those benefits.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 225. 40.02 (8) (b) 3. of the statutes is repealed.

SECTION 226. 40.02 (21d) (intro.) of the statutes is amended to read:

40.02 **(21d)** (intro.) “Domestic partnership” means a relationship between 2 individuals, ~~who submitted an affidavit of domestic partnership to the department before September 23, 2017,~~ that satisfies all of the following:

SECTION 227. 40.51 (2m) (a) of the statutes is repealed.

SECTION 228. 40.51 (2m) (b) of the statutes is renumbered 40.51 (2m) and amended to read:

40.51 **(2m)** If an eligible employee is divorced or was a domestic partner in a dissolved domestic partnership, the eligible employee may not enroll a new spouse or domestic partner in a group health insurance plan under this subchapter until 6 months have elapsed since the date of the divorce or dissolved domestic partnership.

SECTION 229. 40.513 (3) (b) of the statutes is amended to read:

40.513 **(3)** (b) The employee’s spouse or domestic partner is receiving health care coverage under s. 40.51 (6).

SECTION 230. 40.52 (2) of the statutes is amended to read:

40.52 **(2)** Health insurance benefits under this subchapter shall be integrated, with exceptions determined appropriate by the group insurance board, with benefits under federal plans for hospital and health care for the aged and disabled. Exclusions and limitations with respect to benefits and different rates may be established for persons eligible under federal plans for hospital and health care for

the aged and disabled in recognition of the utilization by persons within the age limits eligible under the federal program. The plan may include special provisions for spouses, domestic partners, and other dependents covered under a plan established under this subchapter where one spouse or domestic partner is eligible under federal plans for hospital and health care for the aged but the others are not eligible because of age or other reasons. As part of the integration, the department may, out of premiums collected under s. 40.05 (4), pay premiums for the federal health insurance.

SECTION 231. 40.55 (1) of the statutes is amended to read:

40.55 (1) Except as provided in sub. (5), the state shall offer, through the group insurance board, to eligible employees under s. 40.02 (25) (bm) and to state annuitants long-term care insurance policies which have been filed with the office of the commissioner of insurance and which have been approved for offering under contracts established by the group insurance board. The state shall also allow an eligible employee or a state annuitant to purchase those policies for his or her spouse, domestic partner, or parent.

SECTION 232. 40.65 (7) (am) 1. of the statutes is amended to read:

40.65 (7) (am) 1. To the surviving spouse or surviving domestic partner until the surviving spouse remarries, or the surviving domestic partner enters into a new domestic partnership or marries, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4), or the surviving domestic partner was in a domestic partnership on the date that the participant was disabled under sub. (4), 50 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 233. 40.65 (7) (am) 1g. of the statutes is repealed.

SECTION 234. 40.65 (7) (am) 1m. of the statutes is repealed.

SECTION 235. 40.65 (7) (am) 3. of the statutes is amended to read:

40.65 (7) (am) 3. The total monthly amount paid under subs. 1., ~~1g., 1m.,~~ and 2. may not exceed 70 percent of the participant's monthly salary at the time of death reduced by any amounts under sub. (5) (b) 1. to 6. that relate to the participant's work record.

SECTION 236. 40.65 (7) (ar) 1. a. of the statutes is amended to read:

40.65 (7) (ar) 1. a. To the surviving spouse or the surviving domestic partner until the surviving spouse remarries, or the surviving domestic partner enters into a new domestic partnership or marries, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4), or the surviving domestic partner was in a domestic partnership with the participant on the date that the participant was disabled under sub. (4), 70 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 237. 40.65 (7) (ar) 1. ag. of the statutes is repealed.

SECTION 238. 40.65 (7) (ar) 1. am. of the statutes is repealed.

SECTION 239. 40.80 (2r) (a) 1. of the statutes is amended to read:

40.80 (2r) (a) 1. Relates to a marriage or domestic partnership that terminated after December 1, 2001.

SECTION 240. 40.80 (2r) (a) 2. of the statutes is amended to read:

40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held in a deferred compensation plan under this subchapter to a spouse, former spouse,

domestic partner, former domestic partner, child, or other dependent to satisfy a family support or marital property obligation.

SECTION 9313. Initial applicability; Employee Trust Funds.

(1) DEFERRED COMPENSATION; DOMESTIC PARTNERS. The treatment of s. 40.02 (8) (b) 3. first applies to benefits paid to a surviving domestic partner of a participant who dies on the effective date of this subsection.

(2) DUTY DISABILITY DEATH BENEFITS; DOMESTIC PARTNERS. The treatment of s. 40.65 (7) (am) 1. and (ar) 1. a. first applies to a surviving domestic partner of a participant who dies on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0776/P1
SWB/EAW/CMH:amn

DOA:.....Sherwin, BB0044 - Gender-Neutral Statutory References

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

Making references in the statutes gender neutral

This bill recognizes same-sex marriage by making references in the statutes to spouses gender-neutral, with the intent of harmonizing the Wisconsin Statutes with the holding of the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage. The bill also recognizes legal parentage for same-sex couples under certain circumstances and adopts gender-neutral parentage terminology.

The bill provides that marriage may be contracted between persons of the same sex and confers the same rights and responsibilities on married persons of the same sex that married persons of different sexes have under current law. The bill defines "spouse" as a person who is legally married to another person of the same sex or a different sex and replaces every reference to "husband" or "wife" in current law with "spouse." The bill makes applicable to married persons of the same sex all provisions under current law that apply to married persons of different sexes. These provisions relate to such diverse areas of the law as income tax, marital property, inheritance rights, divorce, child and spousal support, insurance coverage, family and spousal

recreational licenses, consent to conduct an autopsy, domestic abuse, and eligibility for various types of benefits, such as retirement or death benefits and medical assistance.

In addition to making statutory references to spouses gender-neutral, the bill specifies ways in which married couples of the same sex may be the legal parents of a child and, with some exceptions, makes current references in the statutes to “mother” and “father,” and related terms, gender-neutral.

Under current law, all of the following may adopt a child: a husband and wife jointly, a husband or wife whose spouse is the parent of the child, and an unmarried adult. Because the bill makes references in the statutes to spouses gender-neutral, same-sex spouses jointly may adopt a child and become the legal parents of the child, and a same-sex spouse of a person who is the parent of a minor child may adopt the child and become the legal parent of his or her spouse’s child.

Under current law, if a woman is artificially inseminated under the supervision of a physician with semen donated by a man who is not her husband and the husband consents in writing to the artificial insemination of his wife, the husband is the natural father of any child conceived. Under the bill, one spouse may also consent to the artificial insemination of his or her spouse and is the natural parent of the child conceived. The artificial insemination is not required to take place under the supervision of a physician, but, if it does not, the semen used for the insemination must have been obtained from a sperm bank.

Under current law, a man is presumed to be the father of a child if he and the child’s natural mother 1) were married to each other when the child was conceived or born or 2) married each other after the child was born but had a relationship with each other when the child was conceived and no other man has been adjudicated to be the father or is presumed to be the father because the man was married to the mother when the child was conceived or born. The paternity presumption may be rebutted in a legal action or proceeding by the results of a genetic test showing that the statistical probability of another man’s parentage is 99.0 percent or higher. The bill expands this presumption into a parentage presumption, so that a person is presumed to be the natural parent of a child if he or she 1) was married to the child’s established natural parent when the child was conceived or born or 2) married the child’s established natural parent after the child was born but had a relationship with the established natural parent when the child was conceived and no person has been adjudicated to be the father and no other person is presumed to be the child’s parent because he or she was married to the mother when the child was conceived or born. The parentage presumption may still be rebutted by the results of a genetic test showing that the statistical probability of another person’s parentage is 99.0 percent or higher. Expanding on current law, the bill allows for a paternity action to be brought for the purpose of rebutting the parentage presumption, regardless of whether that presumption applies to a male or female spouse.

Current law provides that a mother and a man may sign a statement acknowledging paternity and file it with the state registrar. If the state registrar has received such a statement, the man is presumed to be the father of the child. Under current law, either person who has signed a statement acknowledging paternity may

rescind the statement before an order is filed in an action affecting the family concerning the child or within 60 days after the statement is filed, whichever occurs first. Under current law, a man who has filed a statement acknowledging paternity that is not rescinded within the time period is conclusively determined to be the father of the child. The bill provides that two people may sign a statement acknowledging parentage and file it with the state registrar. If the state registrar has received such a statement, the people who have signed the statement are presumed to be the parents of the child. Under the bill, a statement acknowledging parentage that is not rescinded conclusively establishes parentage with regard to the person who did not give birth to the child and who signed the statement.

The bill defines “natural parent” as a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. Thus, a person who is a biological parent, a parent by consenting to the artificial insemination of his or her spouse, or a parent under the parentage presumption is a natural parent of a child. The definition applies throughout the statutes wherever the term “natural parent” is used. In addition, the bill expands some references in the statutes to “biological parent” by changing the reference to “natural parent.”

HEALTH AND HUMAN SERVICES

VITAL RECORDS

Gender neutral references on birth certificates

Generally, the bill substitutes the term “spouse” for “husband” in the birth certificate statutes and enters the spouse, instead of the husband, of the person who has given birth on the birth certificate at times when a husband would currently be entered on a birth certificate. The name of the person who has given birth is entered on a birth certificate when the person gives birth to a child, and current law specifies when another name should be entered on the birth certificate. Current law requires that if a birth mother is married at any time from the conception to the birth of a child, then her husband’s name is entered on the birth certificate as the legal father of the child. Under the bill, if a person who gives birth is married at any time from the conception to the birth of the child, then that person’s spouse’s name is entered as a legal parent of the child. The bill also specifies that, in the instance that a second parent’s name is initially omitted from the birth certificate, if the state registrar receives a signed acknowledgement of parentage by people presumed to be parents because the two people married after the birth of the child, the two people had a relationship during the time the child was conceived, no person is adjudicated to be the father, and no other person is presumed to be the parent, then the state registrar must enter the name of the spouse of the person who gave birth as a parent on the birth certificate.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 241. 29.219 (4) of the statutes is amended to read:

29.219 (4) ~~HUSBAND AND WIFE~~ SPOUSES RESIDENT LICENSES. A combined ~~husband and wife~~ spouses resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both ~~husband and wife~~ spouses the privileges of resident fishing licenses.

SECTION 242. 29.228 (5) of the statutes is amended to read:

29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the ~~husband, wife~~ spouses and any minor children to fish under this license.

SECTION 243. 29.228 (6) of the statutes is amended to read:

29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the ~~husband, wife~~ spouses and any minor children to fish under this license.

SECTION 244. 29.229 (2) (i) of the statutes is amended to read:

29.229 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

SECTION 245. 29.2295 (2) (i) of the statutes is amended to read:

29.2295 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

SECTION 246. 29.563 (3) (a) 3. of the statutes is amended to read:

29.563 (3) (a) 3. ~~Husband and wife~~ Spouses: \$30.25.

SECTION 247. 29.607 (3) of the statutes is amended to read:

29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or members of their immediate families. The department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old-age assistance and to each member of the recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses and minor children having their abode and domicile with the parent or legal guardian.

SECTION 248. 45.01 (6) (c) of the statutes is amended to read:

45.01 (6) (c) The ~~biological~~ natural or adoptive parent or a person who acts in the place of a parent and who has so acted for not less than 12 months prior to the veteran's entrance into active service.

SECTION 249. 45.51 (3) (c) 2. of the statutes is amended to read:

45.51 (3) (c) 2. The department may deviate from this sequence upon order of the board to prevent the separation of ~~a husband and wife~~ spouses.

SECTION 250. 45.51 (5) (a) 1. b. of the statutes is amended to read:

45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time the person entered the service and who became a ~~widow or widower~~ surviving spouse by the death of the person while in the service or as a result of physical disability of the person incurred during the service.

SECTION 251. 45.51 (5) (a) 1. c. of the statutes is amended to read:

45.51 (5) (a) 1. c. The period during which the surviving spouse was married to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of ~~widowhood or widowerhood~~ after the death of the deceased person is 6 months or more.

SECTION 252. 45.55 of the statutes is amended to read:

45.55 Notes and mortgages of minor veterans. Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active armed forces of the United States at any time after August 27, 1940, and the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen's readjustment act of 1944, the national housing act, or any acts supplementing or amending these acts. In connection with these transactions, the minors may sell, release, or convey the mortgaged property and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. The notes, mortgages, releases, deeds, and other necessary papers or instruments when so executed are not subject to avoidance by the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

SECTION 253. 46.10 (2) of the statutes is amended to read:

46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),

51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

SECTION 254. 48.02 (13) of the statutes is amended to read:

48.02 (13) “Parent” means a biological natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person conclusively determined from genetic test results to be the father under s. 767.804 ~~or,~~ a person acknowledged under s. 767.805 or a substantially similar law of another state ~~to be a natural parent, or a person adjudicated to be the biological father a natural parent.~~ “Parent” does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a biological natural parent ~~of an Indian child,~~ an Indian husband spouse who has consented to the artificial insemination of his wife ~~or her spouse~~ under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father natural parent, or a person adjudicated to be the biological father natural parent, but does not include any person whose parental rights have been terminated.

SECTION 255. 48.025 (title) of the statutes is amended to read:

48.025 (title) Declaration of paternal parental interest in matters affecting children.

SECTION 256. 48.025 (2) (b) of the statutes is amended to read:

48.025 (2) (b) A declaration under sub. (1) may be filed at any time before the birth of the child or within 14 days after the birth of the child, except that a man person who receives a notice under s. 48.42 (1g) (b) may file a declaration within 21 days after the date on which the notice was mailed. This paragraph does not apply to a declaration filed before July 1, 2006.

SECTION 257. 48.025 (3) (c) of the statutes is amended to read:

48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13 or under a substantially similar law of another state or a person authorized to file a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar law of another state may request the department to search its files to determine whether a person who may be the ~~father~~ parent of the child who is the subject of the proceeding has filed a declaration under this section. If the department has on file a declaration of ~~paternal~~ parental interest in matters affecting the child, the department shall issue to the requester a copy of the declaration. If the department does not have on file a declaration of ~~paternal~~ parental interest in matters affecting the child, the department shall issue to the requester a statement that no declaration could be located. The department may require a person who requests a search under this paragraph to pay a reasonable fee that is sufficient to defray the costs to the department of maintaining its file of declarations and publicizing information relating to declarations of ~~paternal~~ parental interest under this section.

SECTION 258. 48.27 (3) (b) 1. a. of the statutes is amended to read:

48.27 (3) (b) 1. a. A person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025.

SECTION 259. 48.27 (3) (b) 1. b. of the statutes is amended to read:

48.27 (3) (b) 1. b. A person alleged to the court to be ~~the father~~ a parent of the child or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be ~~the father~~ a parent of the child.

SECTION 260. 48.27 (5) of the statutes is amended to read:

48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort to identify and notify any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, any person conclusively determined from genetic test results to be the father under s. 767.804 (1), any person who has acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1), and any person who has been adjudged to be the ~~father~~ parent of the child in a judicial proceeding unless the person's parental rights have been terminated.

SECTION 261. 48.299 (6) (intro.) of the statutes is amended to read:

48.299 (6) (intro.) If a ~~man~~ person who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which he or she received the notice, alleges that he or she is ~~the father~~ a parent of the child, and states that he or she wishes to establish the ~~paternity~~ parentage of the child, all of the following apply:

SECTION 262. 48.299 (6) (e) 1. of the statutes is amended to read:

48.299 (6) (e) 1. In this paragraph, "genetic test" means a test that examines genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body material for the purpose of determining the statistical probability that a ~~man~~ person who is alleged to be a child's ~~father~~ parent is the child's biological ~~father~~ parent.

SECTION 263. 48.299 (6) (e) 2. of the statutes is amended to read:

48.299 (6) (e) 2. The court shall, at the hearing, orally inform any man person specified in sub. (6) (intro.) that he or she may be required to pay for any testing ordered by the court under this paragraph or under s. 885.23.

SECTION 264. 48.299 (6) (e) 3. of the statutes is amended to read:

48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the child, the court may order any man person specified in sub. (6) (intro.) to submit to one or more genetic tests which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability that the man person alleged to be the child's ~~father~~ parent is the child's biological ~~father~~ parent based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at any hearing. The court, upon request by a party, may order that independent tests be performed by other experts qualified as examiners of genetic markers present on the cells of the specific body materials to be used for the tests.

SECTION 265. 48.299 (6) (e) 4. of the statutes is amended to read:

48.299 (6) (e) 4. If the genetic tests show that an alleged ~~father~~ parent is not excluded and that the statistical probability that the alleged ~~father~~ parent is the child's biological ~~father~~ parent is 99.0 percent or higher, the court may determine that for purposes of a proceeding under this chapter, other than a proceeding under subch. VIII, the man person is the child's biological parent.

SECTION 266. 48.299 (7) of the statutes is amended to read:

48.299 (7) If a man person who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which he or she received the notice but does not allege that he or she is ~~the father~~ a parent of the child and state that he or she wishes to establish the paternity parentage of the child or if no man person to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the paternity parentage of the child.

SECTION 267. 48.355 (4g) (a) 1. of the statutes is amended to read:

48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce, annulment, or legal separation, a man person determined under s. 48.299 (6) (e) 4. to be the biological ~~father~~ parent of the child for purposes of a proceeding under this chapter is a party to a pending action to determine paternity of the child under ch. 767, or the child is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the child or visitation rights with respect to the child.

SECTION 268. 48.396 (2) (dm) of the statutes is amended to read:

48.396 (2) (dm) Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's attorney or the guardian ad litem for the child who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child for the purpose of determining the paternity of the child or for the purpose of

rebutting the presumption of ~~paternity~~ parentage under s. 891.405, 891.407, or 891.41 (1), the court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for inspection by the requester its records relating to the paternity of the child or disclose to the requester those records.

SECTION 269. 48.42 (1g) (a) 4. of the statutes is amended to read:

48.42 (1g) (a) 4. A statement identifying any ~~man~~ person who has lived in a familial relationship with the child and who may be ~~the father~~ a parent of the child.

SECTION 270. 48.42 (1g) (b) of the statutes is amended to read:

48.42 (1g) (b) The petitioner shall notify any ~~man~~ person identified in the affidavit under par. (a) as an alleged ~~father~~ parent of his ~~the~~ right to file a declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after the date on which the notice is mailed, whichever is later; of the birth date or anticipated birth date of the child; and of the consequences of filing or not filing a declaration of ~~paternal~~ parental interest. The petitioner shall include with the notice a copy of the form required to file a declaration of ~~paternal~~ parental interest under s. 48.025. The notice shall be sent by certified mail to the last-known address of the alleged ~~father~~ parent.

SECTION 271. 48.42 (1g) (c) of the statutes is amended to read:

48.42 (1g) (c) If an affidavit under par. (a) is not filed with the petition, notice shall be given to an alleged ~~father~~ parent under sub. (2).

SECTION 272. 48.42 (2) (b) 1. of the statutes is amended to read:

48.42 (2) (b) 1. A person who has filed an unrevoked declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child or within 14 days after the birth of the child.

SECTION 273. 48.42 (2) (b) 2. of the statutes is amended to read:

48.42 (2) (b) 2. A person or persons alleged to the court to be ~~the father~~ a parent of the child or who may, based upon the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

SECTION 274. 48.42 (2) (bm) 1. of the statutes is amended to read:

48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed, whichever is later.

SECTION 275. 48.422 (6) (a) of the statutes is amended to read:

48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and for whom paternity has not been established, or for whom a declaration of ~~paternal~~ parental interest has not been filed under s. 48.025 within 14 days after the date of birth of the child or, if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the ~~paternity~~ parentage of the child. Based on the testimony, the court shall determine whether all interested parties who are known have been notified under s. 48.42 (2) and (2g) (ag). If not, the court shall adjourn the hearing and order appropriate notice to be given.

SECTION 276. 48.422 (7) (bm) of the statutes is amended to read:

48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has been identified. If a proposed adoptive parent of the child has been identified and the proposed adoptive parent is not a relative of the child, the court shall order the petitioner to submit a report to the court containing the information specified in s.

48.913 (7). The court shall review the report to determine whether any payments or agreement to make payments set forth in the report are coercive to the birth parent of the child or to an alleged ~~to~~ or presumed father parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of ~~the~~ any birth parent of the child, ~~an,~~ alleged or presumed father parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petition or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1). This paragraph does not apply if the petition was filed with a petition for adoptive placement under s. 48.837 (2).

SECTION 277. 48.422 (7) (br) of the statutes is amended to read:

48.422 (7) (br) Establish whether any person has coerced a birth parent or ~~any~~ alleged or presumed ~~father~~ parent of the child in violation of s. 48.63 (3) (b) 5. Upon a finding of coercion, the court shall dismiss the petition.

SECTION 278. 48.423 (2) (d) of the statutes is amended to read:

48.423 (2) (d) That the person has complied with the requirements of the state where the ~~mother~~ birth parent previously resided or was located to protect and preserve his ~~paternal~~ or her parental interests in matters affecting the child.

SECTION 279. 48.432 (1) (am) 2. b. of the statutes is amended to read:

48.432 (1) (am) 2. b. If there is no adjudicated father, the ~~husband~~ spouse of the mother at the time the individual or adoptee is conceived or born, or when the parents intermarry under s. 767.803.

SECTION 280. 48.63 (3) (b) 4. of the statutes is amended to read:

48.63 (3) (b) 4. Before a child may be placed under subd. 1., the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

SECTION 281. 48.63 (3) (b) 5. of the statutes is amended to read:

48.63 (3) (b) 5. Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed ~~father~~ parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

SECTION 282. 48.82 (1) (a) of the statutes is amended to read:

48.82 (1) (a) ~~A husband and wife~~ Spouses jointly, or either the husband or wife if the ~~other~~ spouse is of a parent of the minor.

SECTION 283. 48.837 (1r) (d) of the statutes is amended to read:

48.837 (1r) (d) Before a child may be placed under par. (a), the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed father parent of the child, shall be financially responsible for those costs.

SECTION 284. 48.837 (1r) (e) of the statutes is amended to read:

48.837 (1r) (e) Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed father parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

SECTION 285. 48.837 (6) (b) of the statutes is amended to read:

48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall review the report that is submitted under s. 48.913 (6). The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to the any birth parent of the child or to an alleged or presumed father parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of the a birth parent of the child, an, alleged or presumed father parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the

adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1).

SECTION 286. 48.837 (6) (br) of the statutes is amended to read:

48.837 (6) (br) At the hearing on the petition under sub. (2), the court shall determine whether any person has coerced a birth parent or ~~any~~ alleged or presumed ~~father~~ parent of the child in violation of sub. (1r) (e). Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3).

SECTION 287. 48.913 (1) (a) of the statutes is amended to read:

48.913 (1) (a) Preadoptive counseling for a birth parent ~~of the child~~ or an alleged or presumed ~~father~~ parent of the child.

SECTION 288. 48.913 (1) (b) of the statutes is amended to read:

48.913 (1) (b) Post-adoptive counseling for a birth parent ~~of the child~~ or an alleged or presumed ~~father~~ parent of the child.

SECTION 289. 48.913 (1) (h) of the statutes is amended to read:

48.913 (1) (h) Legal and other services received by a birth parent of the child, an alleged or presumed ~~father~~ parent of the child, or the child in connection with the adoption.

SECTION 290. 48.913 (2) (intro.) of the statutes is amended to read:

48.913 (2) PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents of a child may pay for an

expense of a birth parent of the child or an alleged or presumed ~~father~~ parent of the child if the birth parent or ~~the~~ alleged or presumed ~~father~~ parent was residing in another state when the payment was made and when the expense was incurred and if all of the following apply:

SECTION 291. 48.913 (2) (b) of the statutes is amended to read:

48.913 (2) (b) The state in which the birth parent or ~~the~~ alleged or presumed ~~father~~ parent was residing when the payment was made permits the payment of that expense by the proposed adoptive parents of the child.

SECTION 292. 48.913 (2) (c) (intro.) of the statutes is amended to read:

48.913 (2) (c) (intro.) A listing of all payments made under this subsection, a copy of the statutory provisions of the state in which the birth parent or ~~the~~ alleged or presumed ~~father~~ parent was residing when the payments were made that permit those payments to be made by the proposed adoptive parents of the child, and a copy of all orders entered in the state in which the birth parent or ~~the~~ alleged or presumed ~~father~~ parent was residing when the payments were made that relate to the payment of expenses of the birth parent or ~~the~~ alleged or presumed ~~father~~ parent by the proposed adoptive parents of the child is submitted to the court as follows:

SECTION 293. 48.913 (3) of the statutes is amended to read:

48.913 (3) **METHOD OF PAYMENT.** Any payment under sub. (1) or (2) shall be made directly to the provider of a good or service except that a payment under sub. (1) or (2) may be made to a birth parent ~~of the child~~ or ~~to an~~ alleged or presumed ~~father~~ parent of the child as reimbursement of an amount previously paid by the birth parent or ~~by the~~ alleged or presumed ~~father~~ parent if documentation is provided showing that the birth parent or alleged or presumed ~~father~~ parent has made the previous payment.

SECTION 294. 48.913 (4) of the statutes is amended to read:

48.913 (4) OTHER PAYMENTS PROHIBITED. The proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents may not make any payments to or on behalf of a birth parent of the child, an alleged or presumed father parent of the child, or the child except as provided in subs. (1) and (2).

SECTION 295. 48.913 (7) of the statutes is amended to read:

48.913 (7) REPORT TO THE COURT; CONTENTS REQUIRED. The report required under sub. (6) shall include a list of all transfers of anything of value made or agreed to be made by the proposed adoptive parents or by a person acting on their behalf to a birth parent of the child, an alleged or presumed father parent of the child, or the child, on behalf of a birth parent of the child, an alleged or presumed father parent of the child, or the child, or to any other person in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents. The report shall be itemized and shall show the goods or services for which payment was made or agreed to be made. The report shall include the dates of each payment, the names and addresses of each attorney, doctor, hospital, agency, or other person or organization receiving any payment from the proposed adoptive parents or a person acting on behalf of the proposed adoptive parents in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents.

SECTION 296. 48.9795 (1) (a) 1. c. of the statutes is amended to read:

48.9795 (1) (a) 1. c. Any person who has filed a declaration of paternal parental interest under s. 48.025, who is alleged to the court to be ~~the father~~ a parent of the

child, or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child.

SECTION 297. 48.9795 (1) (b) of the statutes is amended to read:

48.9795 (1) (b) “Party” means the person petitioning for the appointment of a guardian for a child or any interested person other than a person who is alleged to the court to be ~~the father~~ a parent of the child or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child.

SECTION 298. 49.141 (1) (j) 1. of the statutes is amended to read:

49.141 (1) (j) 1. A ~~biological~~ natural parent.

SECTION 299. 49.141 (1) (j) 2. of the statutes is repealed.

SECTION 300. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.623, the child’s ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child’s ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 301. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child’s ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross

income of the child's ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 302. 49.163 (2) (am) 2. of the statutes is amended to read:

49.163 (2) (am) 2. If over 25 years of age, be a ~~biological~~ natural or adoptive parent of a child under 18 years of age whose parental rights to the child have not been terminated or be a relative and primary caregiver of a child under 18 years of age.

SECTION 303. 49.19 (1) (a) 2. a. of the statutes is amended to read:

49.19 (1) (a) 2. a. Is living with a parent; a blood relative, including those of half-blood, and including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great or great-great; a ~~stepfather,~~ ~~stepmother~~ stepparent, stepbrother, or stepsister; a person who legally adopts the child or is the adoptive parent of the child's parent, a natural or legally adopted child of such person or a relative of an adoptive parent; or a spouse of any person named in this ~~subparagraph~~ subd. 2. a. even if the marriage is terminated by death or divorce; and is living in a residence maintained by one or more of these relatives as the child's or their own home, or living in a residence maintained by one or more of these relatives as the child's or their own home because the parents of the child have been found unfit to have care and custody of the child; or

SECTION 304. 49.19 (4) (d) (intro.) of the statutes is amended to read:

49.19 (4) (d) (intro.) Aid may be granted to the ~~mother or stepmother~~ parent or stepparent of a dependent child if he or she is without a ~~husband~~ spouse or if he or she:

SECTION 305. 49.19 (4) (d) 1. of the statutes is amended to read:

49.19 (4) (d) 1. Is the ~~wife~~ spouse of a ~~husband~~ person who is incapacitated for gainful work by mental or physical disability; or

SECTION 306. 49.19 (4) (d) 2. of the statutes is amended to read:

49.19 (4) (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ person who is incarcerated or who is a convicted offender permitted to live at home but precluded from earning a wage because the ~~husband~~ person is required by a court imposed sentence to perform unpaid public work or unpaid community service; or

SECTION 307. 49.19 (4) (d) 3. of the statutes is amended to read:

49.19 (4) (d) 3. Is the ~~wife~~ spouse of a ~~husband~~ person who has been committed to the department pursuant to ch. 975, irrespective of the probable period of such commitment; or

SECTION 308. 49.19 (4) (d) 4. of the statutes is amended to read:

49.19 (4) (d) 4. Is the ~~wife~~ spouse of a ~~husband~~ person who has continuously abandoned or failed to support him or her, if proceedings have been commenced against the ~~husband~~ person under ch. 769; or

SECTION 309. 49.19 (4) (d) 5. of the statutes is amended to read:

49.19 (4) (d) 5. Has been divorced and is without a ~~husband~~ spouse or legally separated from his or her ~~husband~~ spouse and is unable through use of the provisions of law to compel his or her former ~~husband~~ spouse to adequately support the child for whom aid is sought; or

SECTION 310. 49.345 (2) of the statutes is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,

services, and supplies provided by any institution in this state, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

SECTION 311. 49.43 (12) of the statutes is amended to read:

49.43 (12) "Spouse" means the legal ~~husband or wife of~~ person to whom the beneficiary is legally married, whether or not the person is eligible for medical assistance.

SECTION 312. 49.471 (1) (b) 2. of the statutes is amended to read:

49.471 (1) (b) 2. A ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister.

SECTION 313. 49.90 (4) of the statutes is amended to read:

49.90 (4) The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and then the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify a sum ~~which~~ that will be sufficient for the support of the dependent person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health services or the department of children and families, whichever is appropriate, and distributed as required by state and federal law. An order under this subsection that relates to maintenance required under sub. (1) (a) 2. shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application of any party affected by the order and upon like notice and procedure, the court may

modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

SECTION 314. 54.01 (36) (a) of the statutes is amended to read:

54.01 (36) (a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, if the decree or judgment is not recognized as valid in this state, unless the 2 subsequently participated in a marriage ceremony purporting to marry each other or they subsequently held themselves out as ~~husband and wife~~ married to each other.

SECTION 315. 54.960 (1) of the statutes is amended to read:

54.960 (1) Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~husband and wife~~ 2 individuals who are married to each other, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

SECTION 316. 69.03 (15) of the statutes is amended to read:

69.03 (15) Periodically provide to each county child support agency under s. 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom ~~no father's~~ only one parent's name has been inserted on the registrant's birth record within 6 months of birth.

SECTION 317. 69.11 (4) (b) of the statutes is amended to read:

69.11 (4) (b) The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent's name, or parent's marital status ~~of the mother~~ if 365 days have elapsed since the occurrence

of the event that is the subject of the birth record, if the amendment is at the request of a person with a direct and tangible interest in the record and is in the manner prescribed by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may be made under this paragraph only if the marital status is inconsistent with information ~~concerning the father or husband~~ that appears on the birth record. This paragraph may not be used to add to or delete from a birth record the name of a parent, to change the identity of a parent named on the birth record, or to effect a name change prohibited under s. 301.47.

SECTION 318. 69.12 (5) of the statutes is amended to read:

69.12 (5) A change in the marital status on the record of birth may be requested under this section only if the marital status is inconsistent with ~~father or husband~~ information appearing on the birth record. This section may not be used to add or delete the name of a parent on the record of birth or change the identity of either parent named on the birth record.

SECTION 319. 69.13 (2) (b) 4. of the statutes is amended to read:

69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage document, divorce or annulment record, or a final divorce decree that indicates that the mother was not married to the person listed as her ~~husband~~ spouse at any time during the pregnancy, a legal name change order, or any other legal document that clarifies the disputed information.

SECTION 320. 69.14 (1) (c) 4. of the statutes is amended to read:

69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the ~~father or mother, father, or mother's spouse,~~ or in the absence of the father or the mother's spouse and the inability of the mother, the person responsible for the premises where the birth occurs.

SECTION 321. 69.14 (1) (e) (title) and 1. of the statutes are amended to read:

69.14 (1) (e) (title) *Father's Spouse's or father's name.* 1. If Except as provided in par. (h), if the mother of a registrant under this section was married at any time from the conception to the birth of the registrant, the name of the husband spouse of the mother shall be entered on the birth record as the a legal father parent of the registrant. The name of the ~~father~~ parent entered under this subdivision may not be changed except by a proceeding under ch. 767.

SECTION 322. 69.14 (1) (f) 1. of the statutes is amended to read:

69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a registrant of a birth record under this section is married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant, the given name and surname ~~which~~ that the mother ~~and father~~ of the registrant and her spouse enter for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

b. If the mother of a registrant of a birth record under this section is married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant and the mother is separated or divorced ~~from the father of the registrant~~ at the time of birth, the given name and surname ~~which~~ that the parent of the registrant with actual custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname

~~which~~ that the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

c. If the mother of a registrant of a birth record under this section is not married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant, the given name and surname ~~which~~ that the mother of the registrant enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname ~~which~~ that the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

SECTION 323. 69.14 (1) (g) of the statutes is amended to read:

69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record under this section is born as a result of artificial insemination under the requirements of s. 891.40, the husband spouse of the woman person inseminated shall be considered ~~the father~~ a parent of the registrant on the birth record. ~~If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant's birth record.~~

SECTION 324. 69.14 (2) (b) 2. d. of the statutes is amended to read:

69.14 (2) (b) 2. d. The full name of the father or the mother's spouse, except that if the mother was not married at the time of conception or birth or between conception and birth of the registrant, the name of the father may not be entered except as provided under s. 69.15 (3).

SECTION 325. 69.15 (1) of the statutes is amended to read:

69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change information on a birth record registered in this state which was correct at the time the birth record was filed under a court or administrative order issued in this state, in another state or in Canada or under the valid order of a court of any federally recognized Indian tribe, band, or nation if all of the following occur:

(a) The order provides for an adoption, name change, or name change with sex change or establishes paternity; and or parentage.

(b) A clerk of court or, for a paternity or parentage action, a clerk of court or county child support agency under s. 59.53 (5), sends the state registrar a certified report of an order of a court in this state in the method prescribed by the state registrar or, in the case of any other order, the state registrar receives a certified copy of the order and the proper fee under s. 69.22.

SECTION 326. 69.15 (3) (title) and (a) (intro.), 1., 2. and 3. of the statutes are amended to read:

69.15 (3) (title) ~~PATERNITY~~ PARENTAGE. (a) (intro.) If the state registrar receives an order under sub. (1) that establishes paternity or determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant, or a report under s. 767.804 (1) (c) that shows a conclusive determination of paternity, the state registrar shall do the following, as appropriate:

1. Prepare under sub. (6) a new record omitting the ~~father's~~ parent's name if the order determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant and if there is no adjudicated father.

2. Prepare under sub. (6) a new record for the subject of a paternity action changing the name of the ~~father~~ parent if the name of the adjudicated father is different than the name of the ~~man~~ person on the birth record.

3. Except as provided under subd. 4., insert the name of the adjudicated or conclusively determined father on the original birth record if the name of the ~~father~~ that parent was omitted on the original record.

SECTION 327. 69.15 (3) (b) 1., 2., 3. and 4. (intro.), a. and b. of the statutes are amended to read:

69.15 **(3)** (b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging ~~paternity~~ parentage in the manner prescribed by the state registrar and signed by both of the ~~birth~~ natural parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the ~~husband~~ spouse of the person who gave birth from the marriage record as the ~~father~~ parent if the name of the ~~father~~ that parent was omitted on the original birth record. The state registrar shall include for the acknowledgment the items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.803 dies after his or her marriage and before the statement acknowledging ~~paternity~~ parentage has been signed, the state registrar shall insert the name of the ~~father~~ parent under subd. 1. upon receipt of a court order determining that the ~~husband~~ spouse was the ~~father~~ parent of the child.

3. Except as provided under par. (c), if the state registrar receives a statement acknowledging ~~paternity~~ parentage in the method prescribed by the state registrar and signed by both parents, neither of whom was under the age of 18 years when the

form was signed, along with the fee under s. 69.22, the state registrar shall insert the name of the ~~father~~ parent under subd. 1. The state registrar shall mark the record to show that the acknowledgement is on file. The acknowledgement shall be available to the department of children and families or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

4. (intro.) If a registrant has not reached the age of 18 years and if any of the following indicate, in a statement acknowledging ~~paternity~~ parentage under subd. 1. or 3., that the given name or surname, or both, of the registrant should be changed on the birth record, the state registrar shall enter the name indicated on the birth record without a court order:

a. The ~~mother of the~~ parent who gave birth to the registrant, except as provided under subd. 4. b. and c.

b. The ~~father of~~ natural parent who did not give birth to the registrant if the ~~father~~ that parent has legal custody of the registrant.

SECTION 328. 69.15 (3) (b) 3m. of the statutes is created to read:

69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives an acknowledgement of parentage on a form prescribed by the state registrar and signed by both of the people presumed to be natural parents under s. 891.41 (1) (b), a certified copy of the parents' marriage certificate, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the marriage certificate as a parent if the name of that parent was omitted on the original birth certificate.

SECTION 329. 69.15 (3) (d) of the statutes is amended to read:

69.15 (3) (d) The method prescribed by the state registrar for acknowledging ~~paternity~~ parentage shall require that the social security number of each of the registrant's parents be provided.

SECTION 330. 69.15 (3m) (title) and (a) (intro.) of the statutes are amended to read:

69.15 (3m) (title) ~~RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY PARENTAGE.~~ (a) (intro.) A statement acknowledging ~~paternity~~ parentage that is filed with the state registrar under sub. (3) (b) 3. may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

SECTION 331. 69.15 (3m) (a) 3. and (b) of the statutes are amended to read:

69.15 (3m) (a) 3. The person rescinding the statement files a rescission in the method prescribed under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the ~~man~~ person who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

(b) If the state registrar, within the time required under par. (a) 3., receives a rescission in the method prescribed by the state registrar, along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new record omitting the ~~father's~~ parent's name if it was inserted under sub. (3) (b).

SECTION 332. 71.03 (2) (d) (title) of the statutes is amended to read:

71.03 (2) (d) (title) ~~Husband and wife~~ Spouses joint filing.

SECTION 333. 71.03 (2) (d) 1. of the statutes is amended to read:

71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband and a wife~~ spouses may file a joint return for income tax purposes even though one of the spouses has no gross income or no deductions.

SECTION 334. 71.03 (2) (d) 2. of the statutes is amended to read:

71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse at any time during the taxable year is a nonresident alien, unless an election is in effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~ Internal Revenue Code.

SECTION 335. 71.03 (2) (d) 3. of the statutes is amended to read:

71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses have different taxable years, except that if their taxable years begin on the same day and end on different days because of the death of either or both the joint return may be filed with respect to the taxable year of each unless the surviving spouse remarries before the close of his or her taxable year or unless the taxable year of either spouse is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~ Internal Revenue Code.

SECTION 336. 71.03 (2) (g) of the statutes is amended to read:

71.03 (2) (g) *Joint return following separate return.* Except as provided in par. (i), if an individual has filed a separate return for a taxable year for which a joint return could have been filed by the individual and the individual's spouse under par. (d) or (e) and the time prescribed by law for timely filing the return for that taxable year has expired, the individual and the individual's spouse may file a joint return for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this paragraph is their return for that taxable year, and all payments, credits, refunds or other repayments made or allowed with respect to the separate return of each

spouse for that taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid. If a joint return is filed under this paragraph, any election, other than the election to file a separate return, made by either spouse in that spouse's separate return for that taxable year with respect to the treatment of any income, deduction or credit of that spouse may not be changed in the filing of the joint return if that election would have been irrevocable if the joint return had not been filed.

SECTION 337. 71.03 (2) (m) 2. of the statutes is amended to read:

71.03 (2) (m) 2. If ~~a husband and wife~~ spouses change from a joint return to separate returns within the time prescribed in subd. 1., the tax paid on the joint return shall be allocated between them in proportion to the tax liability shown on each separate return.

SECTION 338. 71.03 (4) (a) of the statutes is amended to read:

71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and consists entirely of wages subject to withholding for Wisconsin tax purposes and not more than \$200 total of dividends, interest and other wages not subject to Wisconsin withholding, and who have elected the Wisconsin standard deduction and have not claimed either the credit for homestead property tax relief or deductions for expenses incurred in earning such income, shall, at their election, not be required to record on their income tax returns the amount of the tax imposed on their Wisconsin taxable income. Married persons shall be permitted this election only if the joint income of the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes on the same joint income tax return form, and if both make this election.

SECTION 339. 71.05 (22) (a) (title) of the statutes is amended to read:

71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal deductions.*

SECTION 340. 71.07 (5m) (a) 3. of the statutes is amended to read:

71.07 (5m) (a) 3. “Household” means a claimant and an individual related to the claimant as ~~husband or wife~~ his or her spouse.

SECTION 341. 71.07 (9e) (b) of the statutes is amended to read:

71.07 (9e) (b) No credit may be allowed under this subsection to married persons, except married persons living apart who are treated as single under section 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~ spouses report their income on separate income tax returns for the taxable year.

SECTION 342. 71.09 (13) (a) 2. of the statutes is amended to read:

71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a husband and wife~~ spouses who filed separate returns for the preceding taxable year file a joint return, the tax shown on the return for the preceding year is the sum of the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a husband and wife~~ spouses who filed a joint return for the preceding taxable year file separate returns, the tax shown on the return for the preceding year is ~~the husband’s or wife’s~~ each spouse’s proportion of that tax based on what their respective tax liabilities for that year would have been had they filed separately.

SECTION 343. 71.52 (4) of the statutes is amended to read:

71.52 (4) “Household” means a claimant and an individual related to the claimant as ~~husband or wife~~ his or her spouse.

SECTION 344. 71.83 (1) (a) 8. of the statutes is amended to read:

71.83 (1) (a) 8. ‘Joint return replacing separate returns.’ If the amount shown as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)

(g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return of each spouse and if any part of that excess is attributable to negligence or intentional disregard of this chapter, but without intent to defraud, at the time of the filing of that separate return, then 25 percent of the total amount of that excess shall be added to the tax.

SECTION 345. 71.83 (1) (b) 5. of the statutes is amended to read:

71.83 (1) (b) 5. ‘Joint return after separate returns.’ If the amount shown as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g) to (L) exceeds the sum of the amounts shown as the tax on the separate return of each spouse and if any part of that excess is attributable to fraud with intent to evade tax at the time of the filing of that separate return, then 50 percent of the total amount of that excess shall be added to the tax.

SECTION 346. 77.25 (8m) of the statutes is amended to read:

77.25 (8m) Between ~~husband and wife~~ spouses.

SECTION 347. 77.54 (7) (b) 1. of the statutes is amended to read:

77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~ ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or, if the item is a motor vehicle, from the transferor to a corporation owned solely by the transferor or by the transferor’s spouse.

SECTION 348. 101.91 (5m) of the statutes is amended to read:

101.91 (5m) “Manufactured home community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. “Manufactured home community” does not include a farm where the occupants of the manufactured homes are the ~~father,~~ ~~mother,~~ ~~son,~~

~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

SECTION 349. 102.07 (5) (b) of the statutes is amended to read:

102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law, daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or sister-in-law of a farmer shall not be deemed the farmer's employees.

SECTION 350. 102.07 (5) (c) of the statutes is amended to read:

102.07 (5) (c) A shareholder-employee of a family farm corporation shall be deemed a "farmer" for purposes of this chapter and shall not be deemed an employee of a farmer. A "family farm corporation" means a corporation engaged in farming all of whose shareholders are related as lineal ancestors or lineal descendants, whether by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins, sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law, brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

SECTION 351. 102.51 (1) (a) 1. of the statutes is amended to read:

102.51 (1) (a) 1. A wife married person upon ~~a husband~~ his or her spouse with whom he or she is living at the time of ~~his~~ the spouse's death.

SECTION 352. 102.51 (1) (a) 2. of the statutes is repealed.

SECTION 353. 103.10 (1) (h) of the statutes is amended to read:

103.10 (1) (h) "Spouse" means ~~an employee's legal husband or wife~~ the person to whom an employee is legally married.

SECTION 354. 103.165 (3) (a) 3. of the statutes is amended to read:

103.165 (3) (a) 3. The decedent's ~~father or mother~~ parent or parents if the decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

SECTION 355. 111.32 (12) of the statutes is amended to read:

111.32 (12) “Marital status” means the status of being married, single, divorced, separated, or widowed a surviving spouse.

SECTION 356. 115.76 (12) (a) 1. of the statutes is amended to read:

115.76 (12) (a) 1. A ~~biological~~ natural parent.

SECTION 357. 115.76 (12) (a) 2. of the statutes is repealed.

SECTION 358. 115.76 (12) (a) 3. of the statutes is repealed.

SECTION 359. 115.76 (13) of the statutes is amended to read:

115.76 (13) “Person acting as a parent of a child” means a relative of the child or a private individual allowed to act as a parent of a child by the child’s ~~biological~~ natural or adoptive parents or guardian, and includes the child’s grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child’s ~~biological~~ natural or adoptive parents or guardian. “Person acting as a parent of a child” does not include any person that receives public funds to care for the child if such funds exceed the cost of such care.

SECTION 360. 146.34 (1) (f) of the statutes is amended to read:

146.34 (1) (f) “Parent” means a ~~biological~~ natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40~~ or a parent by adoption. If the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person adjudged in a judicial proceeding under ch. 48 to be the biological father of the minor. “Parent” does not include any person whose parental rights have been terminated.

SECTION 361. 157.05 of the statutes is amended to read:

157.05 Autopsy. Consent for a licensed physician to conduct an autopsy on the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: ~~Father,~~

~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 362. 182.004 (6) of the statutes is amended to read:

182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses, and to the survivor of them, in which event title shall descend the same as in like conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease shall descend to the persons to whom a homestead of the stockholder would descend except as provided in ch. 766. The interest of a tenant in the lease and stock shall be exempt from execution to the same extent as a homestead in real estate.

SECTION 363. 250.04 (3) (a) of the statutes is amended to read:

250.04 (3) (a) The department shall establish and maintain surveillance activities sufficient to detect any occurrence of acute, communicable, or chronic diseases and threat of occupational or environmental hazards, injuries, or changes in the health of ~~mothers~~ parents and children.

SECTION 364. 301.50 (1) of the statutes is amended to read:

301.50 (1) In this section, “substantial parental relationship” means the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of the child. In evaluating whether an individual has had a substantial parental relationship with the child, factors that may be considered include, but are not limited to, whether the individual has expressed concern for or interest in the support, care, or well-being of the child; whether the individual has neglected or refused to provide care or support for the child; and whether, with respect to an individual who is or may be ~~the father~~ a parent of the

child, the individual has expressed concern for or interest in the support, care, or well-being of the ~~mother during her~~ parent who gave birth during pregnancy.

SECTION 365. 700.19 (2) of the statutes is amended to read:

700.19 (2) ~~HUSBAND AND WIFE~~ SPOUSES. If persons named as owners in a document of title, transferees in an instrument of transfer, or buyers in a bill of sale are described in the document, instrument, or bill of sale as ~~husband and wife married to each other~~, or are in fact ~~husband and wife~~ married to each other, they are joint tenants, unless the intent to create a tenancy in common is expressed in the document, instrument, or bill of sale. This subsection applies to property acquired before January 1, 1986, and, if ch. 766 does not apply when the property is acquired, to property acquired on or after January 1, 1986.

SECTION 366. 705.01 (4) of the statutes is amended to read:

705.01 (4) “Joint account” means an account, other than a marital account, payable on request to one or more of 2 or more parties whether or not mention is made of any right of survivorship. “Joint account” also means any account established with the right of survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and wife~~ married to each other, which is payable on request to either or both of the parties.

SECTION 367. 705.01 (4m) of the statutes is amended to read:

705.01 (4m) “Marital account” means an account established without the right of survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and wife~~ married to each other, which is payable on request to either or both of the parties and which is designated as a marital account. An account established by those parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint account.

SECTION 368. 706.09 (1) (e) of the statutes is amended to read:

706.09 (1) (e) *Marital interests.* Homestead of the spouse of any transferor of an interest in real estate, if the recorded conveyance purporting to transfer the homestead states that the person executing it is single, unmarried, or widowed a surviving spouse or fails to indicate the marital status of the transferor, and if the conveyance has, in either case, appeared of record for 5 years. This paragraph does not apply to the interest of a married person who is described of record as a holder in joint tenancy or of marital property with that transferor.

SECTION 369. 765.001 (2) of the statutes is amended to read:

765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons, ~~a husband and wife~~, who owe to each other mutual responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support

and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

SECTION 370. 765.01 of the statutes is amended to read:

765.01 A civil contract. Marriage, so far as its validity at law is concerned, is a civil contract, to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of ~~husband and wife~~ spouse to each other.

SECTION 371. 765.02 (3) of the statutes is created to read:

765.02 (3) Marriage may be contracted between persons of the same sex or different sexes.

SECTION 372. 765.03 (1) of the statutes is amended to read:

765.03 (1) No marriage shall be contracted while either of the parties has a ~~husband or wife~~ spouse living, nor between persons who are nearer of kin than 2nd cousins except that marriage may be contracted between first cousins ~~where the female has attained the age of 55 years or where~~ if either party, at the time of application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile or that the 2 parties are otherwise permanently biologically incapable of producing a child together. Relationship under this section shall be computed by the rule of the civil law, whether the parties to the marriage are of the half or of the whole blood. A marriage may not be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

SECTION 373. 765.16 (1m) (intro.) of the statutes is amended to read:

765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual

declarations of the 2 parties to be joined in marriage that ~~they take~~ each takes the other as husband and wife his or her spouse, made before an authorized officiating person and in the presence of at least 2 competent adult witnesses other than the officiating person. If one of the parties is serving on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of the U.S. armed forces, or in the national guard, the presence of only one competent adult witness other than the officiating person is required. The following are authorized to be officiating persons:

SECTION 374. 765.16 (1m) (c) of the statutes is amended to read:

765.16 **(1m)** (c) The 2 parties themselves, by mutual declarations that ~~they take~~ each takes the other as husband and wife his or her spouse, in accordance with the customs, rules, and regulations of any religious society, denomination, or sect to which either of the parties may belong.

SECTION 375. 765.23 of the statutes is amended to read:

765.23 Immaterial irregularities otherwise. No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized more than 60 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of ~~husband and wife a~~

married couple, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

SECTION 376. 765.24 of the statutes is amended to read:

765.24 Removal of impediments to subsequent marriage. If a person during the lifetime of a ~~husband or wife~~ spouse with whom the marriage is in force, enters into a subsequent marriage contract in accordance with s. 765.16, and the parties thereto live together thereafter as ~~husband and wife~~ a married couple, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former ~~husband or wife~~ spouse was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, ~~they~~ the parties shall, after the impediment to their marriage has been removed by the death or divorce of the other party to such former marriage, if they continue to live together as ~~husband and wife~~ a married couple in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment and ~~the issue of~~ any children born during such subsequent marriage shall be considered as the marital issue children of both ~~parents~~ parties.

SECTION 377. 765.30 (3) (a) of the statutes is amended to read:

765.30 (3) (a) *Penalty for unlawful solemnization of marriage.* Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that ~~they take each~~ takes the other as ~~husband and wife~~ his or her spouse; or without the presence of competent adult witnesses as required under s. 765.16 (1m); or solemnizes a marriage knowing of any legal impediment thereto; or

solemnizes a marriage more than 60 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person.

SECTION 378. 766.587 (7) (form) 9. of the statutes is amended to read:

766.587 (7) (form) 9. BOTH SPOUSES MUST SIGN THIS AGREEMENT. IF SIGNED BEFORE JANUARY 1, 1986, IT IS EFFECTIVE ON JANUARY 1, 1986, OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER. IF SIGNED ON OR AFTER JANUARY 1, 1986, IT IS EFFECTIVE ON THE DATE SIGNED OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER.

STATUTORY INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.587, Wisconsin Statutes)

This agreement is made and entered into by and, (~~husband and wife who are married~~) (who intend to marry) (strike one).

The parties to this agreement agree to classify all their property, including property owned by them now and property acquired before January 1, 1987, as the individual property of the owning spouse, and agree that ownership of their property shall be determined as if it were December 31, 1985.

This agreement terminates on January 1, 1987.

Signature Date

Print Name Here:

Address:

Signature Date

Print Name Here:

Address:

[NOTE: Each spouse should retain a copy of the agreement for himself or herself.]

SECTION 379. 766.588 (9) (form) 13. of the statutes is amended to read:

766.588 (9) (form) 13. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.

STATUTORY TERMINABLE MARITAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.588, Wisconsin Statutes)

This agreement is entered into by and (~~husband and wife~~ who are married) (who intend to marry) (strike one). The parties hereby classify all of the property owned by them when this agreement becomes effective, and property acquired during the term of this agreement, as marital property.

One spouse may terminate this agreement at any time by giving signed notice of termination to the other spouse. Notice of termination by a spouse is given upon personal delivery or when sent by certified mail to the other spouse's last-known address. The agreement terminates 30 days after such notice is given.

The parties (have) (have not) (strike one) completed Schedule "A", "Financial Disclosure", attached to this agreement. If Schedule "A" has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule "A" has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE SCHEDULE "A", "FINANCIAL DISCLOSURE", IS

COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

Signature of One Spouse:

Date:

Print Name Here:

Residence Address:

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature authenticated this day of, (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

.... County)

Personally came before me this day of, (year) the above named to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....

Notary Public, County, Wisconsin.

My Commission is permanent.

(If not, state expiration date:, (year))

(Signatures may be authenticated or
acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be
typed or printed below their signatures.

Signature of Other Spouse:

Date:

Print Name Here:

Residence Address:

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature authenticated this day of, (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

.... County)

Personally came before me this day of, (year) the above named to
me known to be the person who executed the foregoing instrument and acknowledge
the same.

*....

Notary Public, County, Wisconsin.

My Commission is permanent.

(If not, state expiration date:, (year))

(Signatures may be authenticated or
acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be
typed or printed below their signatures.

TERMINATION OF STATUTORY TERMINABLE

MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.588 (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.

3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable marital property classification agreement entered into by me and my spouse on (date last spouse signed the agreement) under section 766.588 of the Wisconsin Statutes.

Signature:

Date:

Print Name Here:

Residence Address:

SCHEDULE "A"

FINANCIAL DISCLOSURE

The following general categories of assets and liabilities are not all inclusive and if other assets or liabilities exist they should be listed. Assets should be listed according to which spouse has title (including assets owned by a spouse or the spouses with one or more third parties) and at their approximate market value.

Husband ~~*Wife*~~ *Spouse (Name)* *Spouse (Name)* *Both Names*

I. ASSETS

- A. Real estate (gross value)
- B. Stocks, bonds and mutual funds
- C. Accounts at and certificates or other instruments issued by financial institutions
- D. Mortgages, land contracts, promissory notes and cash
- E. Partnership interests
- EL. Limited liability company interests.
- F. Trust interests
- G. Livestock, farm products, crops
- H. Automobiles and other vehicles
- I. Jewelry and personal effects
- J. Household furnishings
- K. Life insurance and annuities:

1. Face value
2. Cash surrender value

L. Retirement benefits (include value):

1. Pension plans
2. Profit sharing plans
3. HR-10 KEOGH plans
4. IRAs
5. Deferred compensation plans

M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

- A. Mortgages and liens
- B. Credit cards
- C. Other obligations to financial institutions
- D. Alimony, maintenance and child support (per month)
- E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:

(for example, wages and income from self-employment; also include social security, disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,
ADD ADDITIONAL SHEETS)

SECTION 380. 766.589 (10) (form) 14. of the statutes is amended to read:

766.589 (10) (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.

STATUTORY TERMINABLE INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.589, Wisconsin Statutes)

This agreement is entered into by and (~~husband and wife~~ who are married) (who intend to marry) (strike one). The parties hereby classify the marital property owned by them when this agreement becomes effective, and property acquired during the term of this agreement ~~which~~ that would otherwise have been marital property, as the individual property of the owning spouse. The parties agree that ownership of such property shall be determined by the name in which the property is held and, if property is not held by either or both spouses, ownership shall be determined as if the parties were unmarried persons when the property was acquired.

Upon the death of either spouse the surviving spouse may, except as otherwise provided in a subsequent marital property agreement, and regardless of whether this agreement has terminated, elect against the property of the decedent spouse as provided in section 766.589 (7) of the Wisconsin Statutes.

One spouse may terminate this agreement at any time by giving signed notice of termination to the other spouse. Notice of termination by a spouse is given upon personal delivery or when sent by certified mail to the other spouse's last-known address. The agreement terminates 30 days after such notice is given.

The parties (have) (have not) (strike one) completed Schedule “A”, “Financial Disclosure”, attached to this agreement. If Schedule “A” has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule “A” has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE THAT SCHEDULE “A”, “FINANCIAL DISCLOSURE”, IS COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE INDIVIDUAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE “A”, YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE “A”.

Signature of One Spouse:

Date:

Print Name Here:

Residence Address:

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature authenticated this day of, (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

.... County)

Personally came before me this day of, (year) the above named to me known to be the person who executed the foregoing instrument and acknowledge the same.

*

Notary Public, County, Wisconsin.

My Commission is permanent.

(If not, state expiration date:, (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

Signature of Other Spouse:

Date:

Print Name Here:

Residence Address:

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature authenticated this day of, (year)

*

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
 County)

Personally came before me this day of, (year) the above named to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....

Notary Public, County, Wisconsin.

My Commission is permanent.

(If not, state expiration date:, (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

TERMINATION OF
 STATUTORY TERMINABLE INDIVIDUAL
 PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589 (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION

BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.

3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable individual property classification agreement entered into by me and my spouse on (date last spouse signed the agreement) under section 766.589 of the Wisconsin Statutes.

Signature:

Date:

Print Name Here:

Residence Address:

SCHEDULE "A"

FINANCIAL DISCLOSURE

The following general categories of assets and liabilities are not all inclusive and if other assets or liabilities exist they should be listed. Assets should be listed according to which spouse has title (including assets owned by a spouse or the spouses with one or more third parties) and at their approximate market value.

Husband ~~*Wife*~~ *Spouse (Name)* *Spouse (Name)* *Both Names*

I. ASSETS:

- A. Real estate (gross value)
- B. Stocks, bonds and mutual funds
- C. Accounts at and certificates and other instruments issued by financial institutions

- D. Mortgages, land contracts, promissory notes
and cash
 - E. Partnership interests
 - EL. Limited liability company interests
 - F. Trust interests
 - G. Livestock, farm products, crops
 - H. Automobiles and other vehicles
 - I. Jewelry and personal effects
 - J. Household furnishings
 - K. Life insurance and annuities:
 - 1. Face value
 - 2. Cash surrender value
 - L. Retirement benefits (include value):
 - 1. Pension plans
 - 2. Profit sharing plans
 - 3. HR-10 KEOGH plans
 - 4. IRAs
 - 5. Deferred compensation plans
 - M. Other assets not listed elsewhere
- II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
- A. Mortgages and liens
 - B. Credit cards
 - C. Other obligations to financial institutions
 - D. Alimony, maintenance and child support (per
month)

E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:

(for example, wages and income from self-employment; also include social security, disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,
ADD ADDITIONAL SHEETS.)

SECTION 381. 767.215 (2) (b) of the statutes is amended to read:

767.215 (2) (b) The name and birthdate of each minor child of the parties and each other child born to ~~the wife~~ a party during the marriage, and whether ~~the wife~~ a party is pregnant.

SECTION 382. 767.215 (5) (a) 2. of the statutes is amended to read:

767.215 (5) (a) 2. The name, date of birth, and social security number of each minor child of the parties and of each child who was born to ~~the wife~~ a party during the marriage and who is a minor.

SECTION 383. 767.323 of the statutes is amended to read:

767.323 Suspension of proceedings to effect reconciliation. During the pendency of an action for divorce or legal separation, the court may, upon written stipulation of both parties that they desire to attempt a reconciliation, enter an order suspending any and all orders and proceedings for such period, not exceeding 90 days, as the court determines advisable to permit the parties to attempt a reconciliation without prejudice to their respective rights. During the suspension period, the parties may resume living together as ~~husband and wife~~ a married couple

and their acts and conduct do not constitute an admission that the marriage is not irretrievably broken or a waiver of the ground that the parties have voluntarily lived apart continuously for 12 months or more immediately prior to the commencement of the action. Suspension may be revoked upon the motion of either party by an order of the court. If the parties become reconciled, the court shall dismiss the action. If the parties are not reconciled after the period of suspension, the action shall proceed as though no reconciliation period was attempted.

SECTION 384. 767.80 (1) (intro.) of the statutes is amended to read:

767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons may bring an action or file a motion, including an action or motion for declaratory judgment, for the purpose of determining the paternity of a child, or for the purpose of rebutting the presumption of ~~paternity~~ parentage under s. 891.405, 891.407, or 891.41 (1):

SECTION 385. 767.80 (1) (c) of the statutes is amended to read:

767.80 (1) (c) Unless s. 767.804 (1) or 767.805 (1) applies, a male person presumed to be the child's ~~father~~ parent under s. 891.405, 891.407, or 891.41 (1).

SECTION 386. 767.80 (2) of the statutes is amended to read:

767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms, an agreement made after July 1, 1981, other than an agreement approved by the court between an alleged or presumed ~~father~~ parent and the mother or child, does not bar an action under this section. Whenever the court approves an agreement in which one of the parties agrees not to commence an action under this section, the court shall first determine whether or not the agreement is in the best interest of the child. The court shall not approve any provision waiving the right to bring an action under this section if this provision is contrary to the best interests of the child.

SECTION 387. 767.803 of the statutes is amended to read:

767.803 Determination of marital children. If the father and mother natural parents of a nonmarital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother parent who gave birth were terminated before either of these circumstances, the child becomes a marital child, is entitled to a change in birth record under s. 69.15 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. This section applies to all cases before, on, or after its effective date, but no estate already vested shall be divested by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages declared void under the law are nevertheless marital children.

SECTION 388. 767.804 (1) (a) 4. of the statutes is amended to read:

767.804 (1) (a) 4. No other male person is presumed to be the father natural parent under s. 891.405 or 891.41 (1).

SECTION 389. 767.805 (title), (1), (1m), (2) (a) and (b) and (3) (title) and (a) of the statutes are amended to read:

767.805 (title) Voluntary acknowledgment of paternity parentage. (1) CONCLUSIVE DETERMINATION OF PATERNITY PARENTAGE. A statement acknowledging paternity parentage that is on file with the state registrar under s. 69.15 (3) (b) 3. after the last day on which a person may timely rescind the statement, as specified in s. 69.15 (3m), is a conclusive determination, which shall be of the same effect as a judgment, of paternity parentage.

(1m) MINOR PARENT MAY NOT SIGN. A minor may not sign a statement acknowledging paternity parentage.

(2) (a) A statement acknowledging ~~paternity~~ parentage that is filed with the state registrar under s. 69.15 (3) (b) 3. may be rescinded as provided in s. 69.15 (3m) by a person who signed the statement as a parent of the child who is the subject of the statement.

(b) If a statement acknowledging ~~paternity~~ parentage is timely rescinded as provided in s. 69.15 (3m), a court may not enter an order specified in sub. (4) with respect to the ~~male person~~ who signed the statement as the ~~father~~ parent of the child unless the ~~male person~~ is adjudicated the child's ~~father~~ parent using the procedures set forth in this subchapter, except for this section.

(3) (title) ACTIONS WHEN ~~PATERNITY~~ PARENTAGE ACKNOWLEDGED. (a) Unless the statement acknowledging ~~paternity~~ parentage has been rescinded, an action affecting the family concerning custody, child support or physical placement rights may be brought with respect to persons who, with respect to a child, jointly signed and filed with the state registrar under s. 69.15 (3) (b) 3. as parents of the child a statement acknowledging ~~paternity~~ parentage.

SECTION 390. 767.805 (4) (intro.) of the statutes is amended to read:

767.805 (4) ORDERS WHEN ~~PATERNITY~~ PARENTAGE ACKNOWLEDGED. (intro.) In an action under sub. (3) (a), if the persons who signed and filed the statement acknowledging ~~paternity~~ as ~~parents~~ parentage of the child had notice of the hearing, the court shall make an order that contains all of the following provisions:

SECTION 391. 767.805 (4) (d) of the statutes is amended to read:

767.805 (4) (d) 1. An order establishing the amount of the ~~father's~~ obligation to pay or contribute to the reasonable expenses of ~~the mother's~~ pregnancy and the ~~child's birth~~ childbirth by the parent who did not give birth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth

expenses. The order also shall specify the court's findings as to whether the father's parent who did not give birth has an income that is at or below the poverty line established under 42 USC 9902 (2), and shall specify whether periodic payments are due on the obligation, based on the father's parent's ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the ~~father~~ parent has no present ability to pay or contribute to the expenses, the court may modify the judgment or order at a later date to require periodic payments if the ~~father~~ parent has the ability to pay at that time.

SECTION 392. 767.805 (5) (a) and (b) of the statutes are amended to read:

767.805 (5) (a) A determination of paternity parentage that arises under this section may be voided at any time upon a motion or petition stating facts that show fraud, duress or a mistake of fact. Except for good cause shown, any orders entered under sub. (4) shall remain in effect during the pendency of a proceeding under this paragraph.

(b) If a court in a proceeding under par. (a) determines that the ~~male~~ person is not the ~~father~~ parent of the child, the court shall vacate any order entered under sub. (4) with respect to the ~~male~~ person. The court or the county child support agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove the ~~male's~~ person's name as the ~~father~~ parent of the child from the child's birth record. No paternity action may thereafter be brought against the ~~male~~ person with respect to the child.

SECTION 393. 767.805 (6) (a) (intro.) of the statutes is amended to read:

767.805 (6) (a) (intro.) This section does not apply unless all of the following apply to the statement acknowledging ~~paternity~~ parentage:

SECTION 394. 767.855 of the statutes is amended to read:

767.855 Dismissal if adjudication not in child's best interest. Except as provided in s. 767.863 (1m), at any time in an action to establish the paternity of a child, upon the motion of a party or guardian ad litem or the child's mother if she is not a party, the court or supplemental court commissioner under s. 757.675 (2) (g) may, if the court or supplemental court commissioner determines that a judicial determination of whether a male is the father of the child is not in the best interest of the child, dismiss the action with respect to the male, regardless of whether genetic tests have been performed or what the results of the tests, if performed, were. Notwithstanding ss. 767.813 (5g) (form) 4., 767.84 (1) and (2), 767.863 (2), 767.865 (2), and 767.88 (4), if genetic tests have not yet been performed with respect to the male, the court or supplemental court commissioner is not required to order those genetic tests.

SECTION 395. 767.863 (1m) of the statutes is amended to read:

767.863 (1m) PATERNITY ALLEGATION BY MALE PERSON OTHER THAN HUSBAND SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD. In an action to establish the paternity of a child who was born to a woman while she was married, if a male person other than the woman's husband spouse alleges that he, not the husband woman's spouse, is the child's father biological parent, a party, or the woman if she is not a party, may allege that a judicial determination that a male person other than the husband woman's spouse is the father biological parent is not in the best interest of the child. If the court or a supplemental court commissioner under s. 757.675 (2) (g) determines that a judicial determination of whether a male person other than the husband woman's spouse is the father biological parent is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.

SECTION 396. 767.87 (1m) (intro.) of the statutes is amended to read:

767.87 (1m) BIRTH RECORD REQUIRED. (intro.) If the child was born in this state, the petitioner shall present a certified copy of the child's birth record or a printed copy of the record from the birth database of the state registrar to the court, so that the court is aware of whether a name has been inserted on the birth record as the ~~father~~ parent of the child other than the mother, at the earliest possible of the following:

SECTION 397. 767.87 (8) of the statutes is amended to read:

767.87 (8) BURDEN OF PROOF. The party bringing an action for the purpose of determining paternity or for the purpose of declaring the nonexistence of paternity presumed under s. 891.405, 891.407, or the nonexistence of parentage presumed under s. 891.405 or 891.41 (1) shall have the burden of proving the issues involved by clear and satisfactory preponderance of the evidence.

SECTION 398. 767.87 (9) of the statutes is amended to read:

767.87 (9) ARTIFICIAL INSEMINATION; NATURAL ~~FATHER~~ PARENT. ~~Where~~ If a child is conceived by artificial insemination, the ~~husband~~ spouse of the mother of the child at the time of the conception of the child is the natural ~~father~~ parent of the child, as provided in s. 891.40.

SECTION 399. 767.883 (1) of the statutes is amended to read:

767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part dealing with the determination of ~~paternity~~ parentage and the 2nd part dealing with child support, legal custody, periods of physical placement, and related issues. The main issue at the first part shall be whether the alleged or presumed ~~father~~ parent is or is not the ~~father~~ parent of the mother's child, but if the child was born to the mother while she was the lawful ~~wife~~ spouse of a specified ~~male~~ person, the prior issue of whether the ~~husband~~ mother's spouse was not the ~~father~~ parent of the child

shall be determined first, as provided under s. 891.39. The first part of the trial shall be by jury only if the defendant verbally requests a jury trial either at the initial appearance or pretrial hearing or requests a jury trial in writing prior to the pretrial hearing. The court may direct and, if requested by either party before the introduction of any testimony in the party's behalf, shall direct the jury to find a special verdict as to any of the issues specified in this section, except that the court shall make all of the findings enumerated in s. 767.89 (2) to (4). If the mother is dead, becomes insane, cannot be found within the jurisdiction, or fails to commence or pursue the action, the proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion to continue. The testimony of the mother taken at the pretrial hearing may in any such case be read in evidence if it is competent, relevant, and material. The issues of child support, custody, and visitation, and related issues shall be determined by the court either immediately after the first part of the trial or at a later hearing before the court.

SECTION 400. 769.316 (9) of the statutes is amended to read:

769.316 (9) The defense of immunity based on the relationship of ~~husband and wife~~ between spouses or parent and child does not apply in a proceeding under this chapter.

SECTION 401. 769.401 (2) (a) of the statutes is amended to read:

769.401 (2) (a) A parent or presumed father ~~parent~~ of the child.

SECTION 402. 769.401 (2) (g) of the statutes is repealed.

SECTION 403. 815.20 (1) of the statutes is amended to read:

815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment, and from liability for the debts of the owner to the amount

of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and taxes, and except as otherwise provided. The exemption shall not be impaired by temporary removal with the intention to reoccupy the premises as a homestead nor by the sale of the homestead, but shall extend to the proceeds derived from the sale to an amount not exceeding \$75,000, while held, with the intention to procure another homestead with the proceeds, for 2 years. The exemption extends to land owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and each spouse may claim a homestead exemption of not more than \$75,000. The exemption extends to the interest therein of tenants in common, having a homestead thereon with the consent of the cotenants, and to any estate less than a fee.

SECTION 404. 822.40 (4) of the statutes is amended to read:

822.40 (4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of ~~husband and wife~~ between spouses or parent and child may not be invoked in a proceeding under this subchapter.

SECTION 405. 851.30 (2) (a) of the statutes is amended to read:

851.30 (2) (a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, if the decree or judgment is not recognized as valid in this state, unless they subsequently participate in a marriage ceremony purporting to marry each other or they subsequently hold themselves out as ~~husband and wife~~ married to each other.

SECTION 406. 852.01 (1) (f) 1. of the statutes is amended to read:

852.01 (1) (f) 1. One-half to the ~~maternal~~ grandparents on one side equally if both survive, or to the surviving ~~maternal~~ grandparent on that side; if both ~~maternal~~

grandparents on that side are deceased, to the issue of the ~~maternal~~ grandparents on that side or either of them, per stirpes.

SECTION 407. 852.01 (1) (f) 2. of the statutes is amended to read:

852.01 (1) (f) 2. One-half to the ~~paternal~~ relations on the other side in the same manner as to the ~~maternal~~ relations under subd. 1.

SECTION 408. 852.01 (1) (f) 3. of the statutes is amended to read:

852.01 (1) (f) 3. If either ~~the maternal side or the paternal~~ side has no surviving grandparent or issue of a grandparent, the entire estate to the decedent's relatives on the other side.

SECTION 409. 854.03 (3) of the statutes is amended to read:

854.03 (3) MARITAL PROPERTY. Except as provided in subs. (4) and (5), if ~~a husband and wife~~ 2 spouses die leaving marital property and it is not established that one survived the other by at least 120 hours, 50 percent of the marital property shall be distributed as if it were the ~~husband's~~ first spouse's individual property and the ~~husband~~ 2nd spouse had survived, and 50 percent of the marital property shall be distributed as if it were the ~~wife's~~ 2nd spouse's individual property and the ~~wife~~ first spouse had survived.

SECTION 410. 891.39 (title) of the statutes is amended to read:

891.39 (title) Presumption as to whether a child is marital or nonmarital; self-erimination self-incrimination; birth certificates.

SECTION 411. 891.39 (1) (a) of the statutes is amended to read:

891.39 (1) (a) Whenever it is established in an action or proceeding that a child was born to a woman while she was ~~the lawful wife of~~ legally married to a specified ~~man~~ person, any party asserting in such action or proceeding that the ~~husband was spouse is~~ not the ~~father~~ parent of the child shall have the burden of proving that

assertion by a clear and satisfactory preponderance of the evidence. In all such actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as witnesses to the facts. The court or judge in such cases shall appoint a guardian ad litem to appear for and represent the child whose ~~paternity~~ parentage is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that a ~~man~~ person other than the ~~husband~~ mother's spouse is not excluded as the father of the child and that the statistical probability of the ~~man's~~ person's parentage is 99.0 percent or higher constitute a clear and satisfactory preponderance of the evidence of the assertion under this paragraph, even if the ~~husband~~ mother's spouse is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

SECTION 412. 891.39 (1) (b) of the statutes is amended to read:

891.39 (1) (b) In actions affecting the family, in which the question of paternity parentage is raised, and in paternity proceedings, the court, upon being satisfied that the parties to the action are unable to adequately compensate any such guardian ad litem for the guardian ad litem's services and expenses, shall then make an order specifying the guardian ad litem's compensation and expenses, which compensation and expenses shall be paid as provided in s. 967.06. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

SECTION 413. 891.39 (3) of the statutes is amended to read:

891.39 (3) If any court under this section adjudges a child to be a nonmarital child, the clerk of court shall report the facts to the state registrar, who shall issue a new birth record showing the correct facts as found by the court, and shall dispose of the original, with the court's report attached under s. 69.15 (3). If the ~~husband~~ mother's spouse is a party to the action and the court makes a finding as to whether

or not the husband mother's spouse is the father parent of the child, such finding shall be conclusive in all other courts of this state.

SECTION 414. 891.40 (1) of the statutes is renumbered 891.40 (1) (a) and amended to read:

891.40 (1) (a) ~~If, under the supervision of a licensed physician and with the spouse's consent of her husband, a wife~~ person is inseminated artificially as provided in par. (b) with semen donated by a man person who is not her husband the spouse of the person being inseminated, the husband spouse of the mother inseminated person at the time of the conception of the child shall be the natural father parent of a child conceived. The husband's spouse's consent must be in writing and signed by him or her and his wife. ~~The~~ by the inseminated person.

(c) 1. If the artificial insemination under par. (a) takes place under the supervision of a licensed physician, the physician shall certify their the signatures on the consent and the date of the insemination, and shall file the husband's spouse's consent with the department of health services, where it shall be kept. If the artificial insemination under par. (a) does not take place under the supervision of a licensed physician, the spouses shall file the signed consent, which shall include the date of the insemination, with the department of health services.

2. The department of health services shall keep a consent filed under subd. 1. confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However,

3. Notwithstanding subd. 1., the physician's or spouses' failure to file the consent form does not affect the legal status of father natural parent and child.

(d) All papers and records pertaining to the artificial insemination under par. (a), whether part of the permanent record of a court or of a file held by the a

supervising physician or sperm bank or elsewhere, may be inspected only upon an order of the court for good cause shown.

SECTION 415. 891.40 (1) (b) of the statutes is created to read:

891.40 (1) (b) The artificial insemination under par. (a) must satisfy any of the following:

1. The artificial insemination takes place under the supervision of a licensed physician.

2. The semen used for the insemination is obtained from a sperm bank.

SECTION 416. 891.40 (2) of the statutes is amended to read:

891.40 (2) The donor of semen provided to a licensed physician or obtained from a sperm bank for use in the artificial insemination of a woman other than the donor's wife spouse is not the natural father parent of a child conceived, bears no liability for the support of the child, and has no parental rights with regard to the child.

SECTION 417. 891.40 (3) of the statutes is created to read:

891.40 (3) This section applies with respect to children conceived before, on, or after the effective date of this subsection [LRB inserts date], as a result of artificial insemination.

SECTION 418. 891.405 of the statutes is amended to read:

891.405 Presumption of paternity parentage based on acknowledgment. A ~~man~~ person is presumed to be the natural father parent of a child if ~~he~~ the person and the ~~mother~~ person who gave birth have acknowledged ~~paternity~~ parentage under s. 69.15 (3) (b) 1. or 3. and no other ~~man~~ person is presumed to be the father natural parent under s. 891.41 (1).

SECTION 419. 891.407 of the statutes is amended to read:

891.407 Presumption of paternity based on genetic test results. A man is presumed to be the natural father of a child if the man has been conclusively determined from genetic test results to be the father under s. 767.804 and no other ~~man~~ person is presumed to be the father natural parent under s. 891.405 or 891.41 (1).

SECTION 420. 891.41 (title) of the statutes is amended to read:

891.41 (title) Presumption of paternity parentage based on marriage of the parties.

SECTION 421. 891.41 (1) (intro.) of the statutes is amended to read:

891.41 (1) (intro.) A ~~man~~ person is presumed to be the natural father parent of a child if any of the following applies:

SECTION 422. 891.41 (1) (a) of the statutes is amended to read:

891.41 (1) (a) ~~He~~ The person and the child's established natural ~~mother~~ parent are or have been married to each other and the child is conceived or born after marriage and before the granting of a decree of legal separation, annulment, or divorce between the parties.

SECTION 423. 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.) and amended to read:

891.41 (1) (b) (intro.) ~~He~~ The person and the child's established natural ~~mother~~ parent were married to each other after the child was born but ~~he~~ the person and the child's established natural ~~mother~~ parent had a relationship with one another during the period of time within which the child was conceived and ~~no other man~~ all of the following apply:

1. No person has been adjudicated to be the father ~~or~~.

2. No other person is presumed to be the father parent of the child under par.

(a).

SECTION 424. 891.41 (2) of the statutes is amended to read:

891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a man person other than the man person presumed to be the father parent under sub. (1) is not excluded as the father of the child and that the statistical probability of the man's person's parentage is 99.0 percent or higher, even if the man person presumed to be the father natural parent under sub. (1) is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

SECTION 425. 891.41 (3) of the statutes is created to read:

891.41 (3) This section applies with respect to children born before, on, or after the effective date of this subsection [LRB inserts date].

SECTION 426. 905.05 (title) of the statutes is amended to read:

905.05 (title) **Husband-wife Spousal and domestic partner privilege.**

SECTION 427. 938.02 (13) of the statutes is amended to read:

938.02 (13) "Parent" means a biological natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by adoption. If the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person conclusively determined from genetic test results to be the father under s. 767.804 or a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father natural parent. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to

1963, “parent” means a ~~biological~~ natural parent of an Indian child, an Indian husband spouse who has consented to the artificial insemination of his wife or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian juvenile, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the ~~biological father~~ natural parent, or a person adjudicated to be the ~~biological father~~ natural parent, but does not include any person whose parental rights have been terminated.

SECTION 428. 938.396 (2g) (g) of the statutes is amended to read:

938.396 **(2g)** (g) *Paternity Parentage of juvenile*. Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party’s attorney or the guardian ad litem for the juvenile who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating to the ~~paternity~~ parentage of a juvenile for the purpose of determining the ~~paternity~~ parentage of the juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405, 891.407, or the presumption of parentage under s. 891.405 or 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the requester its records relating to the ~~paternity~~ parentage of the juvenile or disclose to the requester those records.

SECTION 429. 943.20 (2) (c) of the statutes is amended to read:

943.20 (2) (c) “Property of another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are ~~husband and wife~~ married to each other.

SECTION 430. 943.201 (1) (b) 8. of the statutes is amended to read:

943.201 (1) (b) 8. The ~~maiden name~~ surname of an individual’s ~~mother~~ parent before marriage if the surname was changed as a result of marriage.

SECTION 431. 943.205 (2) (b) of the statutes is amended to read:

943.205 (2) (b) “Owner” includes a co-owner of the person charged and a partnership of which the person charged is a member, unless the person charged and the victim are ~~husband and wife~~ married to each other.

SECTION 432. 990.01 (22h) of the statutes is created to read:

990.01 (22h) NATURAL PARENT. “Natural parent” means a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not.

SECTION 433. 990.01 (39) of the statutes is created to read:

990.01 (39) SPOUSES. “Spouses” means 2 individuals of the same sex or different sexes who are legally married to each other.

SECTION 434. 990.01 (40m) of the statutes is created to read:

990.01 (40m) STEPPARENT. “Stepparent” means a person who is the spouse of a child’s parent and who is not also a parent of the child.

SECTION 9151. Nonstatutory provisions; Other.

(1) LEGISLATIVE INTENT. The legislature intends the repeal of ss. 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2. and 3., and 769.401 (2) (g), the renumbering and amendment of ss. 891.40 (1) and 891.41 (1) (b), the amendment of ss. 29.219 (4), 29.228 (5) and (6), 29.229 (2) (i), 29.2295 (2) (i), 29.563 (3) (a) 3., 29.607 (3), 45.01 (6)

(c), 45.51 (3) (c) 2. and (5) (a) 1. b. and c., 45.55, 46.10 (2), 48.02 (13), 48.025 (title), (2) (b), and (3) (c), 48.27 (3) (b) 1. a. and b. and (5), 48.299 (6) (intro.) and (e) 1., 2., 3., and 4. and (7), 48.355 (4g) (a) 1., 48.396 (2) (dm), 48.42 (1g) (a) 4., (b), and (c) and (2) (b) 1. and 2. and (bm) 1., 48.422 (6) (a) and (7) (bm) and (br), 48.423 (2) (d), 48.432 (1) (am) 2. b., 48.63 (3) (b) 4. and 5., 48.82 (1) (a), 48.837 (1r) (d) and (e) and (6) (b) and (br), 48.913 (1) (a), (b), and (h), (2) (intro.), (b), and (c) (intro.), (3), (4), and (7), 48.9795 (1) (a) 1. c. and (b), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g. and 1h., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a. and (4) (d) (intro.), 1., 2., 3., 4., and 5., 49.345 (2), 49.43 (12), 49.471 (1) (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03 (15), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., (e) (title) and 1., (f) 1., and (g) and (2) (b) 2. d., 69.15 (1), (3) (title), (a) (intro.), 1., 2., and 3., (b) 1., 2., 3., and 4. (intro.), a., and b., and (d), and (3m) (title), (a) (intro.) and 3., and (b), 71.03 (2) (d) (title), 1., 2., and 3., (g), and (m) 2. and (4) (a), 71.05 (22) (a) (title), 71.07 (5m) (a) 3. and (9e) (b), 71.09 (13) (a) 2., 71.52 (4), 71.83 (1) (a) 8. and (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m), 102.07 (5) (b) and (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165 (3) (a) 3., 111.32 (12), 115.76 (12) (a) 1. and (13), 146.34 (1) (f), 157.05, 182.004 (6), 250.04 (3) (a), 301.50 (1), 700.19 (2), 705.01 (4) and (4m), 706.09 (1) (e), 765.001 (2), 765.01, 765.03 (1), 765.16 (1m) (intro.) and (c), 765.23, 765.24, 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form) 13., 766.589 (10) (form) 14., 767.215 (2) (b) and (5) (a) 2., 767.323, 767.80 (1) (intro.) and (c) and (2), 767.803, 767.804 (1) (a) 4., 767.805 (title), (1), (1m), (2) (a) and (b), (3) (title) and (a), (4) (intro.) and (d), (5) (a) and (b), and (6) (a) (intro.), 767.855, 767.863 (1m), 767.87 (1m) (intro.), (8), and (9), 767.883 (1), 769.316 (9), 769.401 (2) (a), 815.20 (1), 822.40 (4), 851.30 (2) (a), 852.01 (1) (f) 1., 2., and 3., 854.03 (3), 891.39 (title), (1) (a) and (b), and (3), 891.40 (2), 891.405, 891.407, 891.41 (title), (1) (intro.) and (a), and (2), 905.05 (title), 938.02 (13), 938.396 (2g) (g), 943.20 (2) (c), 943.201 (1) (b) 8., and

943.205 (2) (b), and the creation of ss. 69.15 (3) (b) 3m., 765.02 (3), 891.40 (1) (b) and (3), 891.41 (3), and 990.01 (22h), (39), and (40m) to harmonize the language of the Wisconsin statutes relating to marriage and the determination of parentage with the provision of s. 990.001 (2), which specifies that words importing one gender extend and may be applied to any gender. The legislature intends that by amending the statutes relating to marriage and the determination of parentage with respect to married couples to use gender neutral language where appropriate so as to clarify that the same statutory rights and responsibilities apply between married persons of the same sex as between married persons of different sexes and to extend some of the presumptions of paternity to either parent, the Wisconsin statutes will be better aligned with the holding of the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0783/P2
MIM:kms&skw

DOA:.....Sherwin, BB0052 - Customer service hub GPR appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Online customer service hub

This bill makes a new appropriation to DOA to develop and maintain an online customer service hub.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 435. 20.505 (1) (ft) of the statutes is created to read:

20.505 (1) (ft) *Online customer service hub.* The amounts in the schedule for the development and maintenance of an online customer service hub.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0784/P4
MIM:cdc&emw&cjs

DOA:.....Sherwin, BB0051 - Supplier diversity initiatives

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Programs for the certification of certain businesses for preference in state contracting

Under current law, DOA administers disabled veteran-owned business certifications, woman-owned business certifications, and minority business certifications. A business that qualifies for and maintains one or more of those certifications may be eligible to receive certain benefits, including some advantages when bidding on public projects. Current law authorizes DOA to charge a certification fee to cover its costs to administer the certifications programs. This bill eliminates that fee authorization.

Additionally, the bill establishes the following new certification programs:

1. Lesbian, gay, bisexual, or transgender-owned businesses, including financial advisers and investment firms. DOA may certify a business as a lesbian, gay, bisexual, or transgender-owned business if it determines the business satisfies all of the following:

a. One or more lesbian, gay, bisexual, or transgender individuals own at least 51 percent of the business or, in the case of any publicly owned business, one or more lesbian, gay, bisexual, or transgender individuals own at least 51 percent of the stock of the business.

b. One or more lesbian, gay, bisexual, or transgender individuals or one or more duly authorized representatives of one or more lesbian, gay, bisexual, or transgender individuals control the management and daily business operations of the business.

c. The business is currently performing a useful business function.

2. Disability-owned businesses, including financial advisers and investment firms. Under the bill, the distinction between disabled veteran-owned businesses and businesses owned by veterans is removed. This means that under the bill, there are certifications for veteran-owned businesses and disability-owned businesses. DOA may certify a business as a disability-owned business if it determines the business satisfies all of the following:

a. One or more individuals with a disability own at least 51 percent of the business or, in the case of any publicly owned business, one or more individuals with a disability own at least 51 percent of the stock of the business.

b. One or more individuals with a disability or one or more duly authorized representatives of one or more individuals with a disability control the management and daily business operations of the business.

c. The business has its principal place of business in this state.

d. The business is currently performing a useful business function.

Under the bill, lesbian, gay, bisexual, or transgender-owned businesses and disability-owned businesses are not charged a fee for certification and, if certified, are eligible to receive certain advantages including when bidding on public projects, similar to certified disabled veteran-owned businesses, woman-owned businesses, and minority businesses.

Under current law, state agencies must attempt to ensure that they pay minority businesses 5 percent of the total amount expended for state procurements in each fiscal year. The bill requires state agencies to attempt to ensure that they pay veteran-owned businesses, disability-owned businesses, and lesbian, gay, bisexual, or transgender-owned businesses an aggregate amount of 5 percent of the total amount expended for state procurements in each fiscal year.

Finally, the bill requires DOA to develop, maintain, and keep current a database of certified minority-owned businesses.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 436. 16.283 (title) of the statutes is amended to read:

16.283 (title) ~~Disabled veteran-owned~~ Veteran-owned businesses.

SECTION 437. 16.283 (1) (b) (intro.) of the statutes is renumbered 16.283 (1) (g)

(intro.) and amended to read:

16.283 (1) (g) (intro.) “~~Disabled veteran~~” “Veteran” means a person who is verified by the department of veterans affairs as being all of the following at the time the person applies for certification under sub. (3):

SECTION 438. 16.283 (1) (b) 1. and 2. of the statutes are renumbered 16.283 (1) (g) 1. and 2.

SECTION 439. 16.283 (1) (b) 3. of the statutes is repealed.

SECTION 440. 16.283 (2) of the statutes is amended to read:

16.283 (2) ~~DISABLED-VETERAN-OWNED~~ VETERAN-OWNED BUSINESS DATABASE. The department shall develop, maintain, and keep current a computer database of businesses, financial advisers, and investment firms certified under this section.

SECTION 441. 16.283 (3) (title) of the statutes is amended to read:

16.283 (3) (title) ~~DISABLED-VETERAN-OWNED~~ VETERAN-OWNED BUSINESS, FINANCIAL ADVISER, AND INVESTMENT FIRM CERTIFICATION.

SECTION 442. 16.283 (3) (b) 1m. a. of the statutes is amended to read:

16.283 (3) (b) 1m. a. One or more disabled veterans owns not less than 51 percent of the business, financial adviser, or investment firm or, in the case of any publicly owned business, financial adviser, or investment firm, one or more disabled veterans owns not less than 51 percent of the stock of the business, financial adviser, or investment firm.

SECTION 443. 16.283 (3) (b) 1m. b. of the statutes is amended to read:

16.283 (3) (b) 1m. b. One or more disabled veterans or one or more duly authorized representatives of one or more disabled veterans controls the management and daily business operations of the business, financial adviser, or investment firm.

SECTION 444. 16.283 (3) (b) 2m. of the statutes is amended to read:

16.283 (3) (b) 2m. The department may, without conducting an investigation, certify a business, financial adviser, or investment firm having its principal place of business in this state and currently performing a useful business function if the business, financial adviser, or investment firm is certified, or otherwise classified, as a disabled veteran-owned business, financial adviser, or investment firm by an agency or municipality of this or another state, a federally recognized American Indian tribe, or the federal government, or by a private business with expertise in certifying disabled veteran-owned businesses if the business uses substantially the same procedures the department uses in making a determination under subd. 1m.

SECTION 445. 16.283 (3) (c) of the statutes is repealed.

SECTION 446. 16.285 (1) (a) (intro.) of the statutes is amended to read:

16.285 (1) (a) (intro.) In this subsection, ~~“woman-owned section:~~

4. “Woman-owned business” means a ~~sole proprietorship, partnership, limited liability company, joint venture, or corporation~~ business that fulfills all of the following requirements:

SECTION 447. 16.285 (1) (a) 1. and 2. of the statutes are renumbered 16.285 (1) (a) 4. a. and b., and 16.285 (1) (a) 4. b., as renumbered, is amended to read:

16.285 (1) (a) 4. b. It is ~~currently performing a useful business function~~ has its principal place of business in this state.

SECTION 448. 16.285 (1) (a) 1m., 2m., 3., 5. and 6. of the statutes are created to read:

16.285 (1) (a) 1m. “Business” means a sole proprietorship, partnership, limited liability company, joint venture, or corporation.

2m. “Financial adviser” has the meaning given in s. 16.283 (1) (d).

3. “Investment firm” has the meaning given in s. 16.283 (1) (e).

5. “Woman-owned financial adviser” means a financial adviser that fulfills all of the following requirements:

- a. It is at least 51 percent owned, controlled, and actively managed by a woman.
- b. It has its principal place of business in this state.

6. “Woman-owned investment firm” means an investment firm that fulfills all of the following requirements:

- a. It is at least 51 percent owned, controlled, and actively managed by a woman.
- b. It has its principal place of business in this state.

SECTION 449. 16.285 (1) (b) of the statutes is amended to read:

16.285 (1) (b) The department shall implement a program for the certification of woman-owned businesses, woman-owned financial advisers, and woman-owned investment firms. The department may, without conducting an investigation, certify a business ~~currently performing a useful business function, financial adviser, or investment firm that has its principal place of business in this state as a woman-owned business, woman-owned financial adviser, or woman-owned investment firm~~ if the business, financial adviser, or investment firm is certified, or otherwise classified, as a woman-owned business, woman-owned financial adviser, or woman-owned investment firm by an agency or municipality of this or another state, a federally recognized American Indian tribe, or the federal government, or by a private business with expertise in certifying woman-owned businesses, woman-owned financial advisers, or woman-owned investment firms if the business uses substantially the same process as the department promulgates by rule for implementing this subsection.

SECTION 450. 16.285 (1) (bm) of the statutes is repealed.

SECTION 451. 16.285 (2) of the statutes is amended to read:

16.285 (2) The department shall develop, maintain, and keep current a computer database of businesses, financial advisers, and investment firms certified under sub. (1) in the state that are owned by women, containing demographic statistics and information on the types of industries represented, sales volume and growth rates, generation of jobs by both new and existing businesses, and any other relevant characteristics. The department shall compile and periodically update a list of businesses, financial advisers, and investment firms certified under sub. (1) and make the list available to the public on the Internet.

SECTION 452. 16.287 (2) (dm) of the statutes is repealed.

SECTION 453. 16.287 (4) of the statutes is created to read:

16.287 (4) MINORITY BUSINESS DATABASE. The department shall develop, maintain, and keep current a computer database of all minority businesses, minority financial advisers, and minority investment firms certified under this section.

SECTION 454. 16.288 of the statutes is created to read:

16.288 Lesbian, gay, bisexual, or transgender-owned businesses. (1)

DEFINITIONS. In this section:

(a) “Business” means a sole proprietorship, partnership, limited liability company, joint venture, or corporation.

(b) “Duly authorized representative” means any person authorized in writing by the business to act on behalf of the business.

(c) “Financial adviser” means a business that serves as an adviser with regard to the sale of evidences of indebtedness or other obligations.

(d) “Investment firm” means a business that serves as a manager, comanager, or in any other underwriting capacity with regard to the sale of evidences of indebtedness or other obligations or as a broker-dealer, as defined in s. 551.102 (4).

(e) “Useful business function” means the provision of materials, supplies, equipment, or services to customers, including the state.

(2) LESBIAN, GAY, BISEXUAL, OR TRANSGENDER-OWNED BUSINESS DATABASE. The department shall develop, maintain, and keep current a computer database of all businesses, financial advisers, and investment firms certified under this section.

(3) LESBIAN, GAY, BISEXUAL, OR TRANSGENDER-OWNED BUSINESS, FINANCIAL ADVISER, AND INVESTMENT FIRM CERTIFICATION. (a) Any business, financial adviser, or investment firm may apply to the department for certification under this section.

(b) 1. The department shall certify a business, financial adviser, or investment firm under this section if, after conducting an investigation, the department determines that the business, financial adviser, or investment firm fulfills all of the following requirements:

a. One or more lesbian, gay, bisexual, or transgender individuals own at least 51 percent of the business, financial adviser, or investment firm or, in the case of any publicly owned business, financial adviser, or investment firm, one or more lesbian, gay, bisexual, or transgender individuals own at least 51 percent of the stock of the business, financial adviser, or investment firm.

b. One or more lesbian, gay, bisexual, or transgender individuals or one or more duly authorized representatives of one or more lesbian, gay, bisexual, or transgender individuals control the management and daily business operations of the business, financial adviser, or investment firm.

c. The business, financial adviser, or investment firm is currently performing a useful business function. Acting as a conduit for the transfer of funds to a business that is not certified under this section does not constitute a useful business function, unless doing so is a normal industry practice.

2. The department may, without conducting an investigation, certify a business, financial adviser, or investment firm having its principal place of business in this state and currently performing a useful business function if the business, financial adviser, or investment firm is certified, or otherwise classified, as a lesbian, gay, bisexual, or transgender-owned business, financial adviser, or investment firm by an agency or municipality of this or another state, a federally recognized American Indian tribe or band, or the federal government.

(c) If a business, financial adviser, or investment firm applying for certification under this section fails to provide the department with sufficient information to enable the department to conduct an investigation under par. (b) 1. or does not qualify for certification under par. (b), the department shall deny the application. A business, financial adviser, or investment firm whose application is denied may, within 30 days after the date of the denial, appeal in writing to the secretary. The secretary shall enter his or her final decision within 30 days after receiving the appeal.

(d) 1. The department may, at the request of any state agency or on its own initiative, evaluate any business, financial adviser, or investment firm certified under this section to verify that it continues to qualify for certification. The business, financial adviser, or investment firm shall provide the department with any records or information necessary to complete the examination.

2. If a business, financial adviser, or investment firm fails to comply with a reasonable request for records or information, the department shall notify the business, financial adviser, or investment firm and the department of transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

3. If, after an evaluation under this paragraph, the department determines that a business, financial adviser, or investment firm no longer qualifies for certification under this section, the department shall notify the business, financial adviser, or investment firm and the department of transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

(e) 1. A business, financial adviser, or investment firm receiving a notice under par. (d) 2. or 3. may appeal in writing to the secretary within 30 days after the date of the notice.

2. If the business, financial adviser, or investment firm does not submit an appeal under subd. 1., the department shall immediately decertify the business, financial adviser, or investment firm.

3. If the business, financial adviser, or investment firm submits an appeal under subd. 1., the secretary shall enter his or her final decision, in writing, within 30 days after receiving the appeal. If the secretary confirms the decision of the department, the department shall immediately decertify the business, financial adviser, or investment firm.

4. A business, financial adviser, or investment firm decertified under subd. 3. may, within 30 days after the secretary's decision, request a contested case hearing under s. 227.42 from the department. If the final administrative or judicial proceeding results in a determination that the business, financial adviser, or investment firm qualifies for certification under this section, the department shall immediately certify the business, financial adviser, or investment firm. The department shall provide the business, financial adviser, or investment firm and the department of transportation with a copy of the final written decision regarding certification under this paragraph.

(4) DEPARTMENT RULE MAKING. The department shall promulgate by administrative rule procedures to implement this section.

SECTION 455. 16.289 of the statutes is created to read:

16.289 Disability-owned businesses. (1) DEFINITIONS. In this section:

(a) “Business” means a sole proprietorship, partnership, limited liability company, joint venture, or corporation.

(b) “Duly authorized representative” means any person authorized in writing by the business to act for the business.

(c) “Financial adviser” means a business that serves as an adviser with regard to the sale of evidences of indebtedness or other obligations.

(d) “Investment firm” means a business that serves as a manager, comanager, or in any other underwriting capacity with regard to the sale of evidences of indebtedness or other obligations or as a broker-dealer, as defined in s. 551.102 (4).

(e) “Useful business function” means the provision of materials, supplies, equipment, or services to customers, including the state.

(2) DISABILITY-OWNED BUSINESS DATABASE. The department shall develop, maintain, and keep current a computer database of all businesses, financial advisers, and investment firms certified under this section.

(3) DISABILITY-OWNED BUSINESS, FINANCIAL ADVISER, AND INVESTMENT FIRM CERTIFICATION. (a) Any business, financial adviser, or investment firm may apply to the department for certification under this section.

(b) 1. The department shall certify a business, financial adviser, or investment firm under this section if, after conducting an investigation, the department determines that the business, financial adviser, or investment firm fulfills all of the following requirements:

a. One or more individuals with a disability own at least 51 percent of the business, financial adviser, or investment firm or, in the case of any publicly owned business, financial adviser, or investment firm, one or more individuals with a disability own at least 51 percent of the stock of the business, financial adviser, or investment firm.

b. One or more individuals with a disability or one or more duly authorized representatives of one or more individuals with a disability control the management and daily business operations of the business, financial adviser, or investment firm.

c. The business, financial adviser, or investment firm has its principal place of business in this state.

d. The business, financial adviser, or investment firm is currently performing a useful business function. Acting as a conduit for the transfer of funds to a business that is not certified under this section does not constitute a useful business function, unless doing so is a normal industry practice.

2. The department may, without conducting an investigation, certify a business, financial adviser, or investment firm having its principal place of business in this state and currently performing a useful business function if the business, financial adviser, or investment firm is certified, or otherwise classified, as disability-owned business, financial adviser, or investment firm by an agency or municipality of this or another state, a federally recognized American Indian tribe or band, or the federal government.

(c) If a business, financial adviser, or investment firm applying for certification under this section fails to provide the department with sufficient information to enable the department to conduct an investigation under par. (b) 1. or does not qualify for certification under par. (b), the department shall deny the application.

A business, financial adviser, or investment firm whose application is denied may, within 30 days after the date of the denial, appeal in writing to the secretary. The secretary shall enter his or her final decision within 30 days after receiving the appeal.

(d) 1. The department may, at the request of any state agency or on its own initiative, evaluate any business, financial adviser, or investment firm certified under this section to verify that it continues to qualify for certification. The business, financial adviser, or investment firm shall provide the department with any records or information necessary to complete the examination.

2. If a business, financial adviser, or investment firm fails to comply with a reasonable request for records or information, the department shall notify the business, financial adviser, or investment firm and the department of transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

3. If, after an evaluation under this paragraph, the department determines that a business, financial adviser, or investment firm no longer qualifies for certification under this section, the department shall notify the business, financial adviser, or investment firm and the department of transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

(e) 1. A business, financial adviser, or investment firm receiving a notice under par. (d) 2. or 3. may appeal in writing to the secretary within 30 days after the date of the notice.

2. If the business, financial adviser, or investment firm does not submit an appeal under subd. 1., the department shall immediately decertify the business, financial adviser, or investment firm.

3. If the business, financial adviser, or investment firm submits an appeal under subd. 1., the secretary shall enter his or her final decision, in writing, within 30 days after receiving the appeal. If the secretary confirms the decision of the department, the department shall immediately decertify the business, financial adviser, or investment firm.

4. A business, financial adviser, or investment firm decertified under subd. 3. may, within 30 days after the secretary's decision, request a contested case hearing under s. 227.42 from the department. If the final administrative or judicial proceeding results in a determination that the business, financial adviser, or investment firm qualifies for certification under this section, the department shall immediately certify the business, financial adviser, or investment firm. The department shall provide the business, financial adviser, or investment firm and the department of transportation with a copy of the final written decision regarding certification under this paragraph.

(4) DEPARTMENT RULE MAKING. The department shall promulgate by administrative rule procedures to implement this section.

SECTION 456. 16.75 (3m) (a) 1. of the statutes is renumbered 16.75 (3m) (a) 5. and amended to read:

16.75 (3m) (a) 5. "~~Disabled veteran-owned~~ Veteran-owned business" means a business certified by the department of administration under s. 16.283 (3).

SECTION 457. 16.75 (3m) (a) 1e. of the statutes is created to read:

16.75 (3m) (a) 1e. "Disability-owned business" means a business, other than a financial adviser or investment firm, certified by the department under s. 16.289 (3).

SECTION 458. 16.75 (3m) (a) 1f. of the statutes is created to read:

16.75 (3m) (a) 1f. “Disability-owned financial adviser” means a financial adviser certified by the department under s. 16.289 (3).

SECTION 459. 16.75 (3m) (a) 1g. of the statutes is created to read:

16.75 (3m) (a) 1g. “Disability-owned investment firm” means an investment firm certified by the department under s. 16.289 (3).

SECTION 460. 16.75 (3m) (a) 2. of the statutes is renumbered 16.75 (3m) (a) 6. and amended to read:

16.75 (3m) (a) 6. “~~Disabled veteran-owned~~ Veteran-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.283 (3).

SECTION 461. 16.75 (3m) (a) 3. of the statutes is renumbered 16.75 (3m) (a) 7. and amended to read:

16.75 (3m) (a) 7. “~~Disabled veteran-owned~~ Veteran-owned investment firm” means an investment firm certified by the department of administration under s. 16.283 (3).

SECTION 462. 16.75 (3m) (a) 3q. of the statutes is created to read:

16.75 (3m) (a) 3q. “Lesbian, gay, bisexual, or transgender-owned business” means a business, other than a financial adviser or investment firm, certified by the department under s. 16.288 (3).

SECTION 463. 16.75 (3m) (a) 3r. of the statutes is created to read:

16.75 (3m) (a) 3r. “Lesbian, gay, bisexual, or transgender-owned financial adviser” means a financial adviser certified by the department under s. 16.288 (3).

SECTION 464. 16.75 (3m) (a) 3s. of the statutes is created to read:

16.75 (3m) (a) 3s. “Lesbian, gay, bisexual, or transgender-owned investment firm” means an investment firm certified by the department under s. 16.288 (3).

SECTION 465. 16.75 (3m) (b) 2. of the statutes is amended to read:

16.75 **(3m)** (b) 2. The department, any agency to which the department delegates purchasing authority under s. 16.71 (1), and any agency making purchases under s. 16.74 shall attempt to ensure that at least ~~1~~ an aggregate amount of 5 percent of the total amount expended under this subchapter in each fiscal year is paid to ~~disabled~~ veteran-owned businesses, disability-owned businesses, and lesbian, gay, bisexual or transgender-owned businesses.

SECTION 466. 16.75 (3m) (b) 3. of the statutes is amended to read:

16.75 **(3m)** (b) 3. Except as provided under sub. (7), the department, any agency to which the department delegates purchasing authority under s. 16.71 (1), and any agency making purchases under s. 16.74 may purchase materials, supplies, equipment, and contractual services from any minority business ~~or disabled, veteran-owned business, disability-owned business, or a business that is both a minority business and a disabled veteran-owned business~~ lesbian, gay, bisexual, or transgender-owned business, or disability-owned business, or a business that is both a minority business and a disabled veteran-owned business any combination of those, submitting a qualified responsible competitive bid that is no more than 5 percent higher than the apparent low bid or competitive proposal that is no more than 5 percent higher than the most advantageous proposal. In administering the preference for minority businesses ~~or disabled, veteran-owned businesses, disability-owned businesses, and disability-owned businesses~~ lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses established in this paragraph, the department, the delegated agency, and any agency making purchases under s. 16.74 shall maximize the use of minority businesses ~~or disabled, veteran-owned businesses which, disability-owned businesses that~~ lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses that are incorporated under ch. 180 or ~~which that~~ that have their principal place of business in this state.

SECTION 467. 16.75 (3m) (c) 1. of the statutes is amended to read:

16.75 (3m) (c) 1. After completing any contract under this subchapter, the contractor shall report to the agency that awarded the contract any amount of the contract that was subcontracted to minority businesses ~~and~~, any amount of the contract that was subcontracted to ~~disabled~~ veteran-owned businesses, any amount of the contract that was subcontracted to lesbian, gay, bisexual, or transgender-owned businesses, and any amount of the contract that was subcontracted to disability-owned businesses.

SECTION 468. 16.75 (3m) (c) 2. b. of the statutes is amended to read:

16.75 (3m) (c) 2. b. The total amount of money and the percentage of the total amount of money it has expended for contracts and orders awarded to ~~disabled~~ veteran-owned businesses.

SECTION 469. 16.75 (3m) (c) 2. d. of the statutes is amended to read:

16.75 (3m) (c) 2. d. The number of contacts with ~~disabled~~ veteran-owned businesses in connection with proposed purchases.

SECTION 470. 16.75 (3m) (c) 2. e. of the statutes is created to read:

16.75 (3m) (c) 2. e. The total amount of money and the percentage of the total amount of money it has expended for contracts and orders awarded to lesbian, gay, bisexual, or transgender-owned businesses.

SECTION 471. 16.75 (3m) (c) 2. f. of the statutes is created to read:

16.75 (3m) (c) 2. f. The number of contacts with lesbian, gay, bisexual, or transgender-owned businesses in connection with proposed purchases.

SECTION 472. 16.75 (3m) (c) 2. g. of the statutes is created to read:

16.75 (3m) (c) 2. g. The total amount of money and the percentage of the total amount of money it has expended for contracts and orders awarded to disability-owned businesses.

SECTION 473. 16.75 (3m) (c) 2. h. of the statutes is created to read:

16.75 (3m) (c) 2. h. The number of contacts with disability-owned businesses in connection with proposed purchases.

SECTION 474. 16.75 (3m) (c) 3. of the statutes is amended to read:

16.75 (3m) (c) 3. The department shall maintain and annually publish data on state purchases from minority businesses ~~and on state purchases from disabled, veteran-owned businesses,~~ lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses, including amounts expended and the percentage of total expenditures awarded to minority businesses ~~and amounts expended and the percentage of total expenditures awarded to disabled, veteran-owned businesses,~~ lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses.

SECTION 475. 16.75 (3m) (c) 4. of the statutes is amended to read:

16.75 (3m) (c) 4. The department shall annually prepare and submit a report to the governor and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on the total amount of money paid to and the amount of indebtedness or other obligations underwritten by minority businesses, ~~minority financial advisers, minority~~ and investment firms, disabled; veteran-owned businesses, disabled veteran-owned financial advisers, and disabled veteran-owned investment firms; lesbian, gay, bisexual, or transgender-owned businesses, financial advisers, and investment firms; and disability-owned businesses, financial advisers, and investment firms under the

requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance with par. (b) and ss. 16.855 (10m) (am) and (10n), 16.87 (2), 25.185, and 84.075 (1m). The report shall also include the percentage of the total amount of money paid to and the percentage of the total amount of indebtedness or other obligations underwritten by ~~disabled veteran-owned businesses, disabled veteran-owned financial advisers, and disabled veteran-owned investment firms;~~ lesbian, gay, bisexual, or transgender-owned businesses, financial advisers, and investment firms; and disability-owned businesses, financial advisers, and investment firms. In calculating the percentages to be reported under this subsection, the department shall exclude any purchase or contract for which a preference would violate any federal law or regulation or any contract between an agency and a federal agency or any contract that would result in a reduction in the amount of federal aids received by this state.

SECTION 476. 16.75 (3m) (c) 5. a. of the statutes is amended to read:

16.75 (3m) (c) 5. a. In determining whether a purchase, contract, or subcontract complies with the goal established under par. (b) 1. or 2. or s. 16.855 (10m) (am) 1. or 2., 16.87 (2) (b) or (c), or 25.185 (2) (a) or (b), the department shall include only amounts paid to businesses, financial advisers, and investment firms certified by the department of administration under s. 16.283 ~~or~~, 16.287 (2), 16.288 (3), or 16.289 (3), whichever is appropriate.

SECTION 477. 16.75 (3m) (c) 5. b. of the statutes is amended to read:

16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract is made with a ~~disabled~~ veteran-owned business, the department shall include only

amounts paid to disabled veteran-owned businesses certified by the department of administration under s. 16.283 (3).

SECTION 478. 16.855 (10m) (ac) of the statutes is renumbered 16.855 (10m) (ac) (intro.) and amended to read:

16.855 (10m) (ac) (intro.) In this subsection, ~~“disabled veteran-owned;~~

4. “Veteran-owned business” means a business certified by the department of administration under s. 16.283 (3).

SECTION 479. 16.855 (10m) (ac) 1. of the statutes is created to read:

16.855 (10m) (ac) 1. “Disability-owned business” means a business certified by the department under s. 16.289 (3).

SECTION 480. 16.855 (10m) (ac) 3. of the statutes is created to read:

16.855 (10m) (ac) 3. “Lesbian, gay, bisexual, or transgender-owned business” means a business certified by the department under s. 16.288 (3).

SECTION 481. 16.855 (10m) (am) 2. of the statutes is amended to read:

16.855 (10m) (am) 2. In awarding construction contracts, the department shall attempt to ensure that at least ~~1~~ an aggregate amount of 5 percent of the total amount expended in each fiscal year is awarded to contractors and subcontractors that are ~~disabled veteran-owned businesses, disability-owned businesses, and lesbian, gay, bisexual, or transgender-owned businesses.~~

SECTION 482. 16.855 (10m) (am) 3. of the statutes is amended to read:

16.855 (10m) (am) 3. The department may award any contract to a minority business ~~or disabled, veteran-owned business, lesbian, gay, bisexual, or transgender-owned business, or disability-owned business,~~ or a business that is ~~both a minority business and a disabled veteran-owned business~~ any combination

of these, if the business is a qualified responsible bidder and the business submits a bid that is no more than 5 percent higher than the apparent low bid.

SECTION 483. 16.855 (10m) (b) of the statutes is amended to read:

16.855 **(10m)** (b) Upon completion of any contract, the contractor shall report to the department any amount of the contract that was subcontracted to minority businesses ~~or disabled~~, veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses.

SECTION 484. 16.855 (10m) (c) of the statutes is amended to read:

16.855 **(10m)** (c) The department shall maintain and annually publish data on contracts awarded to minority businesses ~~and disabled~~, veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses under this subsection and ss. 16.87 and 84.075.

SECTION 485. 16.87 (1) (aL) of the statutes is created to read:

16.87 **(1)** (aL) “Disability-owned business” means a business certified by the department under s. 16.289 (3).

SECTION 486. 16.87 (1) (am) of the statutes is amended to read:

16.87 **(1)** (am) “~~Disabled veteran-owned~~ Veteran-owned business” means a business certified by the department of administration under s. 16.283 (3).

SECTION 487. 16.87 (1) (br) of the statutes is created to read:

16.87 **(1)** (br) “Lesbian, gay, bisexual, or transgender-owned business” means a business, financial adviser, or investment firm certified by the department under s. 16.288 (3).

SECTION 488. 16.87 (2) (c) of the statutes is amended to read:

16.87 **(2)** (c) The department shall attempt to ensure that at least ~~1~~ an aggregate amount of 5 percent of the total amount expended under this section in

each fiscal year is paid to ~~disabled veteran-owned businesses, disability-owned businesses, and lesbian, gay, bisexual, or transgender-owned businesses.~~

SECTION 489. 18.16 (title) of the statutes is amended to read:

18.16 (title) ~~Minority financial advisers and investment firms; disabled; veteran-owned; lesbian, gay, bisexual, or transgender-owned; and disability-owned financial advisers and investment firms.~~

SECTION 490. 18.16 (1) (a) of the statutes is renumbered 18.16 (1) (e) and amended to read:

18.16 (1) (e) “~~Disabled veteran-owned~~ Veteran-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.283 (3).

SECTION 491. 18.16 (1) (ae) of the statutes is created to read:

18.16 (1) (ae) “Disability-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.289 (3).

SECTION 492. 18.16 (1) (af) of the statutes is created to read:

18.16 (1) (af) “Disability-owned investment firm” means an investment firm certified by the department of administration under s. 16.289 (3).

SECTION 493. 18.16 (1) (b) of the statutes is renumbered 18.16 (1) (f) and amended to read:

18.16 (1) (f) “~~Disabled veteran-owned~~ Veteran-owned investment firm” means an investment firm certified by the department of administration under s. 16.283 (3).

SECTION 494. 18.16 (1) (br) of the statutes is created to read:

18.16 (1) (br) “Lesbian, gay, bisexual, or transgender-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.288 (3).

SECTION 495. 18.16 (1) (bs) of the statutes is created to read:

18.16 (1) (bs) “Lesbian, gay, bisexual, or transgender-owned investment firm” means an investment firm certified by the department of administration under s. 16.288 (3).

SECTION 496. 18.16 (2) (b) of the statutes is amended to read:

18.16 (2) (b) Except as provided in sub. (7), in contracting public debt by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total public indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 497. 18.16 (2) (c) of the statutes is created to read:

18.16 (2) (c) Except as provided in sub. (7), in contracting public debt by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total public indebtedness contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 498. 18.16 (2) (d) of the statutes is created to read:

18.16 (2) (d) Except as provided in sub. (7), in contracting public debt by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total public indebtedness contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 499. 18.16 (3) (b) of the statutes is amended to read:

18.16 (3) (b) Except as provided under sub. (7), in contracting public debt by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total public indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 500. 18.16 (3) (c) of the statutes is created to read:

18.16 (3) (c) Except as provided under sub. (7), in contracting public debt by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total public indebtedness contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 501. 18.16 (3) (d) of the statutes is created to read:

18.16 (3) (d) Except as provided under sub. (7), in contracting public debt by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total public indebtedness contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 502. 18.16 (4) (b) of the statutes is amended to read:

18.16 (4) (b) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 503. 18.16 (4) (c) of the statutes is created to read:

18.16 (4) (c) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of lesbian, gay, bisexual, or transgender-owned financial advisers.

SECTION 504. 18.16 (4) (d) of the statutes is created to read:

18.16 (4) (d) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of

financial advisers are expended for the services of disability-owned financial advisers.

SECTION 505. 18.16 (5) (b) of the statutes is amended to read:

18.16 (5) (b) Except as provided under s. 18.06 (9) and sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for at least 1 percent of sales to ~~disabled~~ veteran-owned investment firms.

SECTION 506. 18.16 (5) (c) of the statutes is created to read:

18.16 (5) (c) Except as provided under sub. (7) and s. 18.06 (9), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for at least 1 percent of sales to lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 507. 18.16 (5) (d) of the statutes is created to read:

18.16 (5) (d) Except as provided under sub. (7) and s. 18.06 (9), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for at least 1 percent of sales to disability-owned investment firms.

SECTION 508. 18.16 (6) of the statutes is amended to read:

18.16 (6) The commission shall annually report to the department of administration the total amount of public indebtedness contracted with the underwriting services of minority ~~investment firms and disabled,~~ veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned investment

firms and the total amount of moneys expended for the services of minority financial advisers—and disabled, veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned financial advisers during the preceding fiscal year.

SECTION 509. 18.64 (title) of the statutes is amended to read:

18.64 (title) Minority financial advisers and investment firms; disabled; veteran-owned; lesbian, gay, bisexual, or transgender-owned; and disability-owned financial advisers and investment firms.

SECTION 510. 18.64 (1) (a) of the statutes is renumbered 18.64 (1) (e) and amended to read:

18.64 (1) (e) “~~Disabled veteran-owned~~ Veteran-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.283 (3).

SECTION 511. 18.64 (1) (ae) of the statutes is created to read:

18.64 (1) (ae) “Disability-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.289 (3).

SECTION 512. 18.64 (1) (af) of the statutes is created to read:

18.64 (1) (af) “Disability-owned investment firm” means an investment firm certified by the department of administration under s. 16.289 (3).

SECTION 513. 18.64 (1) (b) of the statutes is renumbered 18.64 (1) (f) and amended to read:

18.64 (1) (f) “~~Disabled veteran-owned~~ Veteran-owned investment firm” means an investment firm certified by the department of administration under s. 16.283 (3).

SECTION 514. 18.64 (1) (br) of the statutes is created to read:

18.64 (1) (br) “Lesbian, gay, bisexual, or transgender-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.288 (3).

SECTION 515. 18.64 (1) (bs) of the statutes is created to read:

18.64 (1) (bs) “Lesbian, gay, bisexual, or transgender-owned investment firm” means an investment firm certified by the department of administration under s. 16.288 (3).

SECTION 516. 18.64 (2) (b) of the statutes is amended to read:

18.64 (2) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 517. 18.64 (2) (c) of the statutes is created to read:

18.64 (2) (c) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 518. 18.64 (2) (d) of the statutes is created to read:

18.64 (2) (d) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall make efforts to ensure that at least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 519. 18.64 (3) (b) of the statutes is amended to read:

18.64 (3) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall make efforts to ensure that at

least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 520. 18.64 (3) (c) of the statutes is created to read:

18.64 (3) (c) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 521. 18.64 (3) (d) of the statutes is created to read:

18.64 (3) (d) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total of revenue obligations contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 522. 18.64 (4) (b) of the statutes is amended to read:

18.64 (4) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 523. 18.64 (4) (c) of the statutes is created to read:

18.64 (4) (c) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of lesbian, gay, bisexual, or transgender-owned financial advisers.

SECTION 524. 18.64 (4) (d) of the statutes is created to read:

18.64 (4) (d) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disability-owned financial advisers.

SECTION 525. 18.64 (5) (b) of the statutes is amended to read:

18.64 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for at least 1 percent of sales to disabled veteran-owned investment firms.

SECTION 526. 18.64 (5) (c) of the statutes is created to read:

18.64 (5) (c) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for at least 1 percent of sales to lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 527. 18.64 (5) (d) of the statutes is created to read:

18.64 (5) (d) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for at least 1 percent of sales to disability-owned investment firms.

SECTION 528. 18.64 (6) of the statutes is amended to read:

18.64 (6) The commission shall annually report to the department of administration the total amount of revenue obligations contracted with the underwriting services of minority investment firms and disabled, veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned investment firms and the total amount of moneys expended for the services of minority financial advisers and disabled, veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned financial advisers during the preceding fiscal year.

SECTION 529. 18.77 (title) of the statutes is amended to read:

18.77 (title) ~~Minority financial advisers and investment firms; disabled; veteran-owned; lesbian, gay, bisexual, or transgender-owned; and disability-owned financial advisers and investment firms.~~

SECTION 530. 18.77 (1) (a) of the statutes is renumbered 18.77 (1) (e) and amended to read:

18.77 (1) (e) “~~Disabled veteran-owned~~ Veteran-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.283 (3).

SECTION 531. 18.77 (1) (ae) of the statutes is created to read:

18.77 (1) (ae) “Disability-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.289 (3).

SECTION 532. 18.77 (1) (af) of the statutes is created to read:

18.77 (1) (af) “Disability-owned investment firm” means an investment firm certified by the department of administration under s. 16.289 (3).

SECTION 533. 18.77 (1) (b) of the statutes is renumbered 18.77 (1) (f) and amended to read:

18.77 (1) (f) “~~Disabled veteran-owned~~ Veteran-owned investment firm” means an investment firm certified by the department of administration under s. 16.283 (3).

SECTION 534. 18.77 (1) (br) of the statutes is created to read:

18.77 (1) (br) “Lesbian, gay, bisexual, or transgender-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.288 (3).

SECTION 535. 18.77 (1) (bs) of the statutes is created to read:

18.77 (1) (bs) “Lesbian, gay, bisexual, or transgender-owned investment firm” means an investment firm certified by the department of administration under s. 16.288 (3).

SECTION 536. 18.77 (2) (b) of the statutes is amended to read:

18.77 (2) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 537. 18.77 (2) (c) of the statutes is created to read:

18.77 (2) (c) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 538. 18.77 (2) (d) of the statutes is created to read:

18.77 (2) (d) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 539. 18.77 (3) (b) of the statutes is amended to read:

18.77 (3) (b) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 540. 18.77 (3) (c) of the statutes is created to read:

18.77 (3) (c) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 541. 18.77 (3) (d) of the statutes is created to read:

18.77 (3) (d) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall make efforts to ensure that at least 1 percent of total operating note indebtedness contracted in each fiscal year is underwritten by disability-owned investment firms.

SECTION 542. 18.77 (4) (b) of the statutes is amended to read:

18.77 (4) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in such fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 543. 18.77 (4) (c) of the statutes is created to read:

18.77 (4) (c) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in such fiscal year for the services

of financial advisers are expended for the services of lesbian, gay, bisexual, or transgender-owned financial advisers.

SECTION 544. 18.77 (4) (d) of the statutes is created to read:

18.77 (4) (d) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall make efforts to ensure that at least 1 percent of the total moneys expended in such fiscal year for the services of financial advisers are expended for the services of disability-owned financial advisers.

SECTION 545. 18.77 (5) (b) of the statutes is amended to read:

18.77 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an operating note, provides for at least 1 percent of sales to disabled veteran-owned investment firms.

SECTION 546. 18.77 (5) (c) of the statutes is created to read:

18.77 (5) (c) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an operating note, provides for at least 1 percent of sales to lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 547. 18.77 (5) (d) of the statutes is created to read:

18.77 (5) (d) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an

operating note, provides for at least 1 percent of sales to disability-owned investment firms.

SECTION 548. 18.77 (6) of the statutes is amended to read:

18.77 (6) The commission shall annually report to the department of administration the total amount of operating note indebtedness contracted with the underwriting services of minority, veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned investment firms and the total amount of moneys expended for the services of minority ~~financial advisers and disabled, veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned~~ financial advisers during the preceding fiscal year.

SECTION 549. 20.505 (1) (gr) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 550. 23.41 (6) (b) of the statutes is amended to read:

23.41 (6) (b) The department shall attempt to ensure that at least 1 percent of the total amount expended under this section in each fiscal year is paid to ~~disabled~~ veteran-owned businesses, as defined in s. 16.75 (3m) (a) ~~1.~~ 5.

SECTION 551. 23.41 (6) (c) of the statutes is created to read:

23.41 (6) (c) The department shall attempt to ensure that at least 1 percent of the total amount expended under this section in each fiscal year is paid to lesbian, gay, bisexual, or transgender-owned businesses certified by the department of administration under s. 16.288 (3).

SECTION 552. 23.41 (6) (d) of the statutes is created to read:

23.41 (6) (d) The department shall attempt to ensure that at least 1 percent of the total amount expended under this section in each fiscal year is paid to

disability-owned businesses certified by the department of administration under s. 16.289 (3).

SECTION 553. 25.185 (title) of the statutes is amended to read:

25.185 (title) ~~Minority financial advisers and investment firms; disabled; veteran-owned; lesbian, gay, bisexual, or transgender-owned; and disability-owned financial advisers and investment firms.~~

SECTION 554. 25.185 (1) (a) of the statutes is renumbered 25.185 (1) (e) and amended to read:

25.185 (1) (e) “~~Disabled veteran-owned~~ Veteran-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.283 (3).

SECTION 555. 25.185 (1) (ae) of the statutes is created to read:

25.185 (1) (ae) “Disability-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.289 (3).

SECTION 556. 25.185 (1) (af) of the statutes is created to read:

25.185 (1) (af) “Disability-owned investment firm” means an investment firm certified by the department of administration under s. 16.289 (3).

SECTION 557. 25.185 (1) (b) of the statutes is renumbered 25.185 (1) (f) and amended to read:

25.185 (1) (f) “~~Disabled veteran-owned~~ Veteran-owned investment firm” means an investment firm certified by the department of administration under s. 16.283 (3).

SECTION 558. 25.185 (1) (br) of the statutes is created to read:

25.185 (1) (br) “Lesbian, gay, bisexual, or transgender-owned financial adviser” means a financial adviser certified by the department of administration under s. 16.288 (3).

SECTION 559. 25.185 (1) (bs) of the statutes is created to read:

25.185 (1) (bs) “Lesbian, gay, bisexual, or transgender-owned investment firm” means an investment firm certified by the department of administration under s. 16.288 (3).

SECTION 560. 25.185 (2) (b) of the statutes is amended to read:

25.185 (2) (b) The board shall attempt to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of disabled veteran-owned financial advisers or disabled veteran-owned investment firms.

SECTION 561. 25.185 (2) (c) of the statutes is created to read:

25.185 (2) (c) The board shall attempt to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of lesbian, gay, bisexual, or transgender-owned financial advisers or lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 562. 25.185 (2) (d) of the statutes is created to read:

25.185 (2) (d) The board shall attempt to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of disability-owned financial advisers or disability-owned investment firms.

SECTION 563. 25.185 (3) of the statutes is amended to read:

25.185 (3) The board shall annually report to the department of administration the total amount of moneys expended under sub. (2) for common stock and convertible bond brokerage commissions, the services of minority ~~and disabled,~~ veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned financial advisers, and the services of minority ~~and disabled,~~ veteran-owned, lesbian, gay, bisexual, or transgender-owned, and disability-owned investment firms during the preceding fiscal year.

SECTION 564. 45.12 (1) (a) of the statutes is amended to read:

45.12 (1) (a) “Disabled veteran-owned business” means a business certified by the department of administration under s. 16.283 (3) that has an owner who owns not less than 51 percent of the business who is in receipt of an award from the U.S. department of veterans affairs of a service-connected disability rating under 38 USC 1114 or 1134.

SECTION 565. 84.075 (title) of the statutes is amended to read:

84.075 (title) ~~Contracting with minority businesses and; disabled;~~ Contracting with minority businesses; lesbian, gay, bisexual, or transgender-owned veteran-owned businesses; and disability-owned businesses.

SECTION 566. 84.075 (1c) (a) of the statutes is renumbered 84.075 (1c) (f) and amended to read:

84.075 (1c) (f) “~~Disabled veteran-owned~~ Veteran-owned business” means a business certified by the department of administration under s. 16.283 (3).

SECTION 567. 84.075 (1c) (ae) of the statutes is created to read:

84.075 (1c) (ae) “Disability-owned business” means a business certified by the department of administration under s. 16.289 (3).

SECTION 568. 84.075 (1c) (br) of the statutes is created to read:

84.075 (1c) (br) “Lesbian, gay, bisexual, or transgender-owned business” means a business certified by the department of administration under s. 16.288 (3).

SECTION 569. 84.075 (1m) (b) of the statutes is amended to read:

84.075 (1m) (b) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06, and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that at least 1 percent of the total amount expended in each fiscal year is paid to contractors, subcontractors, and vendors that are disabled veteran-owned businesses. In attempting to meet this goal, the department may award any contract to a disabled veteran-owned business that submits a qualified responsible bid that is no more than 5 percent higher than the low bid unless doing so would violate the provisions of any federal law or regulation or any contract between the department and a federal agency or would otherwise result in a reduction of the amount of federal highway aid received by this state.

SECTION 570. 84.075 (1m) (bg) of the statutes is created to read:

84.075 (1m) (bg) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06, and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that at least 1 percent of the total amount expended in each fiscal year is paid to contractors, subcontractors, and vendors that are lesbian, gay, bisexual, or transgender-owned businesses. In attempting to meet this goal, the department may award any contract to a lesbian, gay, bisexual, or transgender-owned business that submits a qualified responsible bid that is no more than 5 percent higher than the low bid unless doing so would violate the provisions of any federal law or regulation or any contract

between the department and a federal agency or would otherwise result in a reduction of the amount of federal highway aid received by this state.

SECTION 571. 84.075 (1m) (br) of the statutes is created to read:

84.075 **(1m)** (br) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06, and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that at least 1 percent of the total amount expended in each fiscal year is paid to contractors, subcontractors, and vendors that are disability-owned businesses. In attempting to meet this goal, the department may award any contract to a disability-owned business that submits a qualified responsible bid that is no more than 5 percent higher than the low bid unless doing so would violate the provisions of any federal law or regulation or any contract between the department and a federal agency or would otherwise result in a reduction of the amount of federal highway aid received by this state.

SECTION 572. 84.075 (1m) (c) of the statutes is amended to read:

84.075 **(1m)** (c) If a contractor, subcontractor, or vendor is both a minority business and a ~~disabled~~ veteran-owned business, lesbian, gay, bisexual, or transgender-owned business, or disability-owned business, the department may award a contract under par. (a) ~~or~~, (b), (bg), or (br), but the qualified responsible bid must be no more than 5 percent higher than the low bid, as provided under pars. (a) ~~and~~, (b), (bg), and (br).

SECTION 573. 84.075 (2) of the statutes is amended to read:

84.075 **(2)** The contractor shall report to the department any amount of the contract paid to subcontractors and vendors which are minority businesses ~~or~~

~~disabled, veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, or disability-owned businesses.~~

SECTION 574. 84.075 (3) of the statutes is amended to read:

84.075 (3) The department shall at least semiannually, or more often if required by the department of administration, report to the department of administration the total amount of money it has paid to contractors, subcontractors, and vendors that are minority businesses ~~and, that are disabled veteran-owned businesses, that are lesbian, gay, bisexual, or transgender-owned businesses, and that are disability-owned businesses~~ under ss. 84.01 (13), 84.06, and 84.07 and the number of contacts with minority businesses ~~and disabled, veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, and disability-owned businesses~~ in connection with proposed purchases and contracts. ~~In its reports, the department shall include only amounts paid to businesses certified by the department of administration as minority businesses or disabled veteran-owned businesses.~~

SECTION 575. 85.25 (2) (c) 2m. of the statutes is amended to read:

85.25 (2) (c) 2m. A disabled veteran-owned business, as defined in s. 84.075 (1c) (a) ~~(f)~~.

SECTION 576. 85.25 (2) (c) 3. of the statutes is created to read:

85.25 (2) (c) 3. A lesbian, gay, bisexual, or transgender-owned business certified by the department of administration under s. 16.288 (3).

SECTION 577. 85.25 (2) (c) 4. of the statutes is created to read:

85.25 (2) (c) 4. A disability-owned business certified by the department of administration under s. 16.289 (3).

SECTION 578. 200.57 (title) of the statutes is amended to read:

200.57 (title) ~~Minority financial advisers and investment firms and disabled and veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned, and disability-owned financial advisers and investment firms.~~

SECTION 579. 200.57 (1) (a) of the statutes is renumbered 200.57 (1) (f) and amended to read:

200.57 (1) (f) “~~Disabled veteran-owned~~ Veteran-owned financial adviser” and “~~disabled veteran-owned investment firm~~” mean a financial adviser and investment firm, respectively, certified by the department of administration under s. 16.283 (3).

SECTION 580. 200.57 (1) (ae) of the statutes is created to read:

200.57 (1) (ae) “Disability-owned financial adviser” and “disability-owned investment firm” mean a financial adviser and investment firm, respectively, certified by the department of administration under s. 16.289 (3).

SECTION 581. 200.57 (1) (c) of the statutes is created to read:

200.57 (1) (c) “Lesbian, gay, bisexual, or transgender-owned financial adviser” and “Lesbian, gay, bisexual, or transgender-owned investment firm” mean a financial adviser and investment firm, respectively, certified by the department of administration under s. 16.288 (3).

SECTION 582. 200.57 (3) of the statutes is amended to read:

200.57 (3) The commission shall make efforts to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of disabled veteran-owned financial advisers or disabled veteran-owned investment firms.

SECTION 583. 200.57 (4) of the statutes is created to read:

200.57 (4) The commission shall make efforts to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of lesbian, gay, bisexual, or transgender-owned financial advisers or lesbian, gay, bisexual, or transgender-owned investment firms.

SECTION 584. 200.57 (5) of the statutes is created to read:

200.57 (5) The commission shall make efforts to ensure that at least 1 percent of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of disability-owned financial advisers or disability-owned investment firms.

SECTION 585. 229.46 (1) (ae) of the statutes is created to read:

229.46 (1) (ae) “Disability-owned business” means a business certified by the department of administration under s. 16.289 (3).

SECTION 586. 229.46 (1) (ag) of the statutes is renumbered 229.46 (1) (bm) and amended to read:

229.46 (1) (bm) “~~Disabled veteran-owned~~ Veteran-owned business” means a business certified by the department of administration under s. 16.283 (3).

SECTION 587. 229.46 (1) (aj) of the statutes is created to read:

229.46 (1) (aj) “Lesbian, gay, bisexual, or transgender-owned business” means a business certified by the department of administration under s. 16.288 (3).

SECTION 588. 229.46 (2) (intro.) of the statutes is amended to read:

229.46 (2) (intro.) A person who is awarded a contract by a district shall agree, as a condition to receiving the contract, that at least 25 percent of the employees hired because of the contract will be minority group members, at least 5 percent of

the employees hired because of the contract will be women, and at least 1 percent of the employees hired because of the contract will be employees of a disabled veteran-owned business, at least 1 percent of the employees hired because of the contract will be employees of a lesbian, gay, bisexual, or transgender-owned business, and at least 1 percent of the employees hired because of the contract will be employees of a disability-owned business, if any of the following applies:

SECTION 589. 229.46 (3) (intro.) of the statutes is amended to read:

229.46 (3) (intro.) At least 25 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses, at least 5 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses, and at least 1 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to ~~disabled~~ veteran-owned businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to lesbian, gay, bisexual, or transgender-owned businesses, and at least 1 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to a disability-owned business:

SECTION 590. 229.70 (title) of the statutes is amended to read:

229.70 (title) ~~Minority contracting goals; disabled veteran-owned business contracting goals; lesbian, gay, bisexual, or transgender-owned business contracting goals; disability-owned business contracting goals.~~

SECTION 591. 229.70 (1) (ae) of the statutes is created to read:

229.70 (1) (ae) "Disability-owned business" means a business certified by the department of administration under s. 16.289 (3).

SECTION 592. 229.70 (1) (ag) of the statutes is renumbered 229.70 (1) (bm) and amended to read:

229.70 (1) (bm) “~~Disabled veteran-owned~~ Veteran-owned business” means a business certified by the department of administration under s. 16.283 (3).

SECTION 593. 229.70 (1) (aj) of the statutes is created to read:

229.70 (1) (aj) “Lesbian, gay, bisexual, or transgender-owned business” means a business certified by the department of administration under s. 16.288 (3).

SECTION 594. 229.70 (2) of the statutes is amended to read:

229.70 (2) The district shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by a district shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 25 percent of the employees hired because of the contract will be minority group members, at least 1 percent of the employees hired because of the contract will be employees of a ~~disabled veteran-owned~~ business, at least 1 percent of the employees hired because of the contract will be employees of a lesbian, gay, bisexual, or transgender-owned business, at least 1 percent of the employees hired because of the contract will be employees of a disability-owned business, and at least 5 percent of the employees hired because of the contract will be women if the contract is for the construction of any part of baseball park facilities.

SECTION 595. 229.70 (3) (intro.) of the statutes is amended to read:

229.70 (3) (intro.) It shall be a goal of the district to ensure that at least 25 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to ~~disabled veteran-owned~~ businesses, at least 1 percent of the

aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to lesbian, gay, bisexual, or transgender-owned businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to disability-owned businesses, and at least 5 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses:

SECTION 596. 229.70 (4) of the statutes is amended to read:

229.70 (4) It shall be a goal of a district, with regard to each of the contracts described under sub. (3) (a), (b) and (c), to award at least 25 percent of the dollar value of such contracts to minority businesses, at least 1 percent of the dollar value of such contracts to disabled veteran-owned businesses, at least 1 percent of the dollar value of such contracts to lesbian, gay, bisexual, or transgender-owned businesses, at least 1 percent of the dollar value of such contracts to disability-owned businesses, and at least 5 percent of the dollar value of such contracts to women's businesses.

SECTION 597. 229.70 (4m) (a) of the statutes is amended to read:

229.70 (4m) (a) The district shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by a district shall agree, as a condition to receiving the contract, that if he or she is unable to meet the goal under sub. (2), he or she shall make a good faith effort to contract with the technical college district board of the technical college district in which the facilities are to be constructed or the professional services contract is to be performed, to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, lesbian, gay, bisexual, or transgender individuals, individuals with a disability, and women who are qualified to perform the construction work or professional services.

SECTION 598. 229.70 (4m) (b) of the statutes is amended to read:

229.70 **(4m)** (b) If the district is unable to meet the goals under subs. (3) and (4), the district shall make a good faith effort to contract with the technical college district board of the technical college district in which the contracts described under sub. (3) (a), (b) and (c) are to be performed, to develop appropriate training programs designed to increase the pool of minority group members, ~~disabled veterans,~~ lesbian, gay, bisexual, or transgender individuals, individuals with a disability, and women who are qualified to perform the contracts described under sub. (3) (a), (b) and (c).

SECTION 599. 229.70 (5) (b) 1. of the statutes is amended to read:

229.70 **(5)** (b) 1. The supply of eligible minority businesses, ~~disabled veteran-owned businesses,~~ lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses that have the financial capacity, technical capacity, and previous experience in the areas in which contracts were awarded.

SECTION 600. 229.70 (5) (b) 2. of the statutes is amended to read:

229.70 **(5)** (b) 2. The competing demands for the services provided by eligible minority businesses, ~~disabled veteran-owned businesses,~~ lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses, as described in subd. 1., in areas in which contracts were awarded.

SECTION 601. 229.70 (5) (b) 3. of the statutes is amended to read:

229.70 **(5)** (b) 3. The extent to which the district or contractors advertised for ~~and aggressively solicited bids from eligible minority businesses,~~ disabled veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses, as described in subd. 1., and the extent to which eligible minority businesses, ~~disabled~~

veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses submitted bids.

SECTION 602. 229.8273 (title) of the statutes is amended to read:

229.8273 (title) **Minority, disabled veteran, lesbian, gay, bisexual, or transgender, disability, and women contracting.**

SECTION 603. 229.8273 (1) (ak) of the statutes is created to read:

229.8273 (1) (ak) "Disability-owned business" means a business certified by the department of administration under s. 16.289 (3).

SECTION 604. 229.8273 (1) (am) of the statutes is renumbered 229.8273 (1) (cm) and amended to read:

229.8273 (1) (cm) "~~Disabled veteran-owned~~ Veteran-owned business" means a business certified by the department of administration under s. 16.283 (3).

SECTION 605. 229.8273 (1) (ar) of the statutes is created to read:

229.8273 (1) (ar) "Lesbian, gay, bisexual, or transgender-owned business" means a business certified by the department of administration under s. 16.288 (3).

SECTION 606. 229.8273 (2) of the statutes is amended to read:

229.8273 (2) A district shall ensure that, for construction or renovation work and professional services contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 15 percent of the employees hired because of the contract will be minority group members, at least 1 percent of the employees hired because of the contract will be employees of a disabled veteran-owned business, at least 1 percent of the employees hired because of the contract will be employees of a lesbian, gay,

bisexual, or transgender-owned business, at least 1 percent of the employees hired because of the contract will be employees of a disability-owned business, and at least 5 percent of the employees hired because of the contract will be women.

SECTION 607. 229.8273 (3) of the statutes is amended to read:

229.8273 (3) It shall be a goal of the district to ensure that at least 15 percent of the aggregate dollar value of contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), shall be awarded to minority businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the board shall be awarded to ~~disabled~~ disabled veteran-owned businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the board shall be awarded to lesbian, gay, bisexual, or transgender-owned businesses, at least 1 percent of the aggregate dollar value of contracts awarded by the board shall be awarded to disability-owned businesses, and at least 5 percent of the aggregate dollar value of contracts awarded by the board shall be awarded to women's businesses.

SECTION 608. 229.8273 (4) (a) of the statutes is amended to read:

229.8273 (4) (a) The district shall ensure that, for construction or renovation work and professional services contracts described under sub. (2), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that if he or she is unable to meet the goal under sub. (2), he or she shall make a good faith effort to contract with the technical college district board of the technical college district in which the football stadium facilities are to be constructed or renovated, or the professional services contract is to be performed, to develop appropriate training programs designed to increase the pool of minority group members, ~~disabled veterans,~~ lesbian, gay, bisexual, or transgender

individuals, individuals with a disability, and women who are qualified to perform the construction work or professional services.

SECTION 609. 229.8273 (4) (b) of the statutes is amended to read:

229.8273 (4) (b) If the district is unable to meet the goals under sub. (3), the district shall make a good faith effort to contract with the technical college district board of the technical college district in which the contracts described under sub. (3) are to be performed to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, lesbian, gay, bisexual, or transgender individuals, individuals with a disability, and women who are qualified to perform the contracts described under sub. (3).

SECTION 610. 229.8273 (5) (b) 1. of the statutes is amended to read:

229.8273 (5) (b) 1. The supply of eligible minority businesses, disabled veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses that have the financial capacity, technical capacity and previous experience in the areas in which contracts were awarded.

SECTION 611. 229.8273 (5) (b) 2. of the statutes is amended to read:

229.8273 (5) (b) 2. The competing demands for the services provided by eligible minority businesses, disabled veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses, as described in subd. 1., in areas in which contracts were awarded.

SECTION 612. 229.8273 (5) (b) 3. of the statutes is amended to read:

229.8273 (5) (b) 3. The extent to which the district or contractors advertised for and aggressively solicited bids from eligible minority businesses, disabled veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned

businesses, disability-owned businesses, and women's businesses, as described in subd. 1., and the extent to which eligible minority businesses, disabled veteran-owned businesses, lesbian, gay, bisexual, or transgender-owned businesses, disability-owned businesses, and women's businesses submitted bids.

SECTION 613. 229.845 (title) of the statutes is amended to read:

229.845 (title) Minority business contracting goals; disabled veteran-owned business contracting goals; lesbian, gay, bisexual, or transgender-owned business contracting goals; disability-owned business contracting goals; women's business contracting goals.

SECTION 614. 229.845 (1) (ae) of the statutes is created to read:

229.845 (1) (ae) "Disability-owned business" means a business certified by the department of administration under s. 16.289 (3).

SECTION 615. 229.845 (1) (ag) of the statutes is renumbered 229.845 (1) (ap) and amended to read:

229.845 (1) (ap) "~~Disabled veteran-owned~~ Veteran-owned business" means a business certified by the department of administration under s. 16.283 (3).

SECTION 616. 229.845 (1) (ak) of the statutes is created to read:

229.845 (1) (ak) "Lesbian, gay, bisexual, or transgender-owned business" means a business certified by the department of administration under s. 16.288 (3).

SECTION 617. 229.845 (2) of the statutes is amended to read:

229.845 (2) It shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least 15 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to ~~disabled~~

veteran-owned businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to lesbian, gay, bisexual, or transgender-owned businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to disability-owned businesses, and at least 5 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses, except that if the sponsoring city is a 1st class city, it shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least 25 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to disabled veteran-owned businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to lesbian, gay, bisexual, or transgender-owned businesses, at least 1 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to disability-owned businesses, and at least 5 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses.

SECTION 618. 231.29 (title) of the statutes is amended to read:

231.29 (title) ~~Disabled veteran-owned~~ Veteran-owned business financial interests.

SECTION 619. 234.36 (title) of the statutes is amended to read:

234.36 (title) ~~Disabled veteran-owned~~ Veteran-owned business financial interests.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0791/P2
KP:cjs&emw

DOA:.....Sherwin, BB0046 - Municipal broadband service

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Municipality construction, ownership, or operation of broadband facilities

Current law prohibits, with several exceptions, a municipality from constructing, owning, or operating a facility for providing video service, telecommunications service, or broadband service to the public unless 1) the municipality holds a public hearing on the proposed action, 2) notice of the public hearing is given, and 3) the municipality prepares and makes available for public inspection a report estimating the total costs of, and revenues derived from, constructing, owning, or operating the facility for a period of at least three years. The bill eliminates the requirement that a municipality prepare and make available for public inspection that report if the facility is a broadband facility intended to serve an area designated as unserved by the PSC.

Currently, under one of the exceptions, the public hearing and cost report do not apply to a facility for providing broadband service if 1) the municipality offers use of the facility on a nondiscriminatory basis to persons who provide broadband service to end users of the service, 2) the municipality itself does not use the facility to provide broadband service to end users, and 3) the municipality determines that, at the time of authorization, the facility does not compete with more than one provider of broadband service. The bill eliminates the requirements under items 2 and 3 for facilities that are intended to serve an unserved area. As a result, a municipality is

not required to hold a public hearing or prepare a report for a broadband facility intended to serve an unserved area if the municipality offers use of the facility on a nondiscriminatory basis to persons who provide broadband service.

Currently, under another of the exceptions, the public hearing and cost report do not apply to a facility for providing broadband service to an area within the boundaries of a municipality if the municipality asks, in writing, each person that provides broadband service within the boundaries of the municipality whether the person currently provides broadband service to the area or intends to provide broadband service to the area within nine months and 1) the municipality does not receive an affirmative response within 60 days, 2) the municipality determines that a person who responded does not currently provide broadband service to the area, and no other person makes the response to the municipality, or 3) the municipality determines that a person who responded that the person intended to provide broadband service to the area within nine months did not actually provide the service within nine months and no other person makes the response to the municipality.

Under the bill, for this exception in the case of an unserved area, rather than asking whether a person plans to provide broadband service to the area within nine months, the municipality must ask whether the person intends or actively plans to provide broadband service to the area within three months.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 620. 66.0422 (1) (cr) of the statutes is created to read:

66.0422 (1) (cr) “Unserved area” means an area of this state that is designated as an unserved area by the public service commission under s. 196.504 (2) (e).

SECTION 621. 66.0422 (2) (c) of the statutes is amended to read:

66.0422 (2) (c) No less than 30 days before the public hearing, the local government prepares and makes available for public inspection a report estimating the total costs of, and revenues derived from, constructing, owning, or operating the facility and including a cost-benefit analysis of the facility for a period of at least 3 years. The costs that are subject to this paragraph include personnel costs and costs of acquiring, installing, maintaining, repairing, or operating any plant or equipment, and include an appropriate allocated portion of costs of personnel, plant,

or equipment that are used to provide jointly both telecommunications services and other services. This paragraph does not apply to a broadband facility that is intended to serve an unserved area.

SECTION 622. 66.0422 (3d) (intro.) of the statutes is amended to read:

66.0422 **(3d)** (intro.) Subsection (2) does not apply to a facility for providing broadband service to an area within the boundaries of a local government if the local government asks, in writing, each person that provides broadband service within the boundaries of the local government whether the person currently provides broadband service to the area and, if the area is not an unserved area, whether the person intends to provide broadband service to the area within 9 months, or, if the area is an unserved area, whether the person actively plans to provide broadband service to the area within 3 months and any of the following are satisfied:

SECTION 623. 66.0422 (3d) (a) of the statutes is amended to read:

66.0422 **(3d)** (a) ~~The local government asks, in writing, each person that provides broadband service within the boundaries of the local government whether the person currently provides broadband service to the area or intends to provide broadband service within 9 months to the area and within 60 days after receiving the written request no person responds in writing to the~~ The local government does not receive a response in writing that the a person currently provides broadband service to the area or intends or actively plans to provide broadband service to the area within ~~9 months~~ the relevant time period.

SECTION 624. 66.0422 (3d) (b) of the statutes is amended to read:

66.0422 **(3d)** (b) The local government determines that a person who responded ~~to a written request under par. (a)~~ that the person currently provides broadband

service to the area did not actually provide broadband service to the area and no other person ~~makes the response~~ responds to the local government described in par. (a).

SECTION 625. 66.0422 (3d) (c) of the statutes is amended to read:

66.0422 **(3d)** (c) The local government determines that a person who responded ~~to a written request under par. (a)~~ that the person intended or actively planned to provide broadband service to the area within ~~9 months~~ the relevant time period did not actually provide broadband service to the area within ~~9 months~~ the relevant time period and no other person ~~makes the response~~ responds to the local government described in par. (a).

SECTION 626. 66.0422 (3m) (b) of the statutes is amended to read:

66.0422 **(3m)** (b) The municipality itself does not use the facility to provide broadband service to end users. This paragraph does not apply to a facility that is intended to serve an unserved area.

SECTION 627. 66.0422 (3m) (c) of the statutes is amended to read:

66.0422 **(3m)** (c) The municipality determines that, at the time that the municipality authorizes the construction, ownership, or operation of the facility, whichever occurs first, the facility does not compete with more than one provider of broadband service. This paragraph does not apply to a facility that is intended to serve an unserved area.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0792/P1
KP:cjs

DOA:.....Sherwin, BB0050 - Gas pipeline safety violations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Penalties for gas pipeline safety violations

The bill increases the maximum penalties for persons who fail to operate and maintain gas production, transmission, and distribution facilities in a reasonably adequate and safe manner. Current law requires gas production, transmission, and distribution facilities to be operated and maintained in a reasonably adequate and safe manner and authorizes the PSC to issue orders and rules to promote safety of those facilities. Under current law, a person who violates one of these PSC orders or rules or fails to operate and maintain gas production, transmission, and distribution facilities in a reasonably adequate and safe manner is subject to a forfeiture of up to \$25,000 per day and a total forfeiture of up to \$500,000 for a single persisting violation. Under the bill, a violator is subject to a forfeiture of up to \$200,000 per day and a total forfeiture of up to \$2,000,000 for a single persisting violation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 628. 196.745 (2) (a) of the statutes is amended to read:

196.745 (2) (a) Any person violating sub. (1) (a), or any order or rule issued under sub. (1) (a), shall forfeit an amount not exceeding ~~\$25,000~~ \$200,000. Each day of violation is a separate violation of sub. (1) (a). No person may forfeit an amount exceeding ~~\$500,000~~ \$2,000,000 for a single persisting violation of sub. (1) (a) or any order or any rule issued under sub. (1) (a). The commission shall remit all forfeitures paid under this paragraph to the secretary of administration for deposit in the school fund.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0801/P2
JAM&KP:skw

DOA:.....Sherwin, BB0047 - Consumer regulations of broadband

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Prohibiting discrimination in broadband and broadband subscriber rights

The bill prohibits a broadband service provider from denying access to a group of potential residential customers because of their race or income. Under the bill, DATCP has authority to enforce the prohibition and to promulgate related rules. The bill also authorizes any person affected by a broadband service provider who violates the prohibition to bring a private action.

The bill also establishes various requirements for broadband service providers, including the following: 1) broadband service providers must provide service satisfying minimum standards established by PSC, and subscribers may terminate contracts if the broadband service provider fails to satisfy those standards; 2) broadband service providers must provide service as described in advertisements or representations made to subscribers; 3) broadband service providers must repair broadband service within 72 hours after a subscriber reports a broadband service interruption that is not the result of a major system-wide or large area emergency; 4) broadband service providers must give subscribers credit for interruptions of broadband service that last more than four hours in a day; and 5) broadband service providers must give subscribers at least 30 days' advance written notice before instituting a rate increase.

The bill also requires each internet service provider in this state to register with PSC.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 629. 100.2091 of the statutes is created to read:

100.2091 Broadband; discrimination prohibited. (1) No broadband service provider may deny access to broadband service to any group of potential residential customers because of the race or income of the residents in the area in which the group resides.

(2) It is a defense to an alleged violation of sub. (1) based on income if, no later than 3 years after the date on which the broadband service provider began providing broadband service in this state, at least 30 percent of the households with access to the broadband service provider's broadband service in the area in which a group of potential residential customers resides are low-income households.

(3) The department may enforce this section and may promulgate rules to implement and administer this section, including rules that define low-income households, and to align department rules with federal communications commission broadband rules. The department of justice may represent the department in an action to enforce this section. If the court finds that a broadband service provider has not complied with this section, the court shall order the broadband service provider to comply with this section within a reasonable amount of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees, to the department of justice.

(4) Any person that is affected by a failure to comply with this section may bring an action to enforce this section. If a court finds that a broadband service provider has not complied with this section, the court shall order the broadband service provider to comply with this section within a reasonable amount of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees, to the person affected.

SECTION 630. 100.2092 of the statutes is created to read:

100.2092 Broadband service subscriber rights. (1) RIGHTS. (a) A broadband service provider shall repair broadband service within 72 hours after a subscriber reports a service interruption or requests the repair if the service interruption is not the result of a major system-wide or large area emergency, such as a natural disaster.

(b) Upon notification by a subscriber of a service interruption, a broadband service provider shall give the subscriber a credit for one day of broadband service if broadband service is interrupted for more than 4 hours in one day and the interruption is caused by the broadband service provider.

(c) Upon notification by a subscriber of a service interruption, a broadband service provider shall give the subscriber a credit for each hour that broadband service is interrupted if broadband service is interrupted for more than 4 hours in one day and the interruption is not caused by the broadband service provider.

(d) Prior to entering into a service agreement with a subscriber, a broadband service provider shall disclose that a subscriber has a right to a credit for notifying the broadband service provider of a service interruption.

(e) A broadband service provider shall provide broadband service that satisfies minimum standards established by the department by rule.

(f) A broadband service provider shall give a subscriber at least 30 days' advance written notice before instituting a rate increase.

(g) A broadband service provider shall give a subscriber at least 7 days' advance written notice of any scheduled routine maintenance that causes a service slowdown, interruption, or outage.

(h) A broadband service provider shall give a subscriber at least 10 days' advance written notice of disconnecting service, unless the disconnection is requested by the subscriber.

(i) Prior to entering into a service agreement with a subscriber, a broadband service provider shall disclose the factors that may cause the actual broadband speed experience to vary, including the number of users and device limitations.

(j) A broadband service provider shall provide broadband service to a subscriber as described in point-of-sale advertisements and representations made to the subscriber.

(k) A broadband service provider shall give a subscriber at least 10 days' advance written notice of a change in a factor that may cause the originally disclosed broadband speed experience to vary.

(L) A broadband service provider shall allow a subscriber to terminate a contract and receive a full refund without fees if the provider sells a service that does not satisfy the requirements established under par. (e) and the broadband service provider does not satisfy the requirements established under par. (e) within one month of written notification from the subscriber.

(2) ADVERTISING. A broadband service provider shall disclose the factors that may cause the actual broadband speed experience of a subscriber to vary, including

the number of users and device limitations, in each advertisement of the speed of the provider's service, including in all of the following types of advertisements:

- (a) Television and other commercials.
- (b) Internet and email advertisements.
- (c) Print advertisements and bill inserts.
- (d) Any other advertising method or solicitation for the sale of new or upgraded

broadband service.

(3) RULES. The department may promulgate rules to implement and administer this section, including rules to align department rules with federal communications commission broadband rules.

(4) PENALTY; ENFORCEMENT. (a) A person who violates this section may be required to forfeit not more than \$1,000 for each violation and not more than \$10,000 for each occurrence. Failure to give a notice required under sub. (1) (f) to more than one subscriber shall be considered one violation.

(b) The department or a district attorney may institute civil proceedings under this section.

SECTION 631. 165.25 (4) (ar) of the statutes is amended to read:

165.25 (4) (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.2091, 100.2092, 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as are necessarily connected to the legal services.

SECTION 632. 196.5048 of the statutes is created to read:

196.5048 Internet service provider registration. No person may provide Internet service in this state unless the person registers with the commission.

SECTION 9302. Initial applicability; Agriculture, Trade and Consumer Protection.

(1) SUBSCRIBERS TERMINATING BROADBAND CONTRACTS. The treatment of s. 100.2092 (1) (L) first applies to a contract that is entered into, renewed, or modified on the effective date of this subsection.

SECTION 9436. Effective dates; Public Service Commission.

(1) INTERNET SERVICE PROVIDER REGISTRATION REQUIREMENT. The treatment of s. 196.5048 takes effect on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0820/P1

JK:cjs

DOA:.....Martin, BB0057 - Battery Storage Components for Renewable Energy Systems

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Sales tax exemption for energy systems

Current law provides a sales and use tax exemption for a product that has as its power source wind energy, direct radiant energy received from the sun, or gas generated from anaerobic digestion of animal manure and other agricultural waste, if the product produces at least 200 watts of alternating current or 600 British thermal units per day. The sale of electricity or energy produced by the product is also exempt.

This bill modifies current law so that the exemption applies to solar power systems and wind energy systems that produce electrical or heat energy directly from the sun or wind and are capable of continuously producing at least 200 watts of alternating current or 600 British thermal units. In addition, the exemption applies to a waste energy system that produces electrical or heat energy directly from gas generated from anaerobic digestion of animal manure and other agricultural waste and is capable of continuously producing at least 200 watts of alternating current or 600 British thermal units. A system for which the exemption applies includes tangible personal property sold with the system that is used primarily to store or facilitate the storage of the electrical or heat energy produced by the system.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 633. 77.54 (56) (a) of the statutes is repealed.

SECTION 634. 77.54 (56) (ad) of the statutes is created to read:

77.54 **(56)** (ad) 1. The sales price from the sale of and the storage, use, or other consumption of a solar power system or wind energy system that produces usable electrical or heat energy directly from the sun or wind, if the system is capable of continuously producing at least 200 watts of alternating current or 600 British thermal units. A solar power system or wind energy system described under this subdivision includes tangible personal property sold with the system that is used primarily to store or facilitate the storage of the electrical or heat energy produced by the system, but does not include an uninterruptible power source that is designed primarily for computers. The exemption under this subdivision does not apply to tangible personal property designed for any use other than for a solar power system or wind energy system described in this subdivision.

2. The sales price from the sale of and the storage, use, or other consumption of a waste energy system that produces usable electrical or heat energy directly from gas generated from anaerobic digestion of animal manure and other agricultural waste if the system is capable of continuously producing at least 200 watts of alternating current or 600 British thermal units. A system described under this subdivision includes tangible personal property sold with the system that is used

primarily to store or facilitate the storage of the electrical or heat energy produced by the system, but does not include an uninterruptible power source that is designed primarily for computers. The exemption under this subdivision does not apply to tangible personal property designed for any use other than for a waste energy system described in this subdivision.

SECTION 635. 77.54 (56) (b) of the statutes is amended to read:

77.54 **(56)** (b) Except for the sale of electricity or energy that is exempt from taxation under sub. (30), ~~beginning on July 1, 2011,~~ the sales price from the sale of and the storage, use, or other consumption of electricity or heat energy produced by a ~~product~~ system described under par. (a) (ad).

SECTION 9437. Effective dates; Revenue.

(1) ENERGY SYSTEMS. The treatment of s. 77.54 (56) (a), (ad), and (b) takes effect on the first day of the 3rd month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0821/P1
JK:cjs

DOA:.....Martin, BB0056 - Sales tax exemption prairie & wetland
counseling services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Prairie and wetland counseling services

Under current law, the sale of landscaping and lawn maintenance services is subject to the sales tax. This bill excludes from taxable landscaping services the planning and counseling services for the restoration, reclamation, or revitalization of prairie, savanna, or wetlands if such services are provided for a separate and optional fee distinct from other services.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 636. 77.51 (11d) of the statutes is amended to read:

77.51 (11d) For purposes of subs. (1ag), (1f), (3pf), (7j), and (9p), and (17g) and ss. 77.52 (20) and (21), 77.522, 77.54 (9g), (51), (52), and (60), and 77.59 (5r), “product” includes tangible personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d), and services.

SECTION 637. 77.51 (17g) of the statutes is created to read:

77.51 (17g) “Separate and optional fee” means a fee charged to receive a distinct and identifiable product if either of the following applies:

(a) The fee is in addition to fees that the seller charges for other distinct and identifiable products sold to the same buyer, the fee is separately set forth on the invoice given by the seller to the buyer, and the seller does not require the buyer to pay the fee if the buyer chooses not to receive the additional distinct and identifiable product for which the fee applies.

(b) The seller charges a single amount for multiple distinct and identifiable products and offers the buyer the option of paying a lower amount if the buyer chooses not to receive one or more of the distinct and identifiable products. For purposes of this paragraph, the separate and optional fee is the single amount the seller charges for the multiple distinct and identifiable products less the reduced amount the seller charges to the buyer because the buyer chooses not to receive one or more of the products.

SECTION 638. 77.52 (2) (a) 20. of the statutes is amended to read:

77.52 (2) (a) 20. The sale of landscaping and lawn maintenance services including landscape planning and counseling, lawn and garden services such as planting, mowing, spraying and fertilizing, and shrub and tree services. For purposes of this subdivision, landscaping and lawn maintenance services do not

include planning and counseling services for the restoration, reclamation, or revitalization of prairie, savanna, or wetlands to improve biodiversity, the quality of land, soils, or water, or other ecosystem functions if the planning and counseling services are provided for a separate and optional fee from any other services.

SECTION 639. 77.52 (2m) (a) of the statutes is amended to read:

77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part of the charge for the service may be deemed a sale or rental of tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) if the property, items, or goods transferred by the service provider are incidental to the selling, performing or furnishing of the service, except as provided in par. par. (b) and (c).

SECTION 640. 77.52 (2m) (c) of the statutes is created to read:

77.52 (2m) (c) With respect to services subject to tax under sub. (2) (a) 7., 10., 11., and 20. that are provided for a separate and optional fee from the planning and counseling services described under sub. (2) (a) 20., all tangible personal property or items, property, or goods under sub. (1) (b), (c), or (d) physically transferred, or transferred electronically, to the customer in conjunction with the provision of the services subject to tax under sub. (2) (a) 7., 10., 11., and 20. is a sale of tangible personal property or items, property, or goods separate from the selling, performing, or furnishing of the services.

SECTION 9437. Effective dates; Revenue.

(1) PRAIRIE AND WETLAND COUNSELING SERVICES. The treatment of ss. 77.51 (11d) and (17g) and 77.52 (2) (a) 20. and (2m) (a) and (c) takes effect on the first day of the 3rd month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0832/P1
KP:emw

DOA:.....Sherwin, BB0053 - Focus on Energy rate change

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Focus on Energy funding

This bill makes changes to the funding of statewide energy efficiency and renewable resources programs, known as Focus on Energy, that current law requires investor-owned electric and natural gas utilities to fund. Under the bill, PSC must require those utilities to spend 2.4 percent of their annual operating revenues derived from retail sales to fund Focus on Energy and related programs. Under current law, the amount those utilities must spend is 1.2 percent of their annual operating revenues from retail sales.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 641. 196.374 (3) (b) 2. of the statutes is amended to read:

196.374 (3) (b) 2. The commission shall require each energy utility to spend ~~1.2~~ 2.4 percent of its annual operating revenues derived from retail sales to fund the utility's programs under sub. (2) (b) 1., the utility's ordered programs, the utility's share of the statewide energy efficiency and renewable resource programs under sub. (2) (a) 1., and the utility's share, as determined by the commission under subd. 4., of the costs incurred by the commission in administering this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0842/P2
KP:skw&wlj

DOA:.....Martin, BB0054 - Little cigars

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Little cigars

This bill taxes little cigars at the same rate as the excise tax imposed on cigarettes. Under current law, all cigars are taxed at the rate of 71 percent of the manufacturer's established list price, limited to 50 cents per cigar. Under the bill, little cigars are taxed at the rate of 126 mills per little cigar, regardless of weight. The bill defines "little cigar" to mean a cigar that has an integrated cellulose acetate filter and is wrapped in any substance containing tobacco.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 642. 139.44 (4) of the statutes is amended to read:

139.44 (4) Any person who refuses to permit the examination or inspection authorized in s. 139.39 (2) or 139.83 (1) may be fined not more than \$500 or

imprisoned not more than 90 days or both. Such refusal shall be cause for immediate suspension or revocation of permit by the secretary.

SECTION 643. 139.75 (1m) of the statutes is created to read:

139.75 (1m) “Cigar” means a roll, of any size or shape, of tobacco for smoking that is made wholly or in part of tobacco, regardless of whether the tobacco is pure, flavored, adulterated, or mixed with an ingredient, if the roll has a wrapper made wholly or in part of tobacco.

SECTION 644. 139.75 (4t) of the statutes is created to read:

139.75 (4t) “Little cigar” means a cigar that has an integrated cellulose acetate filter and is wrapped in a substance containing tobacco.

SECTION 645. 139.75 (12) of the statutes is amended to read:

139.75 (12) “Tobacco products” means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but “tobacco products” does not include cigarettes, as defined under s. 139.30 (1m).

SECTION 646. 139.76 (1) of the statutes is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff and vapor products, of 71 percent of the manufacturer’s established list price to ~~distributors without~~

~~diminution by volume or other discounts on domestic products and, for moist snuff, at the rate of 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. On products imported from another country, not including moist snuff and vapor products, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.~~

SECTION 647. 139.76 (1) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff and vapor products little cigars, of 71 percent of the manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's list price. The tax imposed under this subsection on cigars, except little cigars, shall not exceed an amount equal to 50 cents for each cigar. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the

tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax.

***NOTE: This is reconciled s. 139.76 (1). This SECTION has been affected by drafts with the following LRB numbers: -0842/P1, -0843/P1, and -1312/P1.

SECTION 648. 139.76 (1b) of the statutes is created to read:

139.76 (1b) The tax under sub. (1) is imposed on little cigars at the rate of 126 mills on each little cigar, regardless of weight. To evidence payment of the tax imposed under this section on little cigars, the department shall provide stamps. A person who has paid the tax shall affix stamps of the proper denomination to each package in which little cigars are packed, prior to the first sale within this state. Section 139.32 as it applies to the tax under s. 139.31 applies to the tax imposed under this section on little cigars.

SECTION 649. 139.78 (1) of the statutes is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff and vapor products, of 71 percent of the ~~cost of the tobacco products~~ manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's established list price ~~to distributors without diminution by volume or other discounts on domestic products.~~ The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

SECTION 650. 139.78 (1) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff and ~~vapor products~~ little cigars, of 71 percent of the manufacturer's list price and, for moist snuff, at the rate of 100 percent of the manufacturer's list price. The tax imposed under this subsection on cigars, except little cigars, shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

***NOTE: This is reconciled s. 139.78 (1). This SECTION has been affected by drafts with the following LRB numbers: -0842/P1, -0843/P1, and -1312/P1.

SECTION 651. 139.78 (1b) of the statutes is created to read:

139.78 (1b) A tax is imposed and levied upon the use or storage of little cigars in this state by any person for any purpose. The tax is levied and shall be collected at the same rate as provided for in s. 139.76 (1b). The tax under this subsection does not apply if the tax imposed by s. 139.76 (1) has been paid or if the little cigars are exempt from tax under s. 139.76 (2).

SECTION 652. 139.83 of the statutes is renumbered 139.83 (1).

SECTION 653. 139.83 (2) of the statutes is created to read:

139.83 (2) Sections 139.315, 139.32, 139.321, 139.322, 139.34, 139.35, 139.36, 139.362, 139.363, 139.38, 139.395, 139.41, 139.42, 139.43, and 139.44 (8), as they apply to the taxes under subch. II, apply to the administration and enforcement of this subchapter for little cigars.

SECTION 9437. Effective dates; Revenue.

(1) LITTLE CIGARS. The treatment of ss. 139.44 (4), 139.75 (1m), (4t), and (12), 139.76 (1) (by SECTION 647) and (1b), and 139.78 (1) (by SECTION 650) and (1b), the

renumbering of s. 139.83, and the creation of s. 139.83 (2) take effect on the first day of the 3rd month beginning after publication.

***NOTE: This is a reconciled effective date provision. This SECTION has been affected by drafts with the following LRB numbers: -0842/P1, -0843/P1, and 1312/P1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0843/P2
KP:skw&wlj

DOA:.....Martin, BB0055 - Vapor products tax rate and definition

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Vapor products

Current law imposes a tax on vapor products, which are any noncombustible products that produce vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine. The tax is imposed at the rate of 5 cents per milliliter of the liquid or other substance based on the volume as listed by the manufacturer.

This bill taxes vapor products at the rate of 71 percent of the manufacturer's established list price and modifies the definition of "vapor product." Under the bill, "vapor product" means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from a solution or other substance, regardless of whether the product contains nicotine. A "vapor product" is defined to include an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, as well as any container of a solution or other substance that is intended to be used with these items. The bill specifies that any product regulated by the federal Food and Drug Administration as a drug or device is not a vapor product.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 654. Subchapter III (title) of chapter 139 [precedes 139.75] of the statutes is amended to read:

CHAPTER 139
SUBCHAPTER III
TOBACCO PRODUCTS TAX AND
VAPOR PRODUCTS TAXES

SECTION 655. 139.75 (14) of the statutes is renumbered 139.75 (14) (a) and amended to read:

139.75 (14) (a) “Vapor product” means a noncombustible product ~~that produces vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to~~ produce vapor from a solution or other substance.

SECTION 656. 139.75 (14) (b) and (c) of the statutes are created to read:

139.75 (14) (b) “Vapor product” includes all of the following:

1. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
2. Any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic

cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(c) "Vapor product" does not include a product regulated as a drug or device under sections 501 to 524A of the federal food, drug, and cosmetic act, 21 USC 351 to 360n-1.

SECTION 657. 139.76 (1m) of the statutes is amended to read:

139.76 (1m) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of vapor products by any person engaged as a distributor of them at the rate of ~~5 cents per milliliter of the liquid or other substance based on the volume as listed by the manufacturer and at a proportionate rate for any other quantity or fractional part thereof~~ 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. On vapor products imported from another country, the rate of tax is 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the vapor products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the vapor products. All vapor products received in this state for sale or distribution within this state, except those actually sold as provided in sub. (2), shall be subject to such tax.

SECTION 658. 139.77 (1) of the statutes is amended to read:

139.77 (1) On or before the 15th day of each month, every distributor with a place of business in this state shall file a return showing the quantity, ~~including milliliters in the case of a vapor product,~~ and taxable price of each tobacco product or vapor product brought, or caused to be brought, into this state for sale; or made,

manufactured or fabricated in this state for sale in this state, during the preceding month. Every distributor outside this state shall file a return showing the quantity, including milliliters in the case of a vapor product, and taxable price of each tobacco product or vapor product shipped or transported to retailers in this state to be sold by those retailers during the preceding month. At the time that the return is filed, the distributor shall pay the tax.

SECTION 659. 139.78 (1m) of the statutes is amended to read:

139.78 (1m) A tax is imposed upon the use or storage by consumers of vapor products in this state at the rate of ~~5 cents per milliliter of the liquid or other substance based on the volume as listed by the manufacturer and at a proportionate rate for any other quantity or fractional part thereof~~ 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax does not apply if the tax imposed by s. 139.76 (1m) on the vapor products has been paid or if the vapor products are exempt from the vapor products tax under s. 139.76 (2).

SECTION 9437. Effective dates; Revenue.

(1) VAPOR PRODUCTS. The treatment of subch. III (title) of ch. 139 and ss. 139.76 (1m), 139.77 (1), and 139.78 (1m), the renumbering and amendment of s. 139.75 (14), and the creation of s. 139.75 (14) (b) and (c) take effect on the first day of the 3rd month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0848/P1
EHS:cjs

DOA:.....Vencill, BB0038 - County sustainable forestry and forest administration grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FORESTRY

County forest administration grants and county sustainable forestry program

This bill separates the existing biennial appropriation for county sustainable forestry grants and county forest administration grants into two separate biennial appropriations.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 660. 20.370 (5) (bw) of the statutes is amended to read:

20.370 (5) (bw) *Resource aids — county sustainable forestry and county forest administration grants.* Biennially, the amounts in the schedule for county

sustainable forestry grants under s. 28.11 (5r) and county forest administration grants under s. 28.11 (5m).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 661. 20.370 (5) (ht) of the statutes is created to read:

20.370 (5) (ht) *Resource aids - county forest administration grants.* Biennially, the amounts in the schedule for county forest administration grants under s. 28.11 (5m).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 662. 28.11 (5m) (a) (intro.) of the statutes is amended to read:

28.11 (5m) (a) (intro.) The department may make grants, from the appropriation under s. 20.370 (5) (~~bw~~) (ht), to counties having lands entered under sub. (4) to fund all of the following for one professional forester in the position of county forest administrator or assistant county forest administrator:

SECTION 663. 28.11 (5m) (am) of the statutes is amended to read:

28.11 (5m) (am) The department may make grants, from the appropriation under s. 20.370 (5) (~~bw~~) (ht), to counties having lands entered under sub. (4) to fund up to 50 percent of the costs of a county's annual dues to a nonprofit organization that provides leadership and counsel to that county's forest administrator and that functions as an organizational liaison to the department. The total amount that the department may award in grants under this paragraph in any fiscal year may not exceed \$50,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0849/P4
EHS:emw&amn

DOA:.....Sherwin, BB0048 - On-bill tariff financing

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Residential and commercial energy improvements

This bill allows PSC to authorize a public utility to finance energy improvements at a specific dwelling for a residential or commercial customer. Under the bill, a public utility may recover the costs of such an energy improvement through a surcharge periodically placed on the customer's account. The bill requires PSC to promulgate rules establishing requirements for this financing, which must include that the surcharge is assigned to a location, not to an individual customer; that energy improvements are eligible for financing only if they are estimated to save an amount that exceeds the surcharge; and that the financing offered may not increase a customer's risk or debt.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 664. 196.376 of the statutes is created to read:

196.376 Residential and commercial energy improvements. The commission may authorize a public utility to finance energy improvements at a specific residential or commercial location and recover the cost of those improvements over time through a surcharge periodically placed on the public utility customer's account for that location. The commission shall promulgate rules to establish the requirements for the utility financing programs authorized under this section. Those requirements shall include at least all of the following:

- (1) The surcharge shall be assigned to a location, not to an individual customer.
- (2) Energy improvements are eligible for financing only if the improvements are estimated to save an amount that exceeds the surcharge.
- (3) The financing offered to a customer under this section may not increase the customer's risk or debt.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0850/P1
EHS:emw

DOA:.....Sherwin, BB0049 - Securitization of retiring power plants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Securitization of retiring power plants

Under current law, an energy utility is allowed to apply to PSC for an order allowing the utility to finance the costs of the following activities by issuing bonds: 1) the construction, installation, or otherwise putting into place of environmental control equipment in connection with a plant that, before March 30, 2004, has been used to provide service to customers and 2) the retiring of any existing plant, facility, or other property to reduce, control, or eliminate environmental pollution in accordance with federal or state law. Current law defines these activities as “environmental control activities.” If approved by PSC, the bonds, which are referred to as “environmental trust bonds,” are secured by revenues arising from charges paid by an energy utility’s customers for the utility to recover the cost of the activities, as well as the cost of financing the bonds.

This bill adds the retiring of any existing electric generating facility fueled by nonrenewable combustible energy resources as an environmental control activity, the costs of which may be financed by an environmental trust bond.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 665. 196.027 (1) (d) 3. of the statutes is created to read:

196.027 (1) (d) 3. The retiring of any existing electric generating facility fueled by nonrenewable combustible energy resources.

SECTION 666. 196.027 (1) (f) of the statutes is amended to read:

196.027 (1) (f) “Environmental control cost” means capital cost, including capitalized cost relating to regulatory assets, incurred or expected to be incurred by an energy utility in undertaking an environmental control activity and, with respect to an environmental control activity described in par. (d) 2. or 3., includes the unrecovered value of property that is retired, including any demolition or similar cost that exceeds the salvage value of the property. “Environmental control cost” does not include any monetary penalty, fine, or forfeiture assessed against an energy utility by a government agency or court under a federal or state environmental statute, rule, or regulation.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0857/P3
EVM&EHS:amn&cjs

DOA:.....Aslesen, BB0058 - National electric vehicle

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Nonutility-owned electric vehicle charging stations

This bill exempts from regulation as a public utility a person who supplies electricity through an electric vehicle charging station to users' electric vehicles. Under current law, a person who directly or indirectly provides electricity to the public is regulated as a public utility by PSC.

TRANSPORTATION

HIGHWAYS

Electric vehicle infrastructure program

Under this bill, DOT may establish and administer a program to provide funding for electric vehicle infrastructure projects.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 667. 20.395 (4) (fq) of the statutes is created to read:

20.395 (4) (fq) *Electric vehicle infrastructure, state funds.* As a continuing appropriation, the amounts in the schedule for the electric vehicle infrastructure program under s. 85.53.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 668. 20.395 (4) (fv) of the statutes is created to read:

20.395 (4) (fv) *Electric vehicle infrastructure, local funds.* All moneys received from any local unit of government or other source for the electric vehicle infrastructure program under s. 85.53, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 669. 20.395 (4) (fx) of the statutes is created to read:

20.395 (4) (fx) *Electric vehicle infrastructure, federal funds.* All moneys received from the federal government for the electric vehicle infrastructure program under s. 85.53, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 670. 85.53 of the statutes is created to read:

85.53 Electric vehicle infrastructure program. The department may establish and administer an electric vehicle infrastructure program. Under the program, the department may provide funding for electric vehicle infrastructure projects eligible for funding under state or federal law, including under the National Electric Vehicle Formula Program as provided in Division J, Title VIII, of P.L. 117-58. All funding under this section shall be from the appropriations under s. 20.395 (4) (fq), (fv), and (fx).

SECTION 671. 196.01 (5) (b) 8. of the statutes is created to read:

196.01 (5) (b) 8. A person who supplies electricity through the person's electric vehicle charging station to users' electric vehicles, if the person does not otherwise directly or indirectly provide electricity to the public.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0858/P1
ZDW:cjs

DOA:.....Aslesen, BB0060 - Safety belt violation forfeiture

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Increased safety belt violation forfeiture

This bill increases the forfeiture from \$10 to \$25 for violations of motor vehicle safety belt requirements. Under current law, if a motor vehicle is required to be equipped with safety belts, no person may operate the vehicle unless the person and each passenger who is at least eight years old is properly restrained. Separate requirements and penalties apply to passengers for whom child safety restraint systems are required.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 672. 347.50 (2m) (a) of the statutes is amended to read:

347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person 16 years of age or older who violates s. 347.48 (2m) (d) shall be required to forfeit \$10 \$25.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0859/P1
ZDW:kms&cjs

DOA:.....Aslesen, BB0059 - Harbor assistance program bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Harbor assistance bonding

Under current law, the state may contract up to \$167,300,000 in public debt for DOT to provide local grants for harbor assistance and for harbor improvements such as dock wall repair and maintenance, construction of new dock walls, dredging of materials from a harbor, or the placement of dredged materials in containment facilities. This bill increases the authorized general obligation bonding limit for these purposes by \$16,000,000 to \$183,300,000.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 673. 20.866 (2) (uv) of the statutes is amended to read:

20.866 (2) (uv) *Transportation, harbor improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to provide

grants for harbor improvements. The state may contract public debt in an amount not to exceed ~~\$120,000,000~~ \$183,300,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$32,000,000 for this purpose. The state may contract additional public debt in an amount up to \$15,300,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0860/P2
EHS:emw&skw

DOA:.....Bork, BB0061 - Merge bureau of youth services statutes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Grants for youth services

This bill consolidates certain DCF youth services programs into a new youth services grant program. Under current law, the following DCF programs provide youth services: grants for services for homeless and runaway youth, treatment and services for children who are the victims of sex trafficking, grants for children's community programs, and the Brighter Futures Initiative. Under the bill, these programs are consolidated into the youth services grant program, under which DCF must distribute grants to public agencies, nonprofit corporations, and Indian tribes to provide programs that accomplish one or more of the following purposes:

2. Increasing youth access to housing.
3. Increasing youth self-sufficiency through employment, education, and training.
4. Increasing youth social and emotional health by promoting healthy and stable adult connections, social engagement, and connection with necessary services.
5. Preventing sex trafficking of children and youth.
6. Providing treatment and services for documented and suspected victims of child and youth sex trafficking.

7. Preventing and reducing the incidence of youth violence and other delinquent behavior.

8. Preventing and reducing the incidence of youth alcohol and other drug use and abuse.

9. Preventing and reducing the incidence of child abuse and neglect.

10. Preventing and reducing the incidence of teen pregnancy.

Under current law, DCF must allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs, including \$500,000 for the Brighter Futures Initiative for programs to provide evidence-based programs and practices for substance abuse prevention to at-risk youth and their families. Under the bill, this amount is allocated instead to the grants for youth services.

Under current law, DHS transfers amounts to DCF for the Brighter Futures Initiative. Under the bill, DHS transfers those amounts to DCF for the grants for youth services. The bill maintains a requirement, currently under the Brighter Futures Initiative, that DCF distribute \$55,000 in each fiscal year to Diverse and Resilient, Inc., to provide youth services as part of the new youth services grant program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 674. 20.435 (5) (bf) of the statutes is amended to read:

20.435 (5) (bf) *Brighter futures initiative Grants for youth services.* The amounts in the schedule to be transferred to the appropriation account under s. 20.437 (1) (kb) for the ~~brighter futures initiative under s. 48.545 grants for youth services~~ under s. 48.481.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 675. 20.437 (1) (bc) of the statutes is amended to read:

20.437 (1) (bc) *Grants for children's community programs youth services.* The amounts in the schedule for grants for ~~children's community programs youth services~~ under s. 48.481. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All

moneys under this appropriation account that are distributed under s. 48.481 but are not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 676. 20.437 (1) (e) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 677. 20.437 (1) (eg) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 678. 20.437 (1) (er) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 679. 20.437 (1) (kb) of the statutes is amended to read:

20.437 (1) (kb) *Interagency aids; ~~brighter futures initiative grants for youth services~~*. All moneys transferred from the appropriation account under s. 20.435 (5) (bf) for the ~~brighter futures initiative under s. 48.545 grants for youth services under s. 48.481~~.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 680. 20.9275 (2) (intro.) of the statutes is amended to read:

20.9275 (2) (intro.) No state agency or local governmental unit may authorize payment of funds of this state, of any local governmental unit or, subject to sub. (3m), of federal funds passing through the state treasury as a grant, subsidy or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects or services, that is a grant, subsidy or other funding under s.

48.481, 48.487, 48.545, 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if any of the following applies:

SECTION 681. 48.48 (19) of the statutes is repealed.

SECTION 682. 48.481 (title) of the statutes is amended to read:

48.481 (title) **Grants for children's community programs youth services.**

SECTION 683. 48.481 (intro.) of the statutes is renumbered 48.481 (2m) (intro.) and amended to read:

48.481 (2m) (intro.) ~~From the appropriation under s. 20.437 (1) (bc), the~~ The department shall distribute the following grants for children's community programs youth services to public agencies, nonprofit corporations, and Indian tribes to provide programs that accomplish one or more of the following purposes:

SECTION 684. 48.481 (1) of the statutes is repealed.

SECTION 685. 48.481 (1m) of the statutes is created to read:

48.481 (1m) In this section:

(a) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(b) "Public agency" means a county, city, village, town, or school district or an agency of this state or of a county, city, village, town, or school district.

SECTION 686. 48.481 (2) of the statutes is repealed.

****NOTE: This is reconciled s. 48.481 (2). This SECTION has been affected by drafts with the following LRB numbers: -0860/P1 and -0878/P4.

SECTION 687. 48.481 (2m) (a), (b), (c), (d), (e), (f), (g), (h) and (i) and (3) of the statutes are created to read:

48.481 (2m) (a) Increasing youth access to housing.

(b) Increasing youth self-sufficiency through employment, education, and training.

(c) Increasing youth social and emotional health by promoting healthy and stable adult connections, social engagement, and connection with necessary services.

(d) Preventing sex trafficking of children and youth.

(e) Providing treatment and services for documented and suspected victims of child and youth sex trafficking.

(f) Preventing and reducing the incidence of youth violence and other delinquent behavior.

(g) Preventing and reducing the incidence of youth alcohol and other drug use and abuse.

(h) Preventing and reducing the incidence of child abuse and neglect.

(i) Preventing and reducing the incidence of teen pregnancy.

(3) From the appropriations under s. 20.437 (1) (bc) and (kb), the department shall distribute \$55,000 in each fiscal year to Diverse and Resilient, Inc., to provide programs that accomplish one or more of the purposes under sub. (2m).

SECTION 688. 48.545 of the statutes is repealed.

SECTION 689. 49.1385 of the statutes is repealed.

SECTION 690. 49.175 (1) (o) of the statutes is amended to read:

49.175 (1) (o) ~~Evidence-based substance abuse prevention grants~~ Grants for youth services. For grants awarded under s. ~~48.545 (2) (e)~~ 48.481, \$500,000 in each fiscal year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0862/P1
MIM:cjs

DOA:.....Bork, BB0070 - Transfer from capital planning and building services appropriation to building trust fund

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Transfer from capital planning and building construction services appropriation to the building trust fund

This bill transfers \$18,000,000 from the capital planning and building construction services appropriation to the building trust fund in fiscal year 2023-24.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9204. Fiscal changes; Building Commission.

(1) TRANSFER TO STATE BUILDING TRUST FUND. There is transferred from the appropriation account under s. 20.505 (1) (kc) to the state building trust fund under s. 25.30 \$18,000,000 in fiscal year 2023-24.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0863/P2
MDE&MPG:cjs

DOA:.....Bork, BB0071 - NATOW Grants and Contract Transfer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TOURISM

American Indian tourism marketing

This bill requires DOA to award an annual grant to the Great Lakes Inter-Tribal Council to provide funding for a program to promote tourism featuring American Indian heritage and culture. The bill also transfers from the Department of Tourism to DOA a contract between the Great Lakes Inter-Tribal Council and the Department of Tourism that relates to the promotion of tourism featuring American Indian heritage and culture.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 691. 16.29 (title) of the statutes is amended to read:

16.29 (title) Technical assistance and tourism promotion.

SECTION 692. 16.29 (1) of the statutes is renumbered 16.29 (1) (intro.) and amended to read:

16.29 (1) (intro.) Annually, the department shall grant to the Great Lakes inter-tribal council the amount appropriated under s. 20.505 (1) (kx) ~~to~~ for the following purposes:

(a) To partially fund a program to provide technical assistance for economic development on Indian reservations if the conditions under subs. (2) and (3) are satisfied.

SECTION 693. 16.29 (1) (b) of the statutes is created to read:

16.29 (1) (b) To fund tourism promotion activities under the Native American Tourism of Wisconsin program. The grants under this paragraph are not subject to the conditions under subs. (2) and (3).

SECTION 9143. Nonstatutory provisions; Tourism.

(1) TRANSFER OF AMERICAN INDIAN TOURISM MARKETING CONTRACT. The contract between the department of tourism and the Great Lakes inter-tribal council in effect on the effective date of this subsection that is primarily related to the promotion of tourism featuring American Indian heritage and culture, as determined by the secretary of administration, is transferred to the department of administration. The department of administration shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of administration to the extent allowed under the contract.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0865/P2
MIM:emw

DOA:.....Bork, BB0074 - Secretary of state office resources change

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Assistant secretary of state

2015 Wisconsin Act 55 eliminated the position of assistant secretary of state. This bill restores that position. The secretary of state may delegate any duty or power to the assistant secretary of state, except duties and powers the secretary of state performs as a member of the Board of Commissioners of Public Lands.

Under current law, DFI's general program operations are funded from an annual program revenue appropriation. From this appropriation, \$150,000 is transferred annually to an appropriation to the secretary of state for general program operations. The bill increases the amount of the transfer to \$260,000 annually.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 694. 14.46 of the statutes is created to read:

14.46 Assistant secretary of state. The secretary of state may appoint an assistant secretary of state who may perform and execute any duty or power of the secretary of state, except duties and powers the secretary of state performs as a member of the board of commissioners of public lands. The assistant secretary of state shall take and file the official oath and shall file an official bond in the sum and with the conditions as the secretary of state prescribes.

SECTION 695. 19.01 (4) (b) 1. of the statutes is amended to read:

19.01 (4) (b) 1. The secretary of state and assistant secretary of state.

SECTION 696. 20.144 (1) (g) of the statutes is amended to read:

20.144 (1) (g) *General program operations.* The amounts in the schedule for the general program operations of the department of financial institutions. Except as provided in pars. (a), (h), (i), (j), and (u) and ~~sub.~~ subs. (3) and (4), all moneys received by the department, other than by the office of credit unions and the division of banking, and 88 percent of all moneys received by the office of credit unions and the department's division of banking shall be credited to this appropriation, but any balance at the close of a fiscal year under this appropriation shall lapse to the general fund. Annually, ~~\$150,000~~ \$260,000 of the amounts received under this appropriation account shall be transferred to the appropriation account under s. 20.575 (1) (g).

***NOTE: This is reconciled s. 20.144 (1) (g). This SECTION has been affected by drafts with the following LRB numbers: -0865/P1 and -1281/P2.

SECTION 697. 20.923 (6) (as) of the statutes is amended to read:

20.923 (6) (as) Each elective executive officer other than the state treasurer, ~~secretary of state,~~ attorney general, and superintendent of public instruction: a deputy or assistant.

SECTION 698. 20.923 (8) of the statutes is amended to read:

20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3) (b), 15.04 (2), and 551.601 (1) shall be set by the appointing authority. The salary, other than the salary of the deputy secretary of the department of employee trust funds, shall not exceed the maximum of the salary range one range below the salary range of the executive salary group to which the department or agency head is assigned. The assistant secretary of state and associate director of the historical society shall be treated as an unclassified deputy deputies for pay purposes under this subsection. The salary of the deputy director of the office of business development in the department of administration is assigned to executive salary group 2.

SECTION 699. 230.08 (2) (g) of the statutes is amended to read:

230.08 (2) (g) One stenographer appointed by each elective executive officer, except the secretary of state and the state treasurer; and one deputy or assistant appointed by each elective executive officer, except the state treasurer, ~~secretary of state,~~ attorney general, and superintendent of public instruction.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0866/P6
EHS:amn&skw

DOA:.....Bork, BB0064 - Foster care and kinship care rate increase and payment modifications

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Foster care and kinship care rates and payments

This bill changes the monthly basic maintenance rates that the state or a county pays to foster parents certified to provide level one care and to all kinship care providers (relatives other than a parent), which under current law are \$300 per month for a child of any age, to be the same as the age-based monthly basic maintenance rates paid to foster parents providing higher than level one care. The bill also increases these age-based monthly basic maintenance rates by 5 percent. Beginning on January 1, 2024, the monthly rates are \$441 for a child under five years of age, \$483 for a child 5 to 11 years of age, \$548 for a child 12 to 14 years of age, and \$572 for a child 15 years of age or over.

This bill provides that, in addition to the monthly rates currently paid to a kinship care provider who is providing care and maintenance for a child, DCF or, with DCF's approval, a county department of human services or social services may make emergency payments for kinship care to a kinship care provider if any of the following conditions are met:

11. The governor has declared a state of emergency, or the federal government has declared a major disaster, that covers the locality of the home of the kinship care provider (home).

12. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the home.

13. DCF has determined that conditions in this state or in the locality of the home have resulted in a temporary increase in the costs borne by foster homes and kinship care providers, including a pandemic or other public health threat, a natural disaster, or unplanned school closures of five consecutive days or more.

The bill provides that DCF must determine the amount of an emergency payment based on available funding and may promulgate rules governing the provision of the payments.

The bill changes the statutes and the administrative code to make kinship care providers and foster homes certified to provide level one care eligible to receive exceptional payments to enable siblings or a minor parent and minor children to reside together and to receive an initial clothing allowance. Under current law, these payments are only available to foster homes certified to provide higher than level one care.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 700. 48.57 (3m) (am) (intro.) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), and if all of the following conditions are met, beginning on January 1, 2024, a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments to a kinship care provider who is providing care and maintenance for a child in the amount of \$300 ~~per month beginning on January 1, 2022, to a kinship care provider who is providing care and maintenance for a child if all of the following conditions are met~~ \$441 for a child

under 5 years of age; \$483 for a child 5 to 11 years of age; \$548 for a child 12 to 14 years of age; and \$572 for a child 15 years of age or over:

****NOTE: This is reconciled s. 48.57 (3m) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 701. 48.57 (3m) (an) of the statutes is created to read:

48.57 (3m) (an) In addition to the monthly payments for kinship care under par. (am), the department or, with the department's approval, the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a kinship care provider who is providing care and maintenance for a child residing in the home of the kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 3.

****NOTE: This is reconciled s. 48.57 (3m) (an). This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 702. 48.57 (3m) (ar) and (at) of the statutes are created to read:

48.57 (3m) (ar) In addition to the monthly payments for kinship care under par. (ap), the department or, with the department's approval, the county department may make emergency payments for kinship care to a kinship care provider who is providing care and maintenance for a child residing in the home of the kinship care provider under a court order if any of the following conditions are met:

1. The governor has declared a state of emergency pursuant to s. 323.10, or the federal government has declared a major disaster under 42 USC 68, that covers the locality of the home of the kinship care provider.

2. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the home of the kinship care provider.

3. The department has determined that conditions in this state or in the locality of the home of the kinship care provider have resulted in a temporary increase in the costs borne by kinship care providers. Those conditions may include any of the following:

- a. A pandemic or other public health threat.
- b. A natural disaster.
- c. Unplanned school closures of 5 consecutive days or more.

(at) The department shall determine the amount of emergency payments under par. (ar) based on available funding.

***NOTE: This is reconciled s. 48.57 (3m) (ar) and (at). This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 703. 48.57 (3m) (i) 4. of the statutes is created to read:

48.57 (3m) (i) 4. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for a child residing in the home of a kinship care provider who is receiving a monthly rate under par. (am).

***NOTE: This is reconciled s. 48.57 (3m) (i) 3. This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 704. 48.57 (3m) (j) of the statutes is created to read:

48.57 (3m) (j) The department may promulgate rules governing the provision of emergency payments under par. (ar).

SECTION 705. 48.57 (3n) (am) (intro.) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap) and if all of the following conditions are met, beginning on January 1, 2024, a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments to a long-term kinship care provider who is providing care and maintenance for each a child in the amount of \$300 per month ~~beginning on January 1, 2022, to a long-term kinship care provider who is providing care and maintenance for that child~~ if all of the following conditions are met \$441 for a child under 5 years of age; \$483 for a child 5 to 11 years of age; \$548 for a child 12 to 14 years of age; and \$572 for a child 15 years of age or over:

***NOTE: This is reconciled s. 48.57 (3n) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 706. 48.57 (3n) (an) of the statutes is created to read:

48.57 (3n) (an) In addition to the monthly payments for long-term kinship care under par. (am), the department or, with the department's approval, the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a long-term kinship care provider who is providing care and maintenance for a child residing in the home of the long-term kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 2.

***NOTE: This is reconciled s. 48.57 (3n) (an). This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 707. 48.57 (3n) (i) of the statutes is renumbered 48.57 (3n) (i) (intro.) and amended to read:

48.57 **(3n)** (i) (intro.) The department shall promulgate rules to implement this subsection. Those rules shall include rules all of the following:

1. Rules governing the provision of long-term kinship care payments for the care and maintenance of a child after the child attains 18 years of age.

SECTION 708. 48.57 (3n) (i) 2. of the statutes is created to read:

48.57 **(3n)** (i) 2. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for children residing in a home of a long-term kinship care provider who is receiving a monthly rate under par. (am).

***NOTE: This is reconciled s. 48.57 (3n) (i) 2. This SECTION has been affected by drafts with the following LRB numbers: -0878/P4 and -0866/P4.

SECTION 709. 48.62 (4) of the statutes is amended to read:

48.62 **(4)** Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, 2022, the rates are ~~\$300 for care and maintenance provided for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and 2024,~~ for care and maintenance provided by a foster home that is certified to provide care at a any level of care that is higher than level one care, \$420 ~~\$441~~ for a child under 5 years of age; \$460 ~~\$483~~ for a child 5 to 11 years of age; \$522 ~~\$548~~ for a child 12 to 14 years of age; and \$545 ~~\$572~~ for a child 15 years of age or over. In addition to these grants for basic maintenance, the department, county department, or licensed child welfare agency shall make supplemental payments for foster care to a foster home that is receiving an age-related rate under this subsection that are

commensurate with the level of care that the foster home is certified to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 710. DCF 56.23 (1) (c) of the administrative code is amended to read:

DCF 56.23 (1) (c) A placing agency may not make a supplemental or exceptional payment ~~or pay an initial clothing allowance, except for an exceptional payment under sub. (3) (a) 2.,~~ for a child placed in a Level 1 foster home.

SECTION 711. DCF 58.08 (9) (c) and (d) of the administrative code are created to read:

DCF 58.08 (9) (c) *Exceptional payments.* A kinship care agency may issue to a relative caregiver who is receiving kinship care payments or long-term kinship care payments an exceptional payment to enable siblings or minor parent and minor children to reside together, subject to a maximum payment amount determined by the department.

(d) *Initial clothing allowance.* A kinship care agency may pay an initial clothing allowance to a relative caregiver when the relative caregiver is initially approved by the kinship care agency. The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

SECTION 9406. Effective dates; Children and Families.

(1) FOSTER CARE AND KINSHIP CARE RATES. The treatment of ss. 48.57 (3m) (am) (intro.) by SECTION 700 and (3n) (am) (intro.) by SECTION 705 and 48.62 (4) takes effect on January 1, 2024, or on the day after publication, whichever is later.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0867/P1
KP:amn

DOA:.....Quinn, BB0076 - Earned income tax credit expansion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Earned income tax credit

This bill increases the amount that an individual with fewer than three qualifying children may claim as the Wisconsin earned income tax credit. Under current law, the Wisconsin EITC is equal to a percentage of the federal EITC. The percentage is 4 percent of the federal EITC if the individual has one qualifying child, 11 percent if the individual has two qualifying children, and 34 percent if the individual has three or more qualifying children. The credit is refundable, which means that if the credit exceeds the individual's tax liability, he or she will receive the excess as a refund check.

Under the bill, the percentage of the federal EITC that an eligible individual may claim for Wisconsin purposes is 16 percent if the individual has one qualifying child, 25 percent if the individual has two qualifying children, and 34 percent if the individual has three or more qualifying children.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 712. 71.07 (9e) (aj) (intro.) of the statutes is amended to read:

71.07 **(9e)** (aj) (intro.) For taxable years beginning after December 31, 2010, and before January 1, 2023, an individual may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the person is eligible for the taxable year under section 32 of the Internal Revenue Code:

SECTION 713. 71.07 (9e) (ak) of the statutes is created to read:

71.07 **(9e)** (ak) For taxable years beginning after December 31, 2022, an individual may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the individual is eligible for the taxable year under section 32 of the Internal Revenue Code:

1. If the individual has one qualifying child who has the same principal place of abode as the individual, 16 percent.
2. If the individual has 2 qualifying children who have the same principal place of abode as the individual, 25 percent.
3. If the individual has 3 or more qualifying children who have the same principal place of abode as the individual, 34 percent.

SECTION 714. 73.03 (73) (f) 1. of the statutes is amended to read:

73.03 **(73)** (f) 1. Subject to subd. 2., for taxable years beginning after December 31, 2020, the department shall make the pilot program described under par. (b) permanent and applicable to all eligible claimants of the earned income tax credit under s. 71.07 (9e) ~~(aj)~~, based on the specifications described under pars. (b) and (c) 2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0868/P1
KP:emw

DOA:.....Quinn, BB0077 - Child and dependent care tax credit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Expanding the child and dependent care tax credit

Under current law, an individual who is eligible to claim the federal child and dependent care tax credit may claim a state income tax credit equal to 50 percent of the amount the individual may claim as a federal income tax credit. This bill allows an individual to claim a state income tax credit equal to the full amount claimed for the federal child and dependent care tax credit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 715. 71.07 (9g) (b) of the statutes is renumbered 71.07 (9g) (b) 1. and amended to read:

71.07 (9g) (b) 1. For taxable years beginning after December 31, 2021, and before January 1, 2023, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to 50 percent of the federal child and dependent care tax credit claimed by the claimant on his or her federal income tax return for the taxable year to which the claim under this subsection relates.

SECTION 716. 71.07 (9g) (b) 2. of the statutes is created to read:

71.07 (9g) (b) 2. For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to the federal child and dependent care tax credit claimed by the claimant on his or her federal income tax return for the taxable year to which the claim under this subsection relates.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0869/P1
ZDW:emw

DOA:.....Bork, BB0073 - Appropriation for clerk training

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
ELECTIONS

Appropriation for clerk training

Current law appropriates money annually from the general fund to the Elections Commission for training county and municipal clerks concerning voter identification requirements. This bill expands this appropriation to authorize expenditures for training county and municipal clerks for the administration of elections generally.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 717. 20.510 (1) (c) of the statutes is amended to read:

20.510 (1) (c) ~~Voter identification~~ County and municipal clerk training. The amounts in the schedule for training of county and municipal clerks concerning the administration of elections as provided in chs. 5 to 10 and 12, including voter identification requirements provided in 2011 Wisconsin Act 23.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0870/P1
MDE:wlj

DOA:.....Quinn, BB0078 - WEDC Funding Increase

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ECONOMIC DEVELOPMENT

Adjustment to WEDC appropriation

This bill adjusts the calculation used to determine the amount of WEDC's general purpose revenue appropriation. The bill does not raise the expenditure cap on that appropriation, which is \$16,512,500 per fiscal year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 718. 20.192 (1) (a) of the statutes is amended to read:

20.192 (1) (a) *Operations and programs.* A sum sufficient in each fiscal year equal to the amount obtained by subtracting from \$41,550,700 \$51,550,700 an amount equal to the sum of the amounts expended in that fiscal year from the

appropriations under pars. (r) and (s), for the operations of the Wisconsin Economic Development Corporation and for funding economic development programs developed and implemented under s. 238.03. No more than \$16,512,500 may be expended from this appropriation in any fiscal year, and moneys may be expended from this appropriation only if there are no unencumbered moneys available in the appropriation account under par. (r).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0871/P1
EVM:amn

DOA:.....Aslesen, BB0075 - Freight rail preservation program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

Freight rail preservation bonding

Under current law, the state may contract up to \$300,300,000 in public debt for DOT to acquire railroad property, provide grants and loans for railroad property acquisition and improvement, and provide intermodal freight facilities grants. This bill increases the authorized general obligation bonding limit for these purposes by \$20,000,000 to \$320,300,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 719. 20.866 (2) (uw) of the statutes is amended to read:

20.866 (2) (uw) *Transportation; rail acquisitions and improvements and intermodal freight facilities.* From the capital improvement fund, a sum sufficient

for the department of transportation to acquire railroad property under ss. 85.08 (2) (L) and 85.09; to provide grants and loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d); and to provide intermodal freight facilities grants under s. 85.093. The state may contract public debt in an amount not to exceed ~~\$250,300,000~~ \$320,300,000 for these purposes. ~~The state may contract additional public debt in an amount up to \$30,000,000 for these purposes. The state may contract additional public debt in an amount up to \$20,000,000 for these purposes.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0872/P1
EVM:amn

DOA:.....Aslesen, BB0080 - Transportation revenue bond increase

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Transportation revenue bonds

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$4,325,885,700. This bill increases the revenue bond limit to \$4,493,600,000, an increase of \$167,714,300.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 720. 84.59 (6) of the statutes is amended to read:

84.59 (6) The building commission may contract revenue obligations when it reasonably appears to the building commission that all obligations incurred under

this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Except as provided in this subsection, the principal amount of revenue obligations issued under this section may not exceed ~~\$4,055,372,900~~ \$4,493,600,000, excluding any obligations that have been defeased under a cash optimization program administered by the building commission, to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09. ~~In addition to the foregoing limit on principal amount, the building commission may contract revenue obligations under this section up to \$142,254,600, excluding any obligations that have been defeased under a cash optimization program administered by the building commission, to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal amount, the building commission may contract revenue obligations under this section up to \$128,258,200, excluding any obligations that have been defeased under a cash optimization program administered by the building commission, to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09.~~ In addition to the foregoing limits on principal amount, the building commission may contract revenue obligations under this section as the building commission determines is desirable to refund outstanding revenue obligations contracted under this section, to make payments under agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section, and to pay expenses associated with revenue obligations contracted under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0873/P1
EVM:klm

DOA:.....Aslesen, BB0079 - Skills test waiver, e-notify and alternating renewal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Electronic renewal of operator's licenses

Under current law, most operator's licenses issued by DOT must be renewed every eight years. In general, an applicant for renewal of an operator's license must pass an eyesight test and have his or her photograph taken.

Under this bill, if an applicant for renewal of an operator's license meets certain requirements, the applicant may apply for renewal, and DOT may renew the license, by electronic means. The renewal may occur without an eyesight test and without a photograph. One of the eligibility requirements for use of the electronic procedure is that the applicant meets any additional criteria for eligibility established by DOT.

Driving skills test waiver

Under current law, with limited exceptions, an applicant for an operator's license authorizing operation of "Class D" vehicles, which are automobiles and most passenger vehicles, must successfully complete a knowledge test and a driving skills (road) test. This bill allows DOT to waive the road test for a person if all of the following are satisfied:

1. The person is under 18 years of age.

2. The person is applying for authorization to operate only “Class D” vehicles.
3. The person has satisfactorily completed a course in driver education.
4. An adult sponsor of the person consents to a waiver of the driving skills test.

Electronic notifications

Under current law, DOT must provide certain notifications by postal mail. This bill allows DOT to provide some of these notification by electronic means if the person being notified has requested electronic notifications from DOT. The notifications covered in this bill are notices of extensions of probationary license restrictions, notices related to amount of security required under certain financial responsibility requirements, and certain notices related to operator’s license revocations, suspensions, or disqualifications.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 721. 343.06 (1) (c) of the statutes is amended to read:

343.06 (1) (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001 (15m), that meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not

issue a license to any person under the age of 18 authorizing the operation of “Class M” vehicles unless the person has successfully completed a basic rider course approved by the Wisconsin department of transportation motorcycle safety program. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (a) 5., (bm), and (c) and (2) (cm) to (e), no operator’s license may be issued unless a driver’s examination has been administered by the department.

SECTION 722. 343.085 (2m) (b) 2. of the statutes is amended to read:

343.085 **(2m)** (b) 2. If the department extends a restriction period under subd. 1., the department shall immediately provide notice of the extension by 1st class mail to the person’s last-known residence address, or if the person has requested electronic notification in the manner prescribed by the department, by any electronic means offered by the department.

SECTION 723. 343.14 (3) of the statutes is amended to read:

343.14 **(3)** Except as provided in sub. (3m) and s. 343.16 (3) (c), the department shall, as part of the application process, take a digital photograph including facial image capture of the applicant to comply with s. 343.17 (3) (a) 2. Except as provided in sub. (3m) and s. 343.16 (3) (c), no application may be processed without the photograph being taken. Except as provided in sub. (3m) and s. ss. 343.16 (3) (c) and 343.165 (4) (d), in the case of renewal licenses, the photograph shall be taken once

every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3).

SECTION 724. 343.16 (1) (a) 1. of the statutes is amended to read:

343.16 (1) (a) 1. Except as provided in subd. 5. and when examination by an authorized 3rd-party tester is permitted under pars. (b) to (c), the department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit.

SECTION 725. 343.16 (1) (a) 2. a. of the statutes is amended to read:

343.16 (1) (a) 2. a. Except as provided in par. (cm) and sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle.

SECTION 726. 343.16 (1) (a) 5. of the statutes is created to read:

343.16 (1) (a) 5. The department may waive the driving skills test of an individual applying for an operator's license if all of the following apply:

- a. The applicant is under 18 years of age.
- b. The application is for authorization to operate only "Class D" vehicles.
- c. The applicant has satisfactorily completed a course in driver education in a public school approved by the department of public instruction, or in a technical college approved by the technical college system board, or in a nonpublic and private school or tribal school, as defined in s. 115.001 (15m), that meets the minimum

standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state.

d. An adult sponsor who has signed for the applicant under s. 343.15 (1) consents to a waiver of the driving skills test.

SECTION 727. 343.16 (3) (a) of the statutes is amended to read:

343.16 (3) (a) Except as provided in s. 343.165 (4) (d), the department shall examine every applicant for the renewal of an operator's license once every 8 years. The department may institute a method of selecting the date of renewal so that such examination shall be required for each applicant for renewal of a license to gain a uniform rate of examinations. Subject to ~~par.~~ pars. (am) and (c), the examination shall consist of a test of eyesight. The department shall make provisions for giving such examinations at examining stations in each county to all applicants for an operator's license. The person to be examined shall appear at the examining station nearest the person's place of residence or at such time and place as the department designates in answer to an applicant's request. In lieu of examination, the applicant may present or mail to the department a report of examination of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine. The report shall be based on an examination made not more than 3 months prior to the date it is submitted. The report shall be on a form furnished and in the form required by the department. The department shall decide whether, in each case, the eyesight reported is sufficient to meet the current eyesight standards.

SECTION 728. 343.16 (3) (c) of the statutes is created to read:

343.16 (3) (c) 1. An applicant for the renewal of an operator's license may apply for the license, and the department may issue the license, by any electronic means offered by the department if all of the following apply:

a. The applicant verifies that his or her eyesight is sufficient to meet the current eyesight standards.

b. The applicant satisfies any eligibility criteria established by the department under subd. 2.

2. The department may establish additional criteria for eligibility for license renewal by electronic means under this paragraph.

3. a. The department may renew a license under this paragraph without a test of eyesight.

b. Subject to s. 343.165 (7), the department may renew a license under this paragraph without a photograph being taken if the department is able to produce a photograph of the applicant from its records.

4. The department may not make consecutive renewals of an operator's license by electronic means.

SECTION 729. 343.305 (8) (b) 7. of the statutes is amended to read:

343.305 (8) (b) 7. The hearing examiner shall notify the person in writing of the hearing decision, of the right to judicial review and of the court's authority to issue a stay of the suspension under par. (c). If the person has requested electronic communication in the manner prescribed by the department, the hearing examiner may provide the notice under this subdivision by any electronic means offered by the department. The administrative suspension is vacated and the person's operating privilege shall be automatically reinstated under s. 343.39 if the hearing examiner

fails to mail or provide this notice in the manner specified under this subdivision to the person within 30 days after the date of the notification under par. (a).

SECTION 730. 343.315 (4) of the statutes is amended to read:

343.315 (4) NOTIFICATION AND COMMENCEMENT. The ~~Except as provided in this section, the~~ department shall send ~~the~~ a notice of disqualification under this section by 1st class mail to a person's last-known residence address. If a person has requested electronic notification in the manner prescribed by the department, the department may provide the notice of disqualification by any electronic means offered by the department. A period of disqualification ordered under this section commences on the date on which the notice is sent under this subsection. This subsection does not apply to disqualifications under sub. (2) (g).

SECTION 731. 343.44 (3) of the statutes is amended to read:

343.44 (3) FAILURE TO RECEIVE NOTICE. Refusal to accept or failure to receive an order of revocation, suspension, or disqualification ~~mailed by 1st class mail to such person's last-known address shall not be~~ provided as authorized by the statutes is not a defense to the charge of driving after revocation, suspension, or disqualification. If the person has changed his or her address and fails to notify the department as required in s. 343.22 then failure to receive notice of revocation, suspension, or disqualification ~~shall not be~~ mailed as authorized by the statutes is not a defense to the charge of driving after revocation, suspension or disqualification. If a person has requested electronic notification in the manner prescribed by the department and the person has changed the electronic contact information provided to the department without informing the department, failure to receive notice of revocation, suspension, or disqualification is not a defense to the charge of driving after revocation, suspension, or disqualification.

SECTION 732. 344.02 (1) of the statutes is amended to read:

344.02 (1) Whenever the department under s. 344.13 gives notice of the amount of security required to be deposited and that an order of suspension or impoundment will be made if such the security is not deposited, ~~it~~ the department shall afford the person ~~so notified~~ subject to the proposed action an opportunity for a hearing on the proposed action, if written request for a hearing is received by the department prior to the date specified in the notice, or prior to the postponed effective date of suspension if postponement has been granted under s. 344.14 (1). ~~Upon~~ Except as provided under this section, upon receipt of timely request for hearing, the department shall fix the time and place of the hearing and give notice ~~thereof~~ of the time and place of the hearing to such the person by regular mail. If the person has requested electronic notification in the manner prescribed by the department, the department may provide the notice of the time and place of the hearing by any electronic means offered by the department. The scope of the hearing is limited to the matter set forth in s. 344.14 (2) (k) and, subject to s. 344.14 (2m), to whether or not the person is the owner of the motor vehicle to be impounded. Any person who fails without reasonable cause to appear at the time and place specified in the notice shall forfeit the right to a hearing.

SECTION 733. 344.13 (2) of the statutes is amended to read:

344.13 (2) The secretary shall determine the amount of security required to be deposited by each person on the basis of the accident reports or other information submitted. In addition to the accident reports required by law, the secretary may request from any of the persons, including passengers and pedestrians, involved in such accident such further information, sworn statements, or other evidence relating to property damage, personal injury, or death in motor vehicle accidents as deemed

necessary to aid in determining the amount to be deposited as security under s. 344.14. Failure of a person to comply with such request is grounds for suspending such person's operating privilege but no suspension shall be made on such grounds until one follow-up request has been made and at least 20 days have elapsed since ~~the mailing of providing~~ the first request. The first request under this subsection shall be mailed to the person or, if the person has requested electronic communication in the manner prescribed by the department, may be provided by any electronic means offered by the department

SECTION 734. 351.025 (2) of the statutes is amended to read:

351.025 (2) ~~The revocation is effective~~ Revocation under this section takes effect on the date the department mails, if the notice is sent by 1st class mail, or provides, if the notice is by electronic means, the notice of revocation under s. 351.027 (1).

SECTION 735. 351.027 (1) of the statutes is amended to read:

351.027 (1) Whenever the secretary ~~under authority of s. 351.025~~ revokes a person's operating privilege under s. 351.025, the secretary shall immediately notify the person ~~in writing~~ of the revocation and of the person's right to a hearing on the revocation ~~as provided in sub. (2). The.~~ Except as provided in this subsection, the department shall send the notice by 1st class mail to the address most recently provided to the department by the person. If a person has requested electronic notification in the manner prescribed by the department, the department may provide the notice by any electronic means offered by the department.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0876/P3
EAW:cjs

DOA:.....Bork, BB0063 - Intensive Family Preservation Services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Intensive family preservation services

The bill creates new authority for DCF to provide intensive family preservation services or to provide funding for a county department of social or human services, a nonprofit or for-profit corporation, a tribe, or a child welfare agency to provide intensive family preservation services. The bill defines “intensive family preservation services” to mean evidence-informed services or support aimed at preventing the removal of children from the home under the Children’s Code or the Juvenile Justice Code, promoting the safety of children in the home, or serving children who are placed in out-of-home care or who are involved in the juvenile justice system.

The bill also creates a new GPR appropriation for DCF to provide intensive family preservation services.

Group care referral clearinghouse

The bill creates new authority for DCF to create, maintain, and require the use of a group care referral clearinghouse, and to promulgate rules necessary to accomplish this.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 736. 20.437 (1) (bm) of the statutes is created to read:

20.437 (1) (bm) *Intensive family preservation services.* The amounts in the schedule to provide services under s. 48.48 (17m).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 737. 48.48 (17m) of the statutes is created to read:

48.48 (17m) (a) To provide intensive family preservation services or to provide funding to county departments, nonprofit or for-profit corporations, Indian tribes, or licensed child welfare agencies under contract with the department or a county department to provide intensive family preservation services. In this subsection, “intensive family preservation services” means evidence-informed services that are targeted to prevent the removal of children from the home under this chapter or ch. 938, to promote the safety of children in the home, or to provide services to children who are placed in out-of-home care or who are involved in the juvenile justice system.

(b) To provide support for intensive family preservation services provided by the department, county departments, nonprofit corporations, Indian tribes, or licensed child welfare agencies, including any of the following:

1. Training, coaching, quality assurance, data collection and analysis, and funding for certification or licensing for implementation of the services.
2. Purchasing or subsidizing the purchase of the services described in subd. 1.

(c) To develop criteria, standards, and review procedures for the administration of this subsection. Notwithstanding s. 227.10 (1), the criteria, standards, and review procedures established under this paragraph need not be promulgated as rules under ch. 227.

SECTION 738. 48.48 (22) of the statutes is created to read:

48.48 (22) To create, maintain, and require use of for placement purposes a group care referral clearinghouse. The department may promulgate rules necessary for the implementation of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0877/P3
EAW:skw

DOA:.....Bork, BB0062 - Youth Aids Modifications

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Youth aids; allocations

Under current law, DCF is required to allocate to counties community youth and family aids (“youth aids”) funding. Youth aids funding comes from various state and federal moneys and is used to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill updates the allocation of youth aids funding that is available to counties for the 2023-25 fiscal biennium.

Under current law, some of the youth aids funding is allocated to reimburse counties that are purchasing community supervision services from DOC for juveniles, and some of the funding is allocated for alcohol and other drug abuse treatment programs. The bill eliminates these allocations.

Youth aids; administration

Current law allocates some youth aids for the purchase of juvenile correctional services, emergencies, provision of community supervision services for juveniles, and for alcohol and other drug abuse treatment programs. Also under current law, DCF may award funding to counties for early intervention services for first offenders under the community intervention program (CIP).

This bill replaces CIP with the youth justice system improvement program. Under the bill, DCF may use funding for the youth justice system improvement program to support diversion programs, to address emergencies related to youth aids, and to fund other activities required of DCF under youth aids.

Under current law, youth aids funding is allocated to counties on a calendar year basis. Youth aids funds that are not spent in the calendar year can be carried forward three ways: 1) DCF may carry forward 5 percent of a county's allocation for that county for use in the subsequent calendar year; 2) DCF may carry forward \$500,000 or 10 percent of its unspent youth aids funds, whichever is larger, for use in the subsequent two calendar years; and 3) DCF may carry forward any unspent emergency funds for use in the subsequent two calendar years.

The bill changes the way that unspent youth aids are carried forward. Under the bill, DCF may still carry forward 5 percent of a county's allocation for that county to use in the next calendar year. However, instead of carrying forward \$500,000 or 10 percent of its unspent youth aids funds, whichever is larger, for use in the next two calendar years, under the bill, DCF may transfer 10 percent of unspent youth aids funds to the appropriation for the youth justice system improvement program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 739. 20.437 (1) (cj) of the statutes is amended to read:

20.437 (1) (cj) *Community youth and family aids.* The amounts in the schedule for the improvement and provision of community-based juvenile delinquency-related services under s. 48.526 and juvenile correctional services under s. 301.26 and for reimbursement to counties having a population of less than 750,000 for the cost of court attached intake services as provided in s. 938.06 (4). Disbursements may be made from this appropriation account under s. 49.32 (2). Refunds received relating to payments made under s. 49.32 (2) shall be returned to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of children and families may transfer moneys under this paragraph between fiscal years. Except for moneys authorized to be carried forward under s. 48.526 (3) (dm) or for transfer under s. 48.526 (3) (e), all moneys from this paragraph

allocated under s. 48.526 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 740. 20.437 (1) (cm) of the statutes is amended to read:

20.437 (1) (cm) *Community intervention program Youth justice system improvement program.* The amounts in the schedule for the ~~community intervention program~~ youth justice system improvement program under s. 48.528.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 741. 20.437 (1) (kp) of the statutes is created to read:

20.437 (1) (kp) *Youth aids funding for the youth justice system improvement program.* All moneys transferred from the appropriation account under par. (cj), as provided under s. 48.526 (3) (e), for the youth justice system improvement program under s. 48.528.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is a continuing appropriation, meaning that the funds that are transferred will not lapse back to the general fund.

SECTION 742. 48.526 (3) (e) of the statutes is amended to read:

48.526 (3) (e) The department may ~~carry forward \$500,000 or~~ transfer to the appropriation account under s. 20.437 (1) (kp) 10 percent of its funds allocated under this subsection and not encumbered ~~expended~~ or carried forward under par. (dm) by counties by December 31, ~~whichever is greater, to the next 2 calendar years.~~ The department may transfer moneys from or within s. 20.437 (1) (cj) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next 2

~~calendar years to improve community-based juvenile delinquency-related services, as defined in s. 46.011 (1c). The allocation does not affect a county's base allocation.~~

SECTION 743. 48.526 (3) (em) of the statutes is repealed.

SECTION 744. 48.526 (7) (intro.) of the statutes is amended to read:

48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~2021~~ 2023, and ending on June 30, ~~2023~~ 2025, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 745. 48.526 (7) (a) of the statutes is amended to read:

48.526 (7) (a) For community youth and family aids under this section, amounts not to exceed ~~\$47,740,750~~ \$48,089,350 for the last 6 months of ~~2021~~ 2023, ~~\$95,481,500~~ \$96,178,700 for ~~2022~~ 2024, and ~~\$47,740,750~~ \$48,089,350 for the first 6 months of ~~2023~~ 2025.

SECTION 746. 48.526 (7) (b) (intro.) of the statutes is amended to read:

48.526 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of ~~2021~~ 2023, \$4,000,000 for ~~2022~~ 2024, and \$2,000,000 for the first 6 months of ~~2023~~ 2025 to counties based on each of the following factors weighted equally:

SECTION 747. 48.526 (7) (bm) of the statutes is amended to read:

48.526 (7) (bm) Of the amounts specified in par. (a), the department shall allocate \$6,250,000 for the last 6 months of ~~2021~~ 2023, \$12,500,000 for ~~2022~~ 2024, and \$6,250,000 for the first 6 months of ~~2023~~ 2025 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile

correctional facility or a secured residential care center for children and youth during the most recent 3-year period for which that information is available.

SECTION 748. 48.526 (7) (c) of the statutes is amended to read:

48.526 (7) (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2021~~ 2023, \$2,106,500 for ~~2022~~ 2024, and \$1,053,300 for the first 6 months of ~~2023~~ 2025 to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93 percent nor more than 115 percent of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 749. 48.526 (7) (e) of the statutes is repealed.

SECTION 750. 48.526 (7) (h) of the statutes is repealed.

SECTION 751. 48.526 (8) of the statutes is repealed.

SECTION 752. 48.528 of the statutes is repealed and recreated to read:

48.528 Youth justice system improvement program. From the appropriations under s. 20.437 (1) (cm) and (kp), in each fiscal year the department may expend funds for the following purposes:

(1) To fund programs that enhance diversion, prevention, or early intervention to reduce the number of justice-involved youth or promote successful outcomes for all youth. To determine eligibility for a payment under this subsection, the department shall require a county or other provider to submit a plan for the expenditure of the payment.

(2) To address emergencies related to community youth and family aids under s. 48.526.

(3) To fund activities required of the department under s. 48.526 (1).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0878/P6
EAW:wlj&skw

DOA:.....Bork, BB0065 - Kinship Care Eligibility Expansion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Kinship care eligibility expansion and placement options

Under current law, a juvenile court may place a child in certain placements that provide out-of-home care under the Children's Code and the Juvenile Justice Code. Under current law, those placements include specific types of licensed facilities, a licensed foster home, or the home of a relative other than a parent. Under current law, a relative other than a parent does not typically need to acquire a license in order to receive a relative child. This bill allows a juvenile court to similarly place a child with unlicensed individuals who qualify as "like-kin" under the Children's Code and the Juvenile Justice Code.

The bill defines "like-kin" for the purposes of such a placement to be a person who has a significant relationship with a child or the child's family if that person 1) prior to the child's placement with the person, had an existing relationship with the child or child's family that is similar to a familial relationship; 2) during the child's placement with the person, developed a relationship with the child or child's family that is similar to a familial relationship; or 3) for an Indian child, is identified by the child's tribe as kin or like-kin according to tribal tradition, custom or resolution, code, or law. Under the bill, "like-kin" does not include a current or former foster parent of a child for placement purposes.

Under current law, a relative other than a parent who is providing care and maintenance for a child under a court order may receive monthly kinship care

payments from DCF or a county department of human or social services. The bill includes as relatives who may receive kinship care payments first cousins once removed and like-kin persons.

Under current law, for the purposes of permanency planning, a family permanency team may include like-kin. The current law definition of “like-kin,” for the purpose of determining the family permanency team, is similar to the definition of “like-kin” for placement purposes in the bill, except that the current law definition 1) does not exclude a current or former foster parent and 2) does not include individuals identified by the child’s tribe if the child is an Indian child. Under the bill, the definition of “like-kin” for determining a family permanency team does not exclude a current or former foster parent but does include individuals identified by the child’s tribe if the child is an Indian child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 753. 48.02 (12c) of the statutes is created to read:

48.02 (12c) “Like-kin” means a person who has a significant emotional relationship with a child or the child’s family and to whom any of the following applies:

(a) Prior to the child’s placement in out-of-home care, the person had an existing relationship with the child or the child’s family that is similar to a familial relationship.

(b) During the child’s placement in out-of-home care, the person developed a relationship with the child or the child’s family that is similar to a familial relationship, and the person is not and has not previously been the child’s licensed foster parent.

(c) For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.

SECTION 754. 48.02 (15) of the statutes is amended to read:

48.02 (15) “Relative” means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, first cousin once removed, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “relative” includes an extended family member, as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, “relative” also includes a parent of a sibling of the child who has legal custody of that sibling.

SECTION 755. 48.028 (2) (e) of the statutes is amended to read:

48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian child from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the child returned upon demand. “Out-of-home care placement” does not include an adoptive placement, a preadoptive placement, a delegation of powers, as described in par. (d) 5., an emergency change in placement under s. 48.357 (2) (b), or holding an Indian child in custody under ss. 48.19 to 48.21.

SECTION 756. 48.028 (2) (f) of the statutes is amended to read:

48.028 (2) (f) “Preadoptive placement” means the temporary placement of an Indian child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in

the home of a guardian after a termination of parental rights but prior to or in lieu of an adoptive placement. “Preadoptive placement” does not include an emergency change in placement under s. 48.437 (2).

SECTION 757. 48.207 (1) (b) of the statutes is amended to read:

48.207 (1) (b) The home of a relative or like-kin, except that a child may not be held under this paragraph in the home of a ~~relative if the relative~~ person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by clear and convincing evidence that the placement would be in the best interests of the child. The person making the custody decision shall consider the wishes of the child in making that determination.

SECTION 758. 48.207 (1) (f) of the statutes is amended to read:

48.207 (1) (f) The home of a person not a relative or like-kin, if the placement does not exceed 30 days, though the placement may be extended for an additional 30 days for cause by the court, and if the person has not had a license under s. 48.62 refused, revoked, or suspended within the last 2 years.

SECTION 759. 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing and shall include all of the following:

SECTION 760. 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

SECTION 761. 48.335 (3j) (intro.) of the statutes is amended to read:

48.335 (3j) (intro.) At hearings under this section involving an Indian child, if the agency, as defined in s. 48.38 (1) (a), is recommending removal of the Indian child from the home of his or her parent or Indian custodian and placement of the Indian child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin, the agency shall present as evidence specific information showing all of the following:

SECTION 762. 48.345 (3) (a) (intro.) of the statutes is amended to read:

48.345 (3) (a) (intro.) The home of a parent ~~or~~, other relative, or like-kin of the child, except that the judge may not designate any of the following as the child's placement, unless the judge determines by clear and convincing evidence that the placement would be in the best interests of the child or, in the case of an Indian child, the best interests of the Indian child as described in s. 48.01 (2):

SECTION 763. 48.345 (3) (a) 1. of the statutes is amended to read:

48.345 (3) (a) 1. The home of a parent ~~or~~, other relative, or like-kin if the parent ~~or~~, other relative, or like-kin has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction has not been reversed, set aside, or vacated.

In determining whether a placement under this subdivision would be in the best interests of the child, the judge shall consider the wishes of the child.

SECTION 764. 48.345 (3) (a) 2. of the statutes is amended to read:

48.345 (3) (a) 2. The home of a relative other than the parent of a child or the home of like-kin if the judge finds that the relative or like-kin has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

SECTION 765. 48.345 (4) (a) of the statutes is amended to read:

48.345 (4) (a) A relative or like-kin of the child.

SECTION 766. 48.355 (4) (b) (intro.) of the statutes is amended to read:

48.355 (4) (b) (intro.) Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the judge specifies a shorter period or the judge terminates the order sooner:

SECTION 767. 48.366 (1) (a) of the statutes is amended to read:

48.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement under an order under s. 48.355, 48.357, or 48.365 that terminates as provided in s. 48.355 (4)

(b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

SECTION 768. 48.371 (1) (intro.) of the statutes is amended to read:

48.371 (1) (intro.) If a child is placed in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin, including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the placement of the child shall provide the following information to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 769. 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child, as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the HIV test results are provided, the agency shall notify the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

SECTION 770. 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the

agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 771. 48.371 (3) (d) of the statutes is amended to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, group home, or residential care center for children and youth or in the home of the relative or like-kin.

SECTION 772. 48.371 (5) of the statutes is amended to read:

48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, like-kin, or operator of a group home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency review concerning the child.

SECTION 773. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, qualifying residential family-based treatment facility with a parent, or supervised independent living arrangement, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a guardian or a relative other than a parent, or like-kin, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 774. 48.38 (3m) (a) of the statutes is amended to read:

48.38 **(3m)** (a) All appropriate biological family members, relatives, and like-kin of the child, as determined by the agency. Notwithstanding s. 48.02 (12c) (b), in this paragraph, “like-kin” may include a person who is or previously was the child’s licensed foster parent.

SECTION 775. 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 **(4)** (f) (intro.) A description of the services that will be provided to the child, the child’s family, and the child’s foster parent, the operator of the facility where the child is living, or the relative or like-kin with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 776. 48.38 (4m) (b) of the statutes is amended to read:

48.38 **(4m)** (b) At least 10 days before the date of the hearing the court shall notify the child; any parent, guardian, and legal custodian of the child; any foster

parent, or other physical custodian described in s. 48.62 (2) of the child, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

SECTION 777. 48.38 (4m) (d) of the statutes is amended to read:

48.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, ~~or~~ relative, or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, ~~or~~ relative, or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, other physical custodian, operator of a facility, ~~or~~ relative, or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 778. 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, the child's court-appointed

special advocate, and the child's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

SECTION 779. 48.38 (5) (bm) 1. of the statutes is amended to read:

48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, court-appointed special advocate, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, ~~or~~ relative, or like-kin who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

SECTION 780. 48.38 (5) (e) of the statutes is amended to read:

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the child or the child's counsel or guardian ad litem; the person

representing the interests of the public; the child's parent, guardian, or legal custodian; the child's court-appointed special advocate; the child's foster parent, the operator of the facility where the child is living, or the relative or like-kin with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

SECTION 781. 48.38 (5m) (b) of the statutes is amended to read:

48.38 **(5m)** (b) The court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. The court shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; the child's school; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the child's school shall also include the name and contact information for the caseworker or social worker assigned to the child's case.

SECTION 782. 48.38 (5m) (c) 1. of the statutes is amended to read:

48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the hearing

under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, court-appointed special advocate, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, ~~or relative,~~ or like-kin who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 783. 48.38 (5m) (e) of the statutes is amended to read:

48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared

under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 784. 48.385 (intro.) of the statutes is amended to read:

48.385 Plan for transition to independent living. (intro.) During the 90 days immediately before a child who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) that terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the child under the order or agreement shall do all of the following:

SECTION 785. 48.40 (1m) of the statutes is amended to read:

48.40 (1m) “Kinship care relative provider” means a person receiving payments under s. 48.57 (3m) (am) for providing care and maintenance for a child.

SECTION 786. 48.427 (3m) (a) 5. of the statutes is amended to read:

48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has filed a petition to adopt the child or if the relative is a kinship care relative provider or is receiving payments under s. 48.62 (4) for providing care and maintenance for the child.

SECTION 787. 48.43 (5) (b) 1. of the statutes is amended to read:

48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, place, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, and the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living.

SECTION 788. 48.43 (5) (b) 3. of the statutes is amended to read:

48.43 (5) (b) 3. The court shall give a foster parent, operator of a facility, or relative or like-kin who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, operator, or relative or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, operator of a facility, or relative or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 789. 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child's guardian, to the child's foster parent, the operator of the facility in which the child is living, or the relative or like-kin with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child's tribe.

SECTION 790. 48.57 (3m) (a) 1. b. of the statutes is amended to read:

48.57 (3m) (a) 1. b. The person is under 21 years of age, the person is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the kinship care relative provider under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

SECTION 791. 48.57 (3m) (a) 2. of the statutes is amended to read:

48.57 (3m) (a) 2. “Kinship care relative provider” means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

SECTION 792. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make payments in the amount of \$300 per month beginning on January 1, 2022, to a kinship care relative provider who is providing care and maintenance for a child if all of the following conditions are met:

****NOTE: This is reconciled s. 48.57 (3m) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0878/p4 and -0866/p4.

SECTION 793. 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 (3m) (am) 1. The kinship care relative provider applies to the county department or department for payments under this subsection and, if the child is

placed in the home of the kinship care relative provider under a court order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., for a license to operate a foster home.

SECTION 794. 48.57 (3m) (am) 1m. of the statutes is amended to read:

48.57 **(3m)** (am) 1m. The county department or department determines that there is a need for the child to be placed with the kinship care relative provider and that the placement with the kinship care relative provider is in the best interests of the child.

SECTION 795. 48.57 (3m) (am) 4. of the statutes is amended to read:

48.57 **(3m)** (am) 4. The county department or department conducts a background investigation under sub. (3p) of the kinship care relative provider, any employee and prospective employee of the kinship care relative provider who has or would have regular contact with the child for whom the payments would be made and any other adult resident of the kinship care relative's provider's home to determine if the kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child.

SECTION 796. 48.57 (3m) (am) 4m. of the statutes is amended to read:

48.57 **(3m)** (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child and that no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the kinship care relative's provider's ability to care for the child.

SECTION 797. 48.57 (3m) (am) 5. of the statutes is amended to read:

48.57 (3m) (am) 5. The kinship care relative provider cooperates with the county department or department in the application process, including applying for other forms of assistance for which the child may be eligible.

SECTION 798. 48.57 (3m) (am) 5m. of the statutes is amended to read:

48.57 (3m) (am) 5m. The kinship care relative provider is not receiving payments under sub. (3n) with respect to the child.

SECTION 799. 48.57 (3m) (am) 6. of the statutes is amended to read:

48.57 (3m) (am) 6. The child for whom the kinship care relative provider is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

SECTION 800. 48.57 (3m) (ap) 1. of the statutes is amended to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a kinship care relative provider who is providing care and maintenance for a child who is placed in the home of the kinship care relative provider under a court order for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the kinship care relative provider for a license to operate a foster home or, if the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the kinship care relative provider is otherwise determined to be ineligible for licensure.

SECTION 801. 48.57 (3m) (ap) 2. of the statutes is amended to read:

48.57 (3m) (ap) 2. If the application specified in subd. 1. is not approved or denied or the kinship care ~~relative~~ provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the kinship care ~~relative~~ provider, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

SECTION 802. 48.57 (3m) (ap) 3. of the statutes is amended to read:

48.57 (3m) (ap) 3. Notwithstanding that an application of a kinship care ~~relative~~ provider specified in subd. 1. is denied or the kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the kinship care ~~relative~~ provider for as long as the conditions specified in par. (am) 1. to 6. continue to apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care ~~relative's~~ provider's home and the ability of the kinship care ~~relative~~ provider to care for the child, and a recommendation that the child remain in the home of the kinship care ~~relative~~ provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care ~~relative's~~ provider's home. If the court does not order the child to remain in the kinship care

relative's provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

SECTION 803. 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 (3m) (b) 2. When any kinship care ~~relative~~ provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 804. 48.57 (3m) (cm) of the statutes is amended to read:

48.57 (3m) (cm) A kinship care ~~relative~~ provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3n) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

SECTION 805. 48.57 (3m) (h) of the statutes is amended to read:

48.57 (3m) (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a kinship care ~~relative~~ provider who continues to receive payments under par. (am) by reducing the amount of the kinship care ~~relative's~~ provider's monthly payment. The department may by rule specify other methods for recovering

overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 806. 48.57 (3m) (i) 1. of the statutes is amended to read:

48.57 (3m) (i) 1. Rules to provide assessment criteria for determining whether a kinship care ~~relative~~ provider who is providing care and maintenance for a child is eligible to receive payments under par. (am). The rules shall also provide that any criteria established under the rules shall first apply to applications for payments under par. (am) received, and to reviews under par. (d) conducted, on the effective date of those rules.

SECTION 807. 48.57 (3n) (a) 1. b. of the statutes is amended to read:

48.57 (3n) (a) 1. b. The person is under 21 years of age, the person is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent, an individualized education program under s. 115.787 is in effect for the person, and the person is placed in the home of the long-term kinship care ~~relative~~ provider under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 48.366 (3) or 938.366 (3).

SECTION 808. 48.57 (3n) (a) 2. of the statutes is amended to read:

48.57 (3n) (a) 2. “Long-term kinship care ~~relative~~ provider” means a relative other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

SECTION 809. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. Subject to par. (ap), a county department and, in a county having a population of 750,000 or more, the department shall make monthly payments for each child in the amount of \$300 per month beginning on January 1, 2022, to a long-term kinship care relative provider who is providing care and maintenance for that child if all of the following conditions are met:

***NOTE: This is reconciled s. 48.57 (3n) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0878/p4 and -0866/p4.

SECTION 810. 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative provider applies to the county department or department for payments under this subsection, provides proof that he or she has been appointed as the guardian of the child, and, if the child is placed in the home of the long-term kinship care relative provider under a court order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., applies to the county department or department for a license to operate a foster home.

SECTION 811. 48.57 (3n) (am) 2. of the statutes is amended to read:

48.57 (3n) (am) 2. The county department or department inspects the long-term kinship care relative's provider's home, interviews the long-term kinship care relative provider and determines that long-term placement with the long-term kinship care relative provider is in the best interests of the child.

SECTION 812. 48.57 (3n) (am) 4. of the statutes is amended to read:

48.57 (3n) (am) 4. The county department or department conducts a background investigation under sub. (3p) of the long-term kinship care relative provider, the employees and prospective employees of the long-term kinship care relative provider who have or would have regular contact with the child for whom the payments would be made and any other adult resident, as defined in sub. (3p) (a), of the long-term kinship care relative's provider's home to determine if the long-term kinship care relative provider, employee, prospective employee or adult resident has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.

SECTION 813. 48.57 (3n) (am) 4m. of the statutes is amended to read:

48.57 (3n) (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term kinship care relative provider states that he or she does not have any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child and that, to the best of the long-term kinship care relative's provider's knowledge, no adult resident, as defined in sub. (3p) (a), and no employee or prospective employee of the long-term kinship care relative provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the long-term kinship care relative's provider's ability to care for the child.

SECTION 814. 48.57 (3n) (am) 5. of the statutes is amended to read:

48.57 (3n) (am) 5. The long-term kinship care relative provider cooperates with the county department or department in the application process, including applying for other forms of assistance for which the child may be eligible.

SECTION 815. 48.57 (3n) (am) 5m. of the statutes is amended to read:

48.57 (3n) (am) 5m. The long-term kinship care ~~relative~~ provider is not receiving payments under sub. (3m) with respect to the child.

SECTION 816. 48.57 (3n) (am) 5r. of the statutes is amended to read:

48.57 (3n) (am) 5r. The child for whom the long-term kinship care ~~relative~~ provider is providing care and maintenance is not receiving supplemental security income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

SECTION 817. 48.57 (3n) (am) 6. (intro.) of the statutes is amended to read:

48.57 (3n) (am) 6. (intro.) The long-term kinship care ~~relative~~ provider and the county department or department enter into a written agreement under which the long-term kinship care ~~relative~~ provider agrees to provide care and maintenance for the child and the county department or department agrees, subject to sub. (3p) (hm), to make monthly payments to the long-term kinship care ~~relative~~ provider at the rate specified in sub. (3m) (am) (intro.) until the earliest of the following:

SECTION 818. 48.57 (3n) (am) 6. c. of the statutes is amended to read:

48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term kinship care ~~relative's~~ provider's home under a court order or under a voluntary agreement under s. 48.63 (1) (a) or (b) or (5) (b).

SECTION 819. 48.57 (3n) (am) 6. d. of the statutes is amended to read:

48.57 (3n) (am) 6. d. The date on which the child ceases to reside with the long-term kinship care ~~relative~~ provider.

SECTION 820. 48.57 (3n) (am) 6. e. of the statutes is amended to read:

48.57 (3n) (am) 6. e. The date on which the long-term kinship care's care provider's guardianship under s. 48.977 terminates.

SECTION 821. 48.57 (3n) (ap) 1. of the statutes is amended to read:

48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to a long-term kinship care ~~relative~~ provider who is providing care and maintenance for a child who is placed in the home of the long-term kinship care ~~relative~~ provider for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the long-term kinship care ~~relative~~ provider for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

SECTION 822. 48.57 (3n) (ap) 2. of the statutes is amended to read:

48.57 (3n) (ap) 2. If the application specified in subd. 1. is not approved or denied or the long-term kinship care ~~relative~~ provider is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the long-term kinship care ~~relative~~ provider, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

SECTION 823. 48.57 (3n) (ap) 3. of the statutes is amended to read:

48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship care relative provider specified in subd. 1. is denied or the long-term kinship care relative provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department may make payments under par. (am) to the long-term kinship care relative provider until an event specified in par. (am) 6. a. to f. occurs if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the long-term kinship care relative's provider's home and the ability of the long-term kinship care relative provider to care for the child, and a recommendation that the child remain in the home of the long-term kinship care relative provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the long-term kinship care relative's provider's home. If the court does not order the child to remain in the kinship care relative's provider's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement and any person who is authorized to file a petition for the appointment of a guardian for the child may also request a termination of the guardianship order.

SECTION 824. 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 (3n) (b) 2. When any long-term kinship care relative provider of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person accruing during the time that payments are made under this subsection is assigned to the state. If a child

is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 825. 48.57 (3n) (cm) of the statutes is amended to read:

48.57 **(3n)** (cm) A long-term kinship care ~~relative~~ provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3m) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

SECTION 826. 48.57 (3n) (h) of the statutes is amended to read:

48.57 **(3n)** (h) A county department or, in a county having a population of 750,000 or more, the department may recover an overpayment made under par. (am) from a long-term kinship care ~~relative~~ provider who continues to receive payments under par. (am) by reducing the amount of the long-term kinship care ~~relative's~~ provider's monthly payment. The department may by rule specify other methods for recovering overpayments made under par. (am). A county department that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 827. 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

48.57 **(3p)** (h) 3. (intro.) The director of the county department, the person designated by the governing body of an Indian tribe or, in a county having a population of 750,000 or more, the person designated by the secretary shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based

includes any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the Indian tribe or the person designated by the secretary shall consider all of the following factors:

SECTION 828. 48.57 (3p) (h) 3. b. of the statutes is amended to read:

48.57 **(3p)** (h) 3. b. The nature of the violation or penalty and how that violation or penalty affects the ability of the kinship care relative provider to care for the child.

SECTION 829. 48.57 (3p) (h) 4. of the statutes is amended to read:

48.57 **(3p)** (h) 4. If the director of the county department, the person designated by the governing body of the Indian tribe or, in a county having a population of 750,000 or more, the person designated by the secretary determines that the conviction record on which the denial of payments or the prohibition on employment or being an adult resident is based does not include any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative provider to care for the child, the director of the county department, the person designated by the governing body of the Indian tribe, or the person designated by the secretary may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

SECTION 830. 48.60 (2) (a) of the statutes is amended to read:

48.60 **(2)** (a) A relative or like-kin, guardian, or person delegated care and custody of a child under s. 48.979 who provides care and maintenance for such children.

SECTION 831. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative or like-kin, a guardian of a child, or a person delegated care and custody of a child under s. 48.979 who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home to a relative or like-kin who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., license the guardian's home as a foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives and like-kin with no duty of support and guardians appointed under s. 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., who are licensed to operate foster homes are subject to the department's licensing rules.

SECTION 832. 48.64 (1) of the statutes is amended to read:

48.64 (1) DEFINITION. In this section, "agency" means the department, the department of corrections, a county department under s. 46.215, 46.22, or 46.23, or a licensed child welfare agency authorized to place children in foster homes, group homes, or shelter care facilities approved under s. 938.22 (2) (c) ~~or~~ in the homes of relatives other than a parent, or in the homes of like-kin.

SECTION 833. 48.64 (1m) of the statutes is amended to read:

48.64 (1m) OUT-OF-HOME CARE AGREEMENTS. If an agency places a child in a foster home or group home or in the home of a relative other than a parent or in the

home of like-kin under a court order or places a child in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) under a voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home or facility. The agreement shall provide that the agency shall have access at all times to the child and the home or facility, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require release to the agency. If a child has been in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed from a foster home, group home, or home of a relative other than a parent or the home of like-kin before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 applies. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

SECTION 834. 48.64 (2) of the statutes is amended to read:

48.64 (2) SUPERVISION OF OUT-OF-HOME CARE PLACEMENTS. Every child who is placed in a foster home, group home, or shelter care facility approved under s. 938.22 (2) (c) shall be under the supervision of an agency. Every child who is placed in the

home of a relative other than a parent or in the home of like-kin under a court order shall be under the supervision of an agency.

SECTION 835. 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Except as provided in par. (d), any decision or order issued by an agency that affects the head of a foster home or group home, the head of the home of a relative other than a parent or the home of like-kin in which a child is placed, or the child involved may be appealed to the department under fair hearing procedures established under rules promulgated by the department. Upon receipt of an appeal, the department shall give the head of the home reasonable notice and an opportunity for a fair hearing. The department may make any additional investigation that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this paragraph, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance

of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 836. 48.64 (4) (c) of the statutes is amended to read:

48.64 (4) (c) Except as provided in par. (d), the circuit court for the county where the dispositional order placing a child in a foster home or group home or in the home of a relative other than a parent or in the home of like-kin was entered or the voluntary agreement under s. 48.63 placing a child in a foster home or group home was made has jurisdiction upon petition of any interested party over the child who is placed in the foster home, group home, or home of the relative or like-kin. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home or in the home of a relative other than a parent or in the home of like-kin, the foster parent ~~or~~ relative, or like-kin may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and

convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

SECTION 837. 48.67 (4) (b) of the statutes is amended to read:

48.67 (4) (b) The training under par. (a) shall be available to a kinship care relative provider, as defined in s. 48.40 (1m), upon request of the kinship care relative provider.

SECTION 838. 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or with a kinship care relative provider under s. 48.57 (3m) or with a long-term kinship care relative provider under s. 48.57 (3n) or is in a foster home licensed under s. 48.62, a subsidized guardianship home under s. 48.623, a group home, or an independent living arrangement supervised by an adult.

SECTION 839. 938.02 (12c) of the statutes is created to read:

938.02 (12c) “Like-kin” means a person who has a significant emotional relationship with a child or the child’s family and to whom any of the following applies:

(a) Prior to the child’s placement in out-of-home care, the person had an existing relationship with the child or the child’s family that is similar to a familial relationship.

(b) During the child’s placement in out-of-home care, the person developed a relationship with the child or the child’s family that is similar to a familial relationship, and the person is not and has not previously been the child’s licensed foster parent.

(c) For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.

SECTION 840. 938.02 (15) of the statutes is amended to read:

938.02 (15) “Relative” means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, first cousin once removed, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “relative” includes an extended family member, as defined in s. 938.028 (2) (a), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a juvenile, “relative” also includes a parent of a sibling of the juvenile who has legal custody of that sibling.

SECTION 841. 938.028 (2) (c) of the statutes is amended to read:

938.028 (2) (c) “Out-of-home care placement” means the removal of an Indian juvenile from the home of his or her parent or Indian custodian for temporary placement in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the juvenile returned upon demand. “Out-of-home care placement” does not include an emergency change in placement under s. 938.357 (2) (b) or holding an Indian juvenile in custody under ss. 938.19 to 938.21.

SECTION 842. 938.207 (1) (b) of the statutes is amended to read:

938.207 (1) (b) The home of a relative or like-kin, except that a juvenile may not be held in the home of a ~~relative if the relative~~ person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction has not been reversed, set aside or vacated, unless the person making the custody decision determines by clear and convincing evidence that the placement would be in the best interests of the juvenile. The person making the custody decision shall consider the wishes of the juvenile in making that determination.

SECTION 843. 938.207 (1) (f) of the statutes is amended to read:

938.207 (1) (f) The home of a person not a relative or like-kin if the person has not had a license under s. 48.62 refused, revoked, or suspended within the previous 2 years. A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

SECTION 844. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 845. 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of

the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised independent living arrangement, the agency shall present as evidence specific information showing all of the following:

SECTION 846. 938.335 (3j) (intro.) of the statutes is amended to read:

938.335 **(3j)** INDIAN JUVENILE; ACTIVE EFFORTS FINDING. (intro.) At hearings under this section involving an Indian juvenile who is the subject of a proceeding under s. 938.13 (4), (6), (6m), or (7), if the agency, as defined in s. 938.38 (1) (a), is recommending removal of the Indian juvenile from the home of his or her parent or Indian custodian and placement of the Indian juvenile in a foster home, group home, or residential care center for children and youth ~~or~~ in the home of a relative other than a parent, or in the home of like-kin, the agency shall present as evidence specific information showing all of the following:

SECTION 847. 938.34 (3) (a) (intro.) of the statutes is amended to read:

938.34 **(3)** (a) (intro.) The home of a parent ~~or~~ other relative, or like-kin of the juvenile, except that the court may not designate any of the following as the juvenile's placement, unless the court determines by clear and convincing evidence that the placement would be in the best interests of the juvenile or, in the case of an Indian juvenile, the best interests of the Indian juvenile as described in s. 938.01 (3):

SECTION 848. 938.34 (3) (a) 1. of the statutes is amended to read:

938.34 **(3)** (a) 1. The home of a parent ~~or~~ other relative, or like-kin of the juvenile if the parent ~~or~~ other relative, or like-kin has been convicted of the homicide of a parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated. In determining whether a placement under this

subdivision would be in the best interests of the juvenile, the court shall consider the wishes of the juvenile.

SECTION 849. 938.34 (3) (a) 2. of the statutes is amended to read:

938.34 (3) (a) 2. The home of a relative other than the parent of the juvenile or the home of like-kin if the court finds that the relative or like-kin has been convicted of, has pleaded no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state.

SECTION 850. 938.355 (4) (am) (intro.) of the statutes is amended to read:

938.355 (4) (am) (intro.) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall terminate on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

SECTION 851. 938.357 (6) (a) (intro.) of the statutes is amended to read:

938.357 (6) (a) (intro.) No change in placement may extend the expiration date of the original dispositional order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, group home, or residential care center for children and youth, in the home of a relative who is not a parent, in the home of like-kin, or in a supervised independent living arrangement,

the court may extend the expiration date of the original dispositional order to the latest of the following dates, unless the court specifies a shorter period:

SECTION 852. 938.357 (6) (b) of the statutes is amended to read:

938.357 (6) (b) If the change in placement is from a placement in a foster home, group home, or residential care center for children and youth or in the home of a relative or like-kin to a placement in the juvenile's home and if the expiration date of the original dispositional order is more than one year after the date on which the change-in-placement order is granted, the court shall shorten the expiration date of the original dispositional order to the date that is one year after the date on which the change-in-placement order is granted or to an earlier date as specified by the court.

SECTION 853. 938.365 (5) (b) (intro.) of the statutes is amended to read:

938.365 (5) (b) (intro.) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement shall be for a specified length of time not to exceed the latest of the following dates:

SECTION 854. 938.366 (1) (a) of the statutes is amended to read:

938.366 (1) (a) The person is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement under an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age.

SECTION 855. 938.371 (1) (intro.) of the statutes is amended to read:

938.371 (1) MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster home, group home, residential care center for children and youth, or juvenile correctional facility ~~or~~, in the home of a relative other than a parent, or in the home of like-kin, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 856. 938.371 (1) (a) of the statutes is amended to read:

938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

SECTION 857. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile in a foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or in the home of like-kin or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a),

responsible for preparing the juvenile's permanency plan shall provide to the foster parent, relative, like-kin, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 858. 938.371 (5) of the statutes is amended to read:

938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s. 252.15 (6), a foster parent, treatment foster parent, relative, like-kin, or operator of a group home, residential care center for children and youth, or juvenile correctional facility that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the juvenile or participating in a court hearing or permanency review concerning the juvenile.

SECTION 859. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, group home, residential care center for children and youth, juvenile detention facility, shelter care facility, or supervised independent living arrangement, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a guardian or a relative other than a parent or in the home of like-kin, that agency

shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

SECTION 860. 938.38 (3m) (a) of the statutes is amended to read:

938.38 (3m) (a) All appropriate biological family members, relatives, and like-kin of the juvenile, as determined by the agency. Notwithstanding s. 938.02 (12c) (b), in this paragraph, “like-kin” may include a person who is or previously was the child’s licensed foster parent.

SECTION 861. 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 (4) (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile’s family, and the juvenile’s foster parent, the operator of the facility where the juvenile is living, or the relative or like-kin with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 862. 938.38 (4m) (b) of the statutes is amended to read:

938.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the juvenile; any parent, guardian, and legal custodian of the juvenile; any foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is or is alleged to be in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile’s Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

SECTION 863. 938.38 (4m) (d) of the statutes is amended to read:

938.38 (4m) (d) The court shall give a foster parent, other physical custodian described in s. 48.62 (2), operator of a facility, ~~or relative,~~ or like-kin who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, other physical custodian, operator, ~~or relative,~~ or like-kin to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, other physical custodian, operator of a facility, ~~or relative,~~ or like-kin does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 864. 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and the juvenile's school of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record. The notice to the juvenile's school shall also include the name and

contact information for the caseworker or social worker assigned to the juvenile's case.

SECTION 865. 938.38 (5) (bm) 1. of the statutes is amended to read:

938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or relative,~~ or like-kin who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, or school who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, operator of a facility, ~~or relative,~~ or like-kin who receives notice of a review under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

SECTION 866. 938.38 (5) (e) of the statutes is amended to read:

938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the juvenile or the juvenile's counsel or guardian ad litem; the person representing the interests of the public; the juvenile's parent, guardian, or legal custodian; the juvenile's foster parent, the operator of the facility where the juvenile is living, or the relative or like-kin with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or

Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe.

SECTION 867. 938.38 (5m) (b) of the statutes is amended to read:

938.38 **(5m)** (b) The court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. The court shall notify the juvenile's counsel and the juvenile's guardian ad litem; the agency that prepared the permanency plan; the juvenile's school; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the hearing. The notice to the juvenile's school shall also include the name and contact information for the caseworker or social worker assigned to the juvenile's case.

SECTION 868. 938.38 (5m) (c) 1. of the statutes is amended to read:

938.38 **(5m)** (c) 1. A juvenile, parent, guardian, legal custodian, foster parent, operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the hearing under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A

counsel, guardian ad litem, agency, school, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, operator of a facility, ~~or relative,~~ or like-kin who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 869. 938.38 (5m) (e) of the statutes is amended to read:

938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the facility in which the juvenile is living, or the relative or like-kin with whom the juvenile is living; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended

findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 870. 938.385 (intro.) of the statutes is amended to read:

938.385 Plan for transition to independent living. (intro.) During the 90 days immediately before a juvenile who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, in the home of like-kin, or in a supervised independent living arrangement attains 18 years of age or, if the juvenile is placed in such a placement under an order under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile attains 18 years of age or under a voluntary transition-to-independent-living agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days immediately before the termination of the order or agreement, the agency primarily responsible for providing services to the juvenile under the order or agreement shall do all of the following:

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0879/P4
EAW:amn

DOA:.....Bork, BB0066 - Kinship care flexibility supports

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Kinship care flexible support

The bill creates flexible support for a kinship care provider. Support provided under the bill may include additional flexible payments or services to a kinship care provider who DCF determines qualifies. Under the bill, DCF may promulgate rules to specify qualifying costs and services and eligibility criteria for the flexible support.

Under current law, a relative other than a parent who is providing care and maintenance for a child may receive kinship care payments from a county department of human services or social services, DCF in Milwaukee county, or an Indian tribe. Under current law, kinship care payments are set at \$300 per month.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 871. 20.437 (1) (es) of the statutes is created to read:

20.437 (1) (es) *Kinship care; flexible support.* The amounts in the schedule for flexible support for a kinship care provider under s. 48.57 (3m) (as).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This is reconciled s. 20.437 (1) (es) This SECTION has been affected by drafts with the following LRB numbers:-0878/P4 and -0879/P4. LRB-0878 changes the term “kinship care relative” to “kinship care provider.”

SECTION 872. 48.57 (3m) (as) of the statutes is created to read:

48.57 (3m) (as) From the appropriation under s. 20.437 (1) (es), a county department and, in a county having a population of 750,000 or more, the department may provide flexible support, in the form of additional payments or services, to a kinship care provider who qualifies under rules promulgated by the department under par. (i) 3.

****NOTE: This is reconciled s. 48.57 (3m) (as). This SECTION has been affected by drafts with the following LRB numbers:-0878/P4 and -0879/P4. LRB-0878 changes the term “kinship care relative” to “kinship care provider.”

SECTION 873. 48.57 (3m) (i) 3. of the statutes is created to read:

48.57 (3m) (i) 3. Rules governing the provision of flexible support under par. (as). Rules promulgated under this subdivision may specify qualifying costs and services and eligibility criteria.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0882/P2
ZDW:klm&emw

DOA:.....Bork, BB0072 - Tribal gaming statute modifications

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Reversion of tribal gaming moneys

Under current law and Indian gaming compacts, Indian tribes make payments to the state to reimburse the state for costs relating to the regulation of certain gaming activities. A certain amount of this money is appropriated to be transferred on an annual basis to several appropriation accounts. At the end of each fiscal year, unobligated funds from some of the programs that receive tribal gaming revenues revert to the appropriation account to which Indian gaming receipts are credited.

Under current law, DNR makes a payment to the Lac du Flambeau band of Lake Superior Chippewa based on the amount of fees collected by DNR for certain hunting and fishing approvals and the number of certain approvals issued within the the Lac du Flambeau reservation. DNR makes this payment from an appropriation that receives tribal gaming revenues.

This bill provides that unencumbered amounts of this appropriation revert to the appropriation account to which Indian gaming receipts are credited.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 874. 20.370 (9) (hk) of the statutes is amended to read:

20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0883/P1
ZDW:emw

DOA:.....Vencill, BB0082 - Endangered resources GPR match

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Endangered resources funding match

Under current law, DNR administers the endangered resources program, which includes improving habitats for endangered or threatened species, conducting the natural heritage inventory, conducting wildlife research and surveys, providing wildlife management services, and providing for wildlife damage control. Current law appropriates to DNR all moneys received from gifts, grants, and bequests for the program. Current law also allows an individual filing an income tax return to designate an additional payment for the program.

Current law appropriates from the general fund to DNR an amount equal to the amount of gifts, grants, and bequests received and any additional payments made for the program, not to exceed \$500,000 in a fiscal year. This bill increases the limit to \$950,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 875. 20.370 (1) (fe) of the statutes is amended to read:

20.370 (1) (fe) *Endangered resources — general fund.* From the general fund, a sum sufficient in fiscal year 1993-94 and in each fiscal year thereafter that equals the sum of the amount certified in that fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts received under par. (fu) in that fiscal year for the purposes of the endangered resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under this subdivision may not exceed ~~\$500,000~~ \$950,000 in a fiscal year, except that the amount appropriated under this subdivision in fiscal year 2005-06 may not exceed \$364,000 and the amount appropriated under this subdivision in fiscal year 2006-07 may not exceed \$364,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0884/P1
ZDW:amn

DOA:.....Aslesen, BB0084 - Major interstate bridge bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Major interstate bridge bonding

Under current law, the state may contract up to \$272,000,000 in public debt for DOT to fund major interstate bridge projects, which are projects involving the construction or reconstruction of a bridge on the state trunk highway system that crosses a river forming a boundary of the state and for which this state's estimated cost share is at least \$100,000,000. This bill increases the authorized general obligation bonding limit for this purpose by \$47,200,000 to \$319,200,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 876. 20.866 (2) (ugm) of the statutes is amended to read:

20.866 (2) (ugm) *Transportation; major interstate bridge construction.* From the capital improvement fund, a sum sufficient for the department of transportation

to fund major interstate bridge projects under s. 84.016. The state may contract public debt in an amount not to exceed ~~\$245,000,000~~ \$319,200,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$27,000,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0885/P1
ZDW:klm

DOA:.....Vencill, BB0083 - Campsite electrification

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Campsite electrification

Under current law, DNR is authorized to establish and operate state campgrounds in state parks, state forests, and other lands under DNR supervision and management. For campsites located in a state park, DNR may provide and maintain electric receptacles, subject to certain limitations. One limitation provides that DNR may provide electric receptacles in no more than 35 percent of all state park campsites. This bill increases the limit to 40 percent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 877. 27.01 (15) (b) 1. of the statutes is amended to read:

27.01 (15) (b) 1. No more than ~~35~~ 40 percent of all state park campsites in the state have electric receptacles.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0887/P2
EHS:cdc&cjs

DOA:.....Bork, BB0069 - Children and family aids update

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Children and family services

Under current law, DCF must distribute not more than \$101,154,200 in fiscal year 2021-22 and \$101,162,800 in fiscal year 2022-23 to counties for children and family services. This bill updates those amounts to \$101,564,700 in fiscal year 2023-24 and \$101,961,600 in fiscal year 2024-25.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 878. 48.563 (2) of the statutes is amended to read:

48.563 (2) COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department shall distribute not more than ~~\$101,154,200 in fiscal year~~

~~2021-22 and \$101,162,800~~ \$101,564,700 in fiscal year ~~2022-23~~ 2023-24 and \$101,961,600 in fiscal year 2024-25.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0888/P1
EHS:cjs

DOA:.....Vencill, BB0081 - Aquatic plant management appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Aquatic plant management

Under current law, without a valid aquatic plant management permit issued by DNR, no person may introduce nonnative aquatic plants into waters of this state, manually remove aquatic plants from navigable waters, or control aquatic plants in waters of this state by the use of chemicals or by introducing biological agents, by using a process that involves dewatering, desiccation, burning, or freezing, or by using mechanical means. Under current law, DNR establishes fees for aquatic plant management permits, and those fees are deposited into a general fund appropriation used for facilities, materials, or services provided by DNR relating to its environmental quality functions and to the management of the state's water resources. Under this bill, those fees are deposited into a general fund appropriation used solely for the aquatic plant management permit program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 879. 20.370 (4) (kg) of the statutes is created to read:

20.370 (4) (kg) *Aquatic plant management.* From the general fund, all moneys received from aquatic plant management permit fees under s. 23.24 (3) (c) for the aquatic plant management permit program under s. 23.24 (3).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0890/P1
EVM:cjs

DOA:.....Aslesen, BB0085 - Southeast megaprojects bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

I 94 east-west corridor bonding

Under current law, the state may contract up to \$40,000,000 in public debt for the purposes of reconstructing the "I 94 east-west corridor," which is defined to mean "all freeways, including related interchange ramps, roadways, and shoulders, encompassing I 94 in Milwaukee County from 70th Street to 16th Street, and all adjacent frontage roads and collector road systems." This bill increases the authorized general obligation bonding limit for these purposes by \$140,873,000 to \$180,873,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 880. 20.866 (2) (uup) 1. of the statutes is amended to read:

20.866 (2) (uup) 1. From the capital improvement fund, a sum sufficient for the department of transportation to fund the Marquette interchange reconstruction project under s. 84.014, as provided under s. 84.555, the reconstruction of the I 94 north-south corridor and the zoo interchange, as provided under s. 84.555 (1m), the reconstruction of the I 94 east-west corridor, as provided under s. 84.555 (1m), southeast Wisconsin freeway megaprojects under s. 84.0145, as provided under s. 84.555 (1m), and high-cost state highway bridge projects under s. 84.017, as provided under s. 84.555 (1m). The state may contract public debt in an amount not to exceed \$704,750,000 for these purposes. In addition, the state may contract public debt in an amount not to exceed \$107,000,000 for the reconstruction of the Zoo interchange and I 94 north-south corridor, as provided under s. 84.555 (1m), as southeast Wisconsin freeway megaprojects under s. 84.0145, in an amount not to exceed \$216,800,000 for high-cost state highway bridge projects under s. 84.017, as provided under s. 84.555 (1m), in an amount not to exceed \$300,000,000 for southeast Wisconsin freeway megaprojects under s. 84.0145, as provided under s. 84.555 (1m), in an amount not to exceed \$95,000,000 for the reconstruction of the Zoo interchange, as provided under s. 84.555 (1m), as a southeast Wisconsin freeway megaproject under s. 84.0145, and in an amount up to ~~\$40,000,000~~ \$180,873,000 for the reconstruction of the I 94 east-west corridor, as provided under s. 84.555 (1m), as a southeast Wisconsin freeway megaproject under s. 84.0145.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0924/P1
EAW:cjs

DOA:.....Kretschmann, BB0094 - Pupil Transportation Aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Pupil transportation aid

Under current law, a school district or an operator of a charter school that provides transportation to and from a school receives a state aid payment for transportation. The amount of the aid payment depends on the number of pupils transported and the distance of each pupil's residence from the school. The bill increases aid payments for pupils who reside more than 12 miles from the school from \$375 per pupil to \$400 per pupil, beginning in the 2023-24 school year.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 881. 121.58 (2) (a) 4. of the statutes is amended to read:

121.58 (2) (a) 4. For each pupil so transported whose residence is more than 12 miles from the school attended, ~~\$300~~ \$375 per school year in the ~~2016-17 school~~

year and ~~\$365~~ for the ~~2020-21~~ 2022-23 school year. The amount for each school year thereafter is ~~\$375~~ \$400.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0925/P2
EAW:skw

DOA:.....Kretschmann, BB0090 - Teacher pipeline capacity building grants
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Grow Your Own programs

The bill creates a new grant program administered by DPI and available to school districts and operators of independent charter schools to reimburse the cost of “Grow Your Own” programs. Under the bill, Grow Your Own programs include high school clubs that encourage careers in teaching, payment of costs associated with current staff acquiring education needed for licensure, support for career pathways using dual enrollment, support for partnerships focused on attracting or developing new teachers, or incentives for paraprofessionals to gain licensure. The bill appropriates \$5,000,000 in fiscal year 2024-25 for this purpose.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 882. 20.255 (2) (ch) of the statutes is created to read:

20.255 (2) (ch) *Grow your own programs; teacher pipeline capacity building.*

The amounts in the schedule for grants under s. 115.422 to school districts and operators of a charter school under s. 118.40 (2r) or (2x).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 883. 115.422 of the statutes is created to read:

115.422 Grow your own programs; teacher pipeline capacity building.

(1) In this section, “grow your own program” means a program to encourage individuals to pursue a career in teaching or to facilitate teacher licensure. “Grow your own programs” include high school clubs that encourage careers in teaching, payment of costs associated with current staff acquiring education needed for licensure, support for career pathways using dual enrollment, support for partnerships focused on attracting or developing new teachers, or incentives for paraprofessionals to gain licensure.

(2) Beginning in the 2024-25 school year, from the appropriation under s. 20.255 (2) (ch), the department shall award grants to a school district or the operator of a charter school under s. 118.40 (2r) or (2x) to reimburse the school district or charter school for costs associated with grow your own programs.

(3) The department shall promulgate rules to implement and administer this section, including criteria for awarding a grant.

SECTION 884. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.3415, 115.342, 115.343, 115.344, 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.369, 115.38 (2), 115.415, 115.422, 115.445, 118.001 to 118.04, 118.045, 118.06,

118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

***NOTE: This is reconciled s. 119.04 (1). This SECTION has been affected by drafts with the following LRB numbers: -0925/P1, -0950/P1, -0951/P1, -1015/P2, and -1214/P2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0926/P2
EAW:klm&amn

DOA:.....Kretschmann, BB0089 - Library intern stipend payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

GENERAL EDUCATION AND CULTURAL AGENCIES

Library intern stipend payments

The bill requires the Division for Libraries and Technology in DPI to provide stipend payments to students who are pursuing a degree in library science and are placed as an intern in a public library. The stipend payments are \$2,500 per student per semester, and begin in the 2024-25 school year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 885. 20.255 (3) (cL) of the statutes is created to read:

20.255 (3) (cL) *Library intern stipend payments.* A sum sufficient for library intern stipend payments under s. 43.05 (12m).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 886. 43.05 (12m) of the statutes is created to read:

43.05 (**12m**) From the appropriation under s. 20.255 (3) (cL), beginning in the 2024-25 school year, provide payments, in the amount of \$2,500 per student per semester, to students who are pursuing a degree in library science and are placed as an intern in a public library. The division may promulgate rules to implement this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0927/P2
EAW:klm&cde

DOA:.....Kretschmann, BB0088 - Cooperating teacher stipend payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Cooperating teacher stipends

The bill provides stipends, through DPI, to teachers who are overseeing a student teacher in their classrooms. The stipends are in the amount of \$1,000 per teacher per semester, and begin in the 2024-25 school year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 887. 20.255 (3) (ct) of the statutes is created to read:

20.255 (3) (ct) *Cooperating teacher stipends.* A sum sufficient for payments to teachers under s. 115.424.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 888. 115.424 of the statutes is created to read:

115.424 Cooperating teacher stipends. From the appropriation account under s. 20.255 (3) (ct), beginning in the 2024-25 school year, the department shall provide payments, in the amount of \$1,000 per teacher per semester, to a cooperating teacher who is overseeing an individual who is completing student teaching. The department may promulgate rules to implement this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0928/P1
EAW:klm

DOA:.....Kretschmann, BB0087 - Student teacher stipend payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Student teacher stipends

The bill provides stipends, through DPI, to student teachers who are completing a teacher preparatory program that is approved by the superintendent of public instruction. The stipends are \$2,500 per student teacher per semester, and begin in the 2024-25 school year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 889. 20.255 (3) (cs) of the statutes is created to read:

20.255 (3) (cs) *Student teacher stipends.* A sum sufficient for payments to student teachers under s. 115.421.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 890. 115.421 of the statutes is created to read:

115.421 Student teacher stipends. From the appropriation account under s. 20.255 (3) (cs), beginning in the 2024-25 school year, the department shall provide payments, in the amount of \$2,500 per individual per semester, to an individual who is completing student teaching as part of a teacher preparatory program approved by the state superintendent under s. 115.28 (7) (a). The department may promulgate rules to implement this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0929/P2
EAW:klm&skw

DOA:.....Kretschmann, BB0086 - Wisconsin improvement program
payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Teacher improvement program stipends

Under current law, DPI operates a teacher improvement program to provide prospective teachers with one-semester internships under the supervision of licensed teachers, in-service activities, and professional staff development research projects.

Under the bill, DPI provides stipends to individuals who are participating in the teacher improvement program. The stipends are \$9,600 per individual per semester, and begin in the 2024-25 school year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 891. 20.255 (3) (ci) of the statutes is created to read:

20.255 (3) (ci) *Teacher improvement program stipends*. A sum sufficient for payments to individuals under s. 115.41 (2).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 892. 115.41 of the statutes is renumbered 115.41 (1).

SECTION 893. 115.41 (2) of the statutes is created to read:

115.41 (2) From the appropriation account under s. 20.255 (3) (ci), beginning in the 2024-25 school year, the department shall provide payments, in the amount of \$9,600 per individual per semester, to prospective teachers who are participating in the program under sub. (1). The department may promulgate rules to implement this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0935/P2
FFK:kms/emw/skw

DOA:.....Kretschmann, BB0092 - Educator Licensing Fee Lapse
Elimination

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Fees for licensure of school and public library personnel; appropriation changes

Under current law, 90 percent of the fees collected by DPI for licensure of school and public library personnel and for school districts' participation in DPI's teacher improvement program are credited to an annual sum certain appropriation. The remaining 10 percent of these fees are deposited into the general fund under current law. This bill changes this annual sum certain appropriation to a continuing appropriation and requires that 100 percent of the total fees collected by DPI be credited to the appropriation. An annual sum certain appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which it is made. A continuing appropriation is expendable until fully depleted or repealed.

Under current law and the bill, the purposes of the appropriation are for 1) DPI's administrative costs related to licensure of school and public library personnel; 2) if DPI exercises its authority to provide information and analysis of the professional school personnel supply in this state, the costs of providing that information and analysis; and 3) DPI's teacher improvement program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 894. 20.255 (1) (hg) of the statutes is amended to read:

20.255 (1) (hg) *Personnel licensure, teacher supply, information and analysis, and teacher improvement.* ~~The amounts in the schedule All moneys received from the licensure of school and public library personnel under s. 115.28 (7) (d) and all moneys received under s. 115.41 to fund licensure administrative costs under s. ss. 115.28 (7) (d) and 118.19 (10), teacher supply, information and analysis costs under s. 115.29 (5), and teacher improvement under s. 115.41 (1). Ninety percent of all moneys received from the licensure of school and public library personnel under s. 115.28 (7) (d), and all moneys received under s. 115.41, shall be credited to this appropriation.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.255 (1) (hg). This SECTION has been affected by drafts with the following LRB numbers: -0929/P1 and -0935/P1

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0936/P1
FFK:skw

DOA:.....Kretschmann, BB0091 - Recollection Wisconsin

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Recollection Wisconsin

This bill appropriates money from the universal service fund to provide funding to Wisconsin Library Services, Inc., commonly known as WiLS, to support the digitization of historic materials in public libraries throughout the state. The bill also requires DPI to distribute annually the amount appropriated for this purpose to WiLS. The collaborative administered by WiLS to digitize and make available historic materials throughout the state is known as Recollection Wisconsin.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 895. 20.255 (3) (s) of the statutes is created to read:

20.255 (3) (s) *Recollection Wisconsin*. From the universal service fund, the amounts in the schedule for payments to Wisconsin Library Services, Inc., under s. 115.28 (28).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 896. 115.28 (28) of the statutes is created to read:

115.28 (28) RECOLLECTION WISCONSIN. Annually distribute the amount appropriated under s. 20.255 (3) (s) to Wisconsin Library Services, Inc., to support the digitization of historic materials in public libraries throughout the state.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0937/P3
EHS:cde

DOA:.....Rice, BB0101 - Child care partnership grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Child care partnership grant program

This bill authorizes DCF to establish a grant program to award funding to businesses that provide or wish to provide child care services for their employees. The bill allows such a grant to be used to reserve child care placements for local business employees, pay child care tuition, and other costs related to child care. Under the bill, a grant recipient must provide at least 25 percent matching funds. The bill allows DCF to promulgate rules to administer the grant program, including to determine eligibility for a grant.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 897. 20.437 (2) (d) of the statutes is created to read:

20.437 (2) (d) *Child care partnership grant program.* The amounts in the schedule for the grants under s. 49.133.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 898. 49.132 of the statutes is created to read:

49.132 Child care partnership grant program. (1) In this section, “business” means any organization or enterprise operated for profit or a nonprofit corporation. “Business” does not include a governmental entity.

(2) The department may establish a grant program to award funding to businesses that provide or wish to provide child care services for their employees. A grant awarded under this program may be used to reserve child care placements for local business employees, pay child care tuition, and other costs related to child care.

(3) A business awarded a grant under this section shall provide matching funds equal to 25 percent or more of the amount awarded.

(4) The department may promulgate rules to administer this section, including to determine eligibility for a grant.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0938/P2
EHS:cdc

DOA:.....Rice, BB0102 - Child care quality improvement program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Child care quality improvement program

This bill authorizes DCF to establish a program for making monthly payments and monthly per-child payments to certified child care providers, licensed child care centers, and child care programs established or contracted for by a school board. This new payment program is in addition to the current law system for providing child care payments under Wisconsin Shares. The bill allows DCF to promulgate rules to implement the program, including establishing eligibility requirements and payment amounts and setting requirements for how recipients may use the payments. The bill funds the program through a new appropriation and by allocating federal moneys, including child care development funds and moneys received under the Temporary Assistance for Needy Families block grant program.

Wisconsin Shares is a part of the Wisconsin Works program under current law, which DCF administers and which provides work experience and benefits for low-income custodial parents who are at least 18 years old. Under current law, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various education or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under Wisconsin Shares.

Under current law, DCF sets the maximum payment rates for child care providers who provide services under Wisconsin Shares and may modify an individual child care provider's payment rate on the basis of the child care provider's quality rating under the Young Star system.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 899. 20.437 (2) (c) of the statutes is created to read:

20.437 (2) (c) *Child care quality improvement program.* The amounts in the schedule for the program under s. 49.133.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 900. 49.133 of the statutes is created to read:

49.133 Child care quality improvement program. (1) The department may establish a program under which it may, from the appropriation under s. 20.437 (2) (c) and under s. 49.175 (1) (qm), make monthly payments and monthly per-child payments to child care providers certified under s. 48.651, child care centers licensed under s. 48.65, and child care programs established or contracted for by a school board under s. 120.13 (14).

(2) The department may promulgate rules to implement the program under this section, including establishing eligibility requirements and payment amounts and setting requirements for how recipients may use the payments.

SECTION 901. 49.155 (6) (e) 2. of the statutes is repealed.

SECTION 902. 49.155 (6) (e) 3. (intro.) of the statutes is amended to read:

49.155 (6) (e) 3. (intro.) The department may modify a child care provider's maximum payment rate under subd. 2. pars. (a) to (c) on the basis of the provider's quality rating, as described in the quality rating plan, in the following manner:

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) CHILD CARE QUALITY IMPROVEMENT PROGRAM. Using the procedure under s. 227.24, the department of children and families may promulgate the rules authorized under s. 49.133 (2) as emergency rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and families is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0947/P1
FFK:cjs

DOA:.....Kretschmann, BB0093 - Increase Maximum Peer-to-Peer Suicide
Prevention Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Peer-to-peer suicide prevention grants

Under current law, DPI administers a competitive grant program to award grants to public, private, and tribal high schools for the purpose of supporting peer-to-peer suicide prevention programs. Under current law, the maximum annual peer-to-peer suicide prevention grant amount is \$1,000. This bill increases the maximum annual peer-to-peer suicide prevention grant amount to \$6,000.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 903. 115.366 (3) of the statutes is amended to read:

115.366 (3) AWARDS. ~~Beginning in the 2020-21 school year, from~~ From the appropriation under s. 20.255 (2) (du), the department shall award up to \$1,000 \$6,000 for each school for which a grant is awarded under sub. (1).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0948/P3
FFK:cjs

DOA:.....Kretschmann, BB0095 - Per Pupil Aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Per pupil aid

Under current law, per pupil aid is a categorical aid paid to school districts. Per pupil aid is funded from a sum sufficient appropriation and is not considered for purposes of revenue limits. Under current law, the amount of per pupil aid paid to a school district is calculated using a three-year average of the number of pupils enrolled in the school district and a per pupil amount set by law. Under current law in the 2022-23 school year and each school year thereafter, the per pupil amount is \$742. Under the bill, the per pupil amount is \$766 in the 2023-24 school year and \$811 in the 2024-25 school year and each year thereafter.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 904. 115.437 (1) of the statutes is amended to read:

115.437 (1) In this section, “number of pupils enrolled” has the meaning given in s. 121.90 (1) (intro.) and includes 40 percent of the summer enrollment. “Number of pupils enrolled” does not include pupils described in the exception under s. 121.90 (1) (f) (g).

SECTION 905. 115.437 (2) (a) of the statutes is renumbered 115.437 (2) and amended to read:

115.437 (2) ~~Except as provided in par. (b), annually~~ Annually, on the 4th Monday of March, the department shall pay to each school district an amount equal to the average of the number of pupils enrolled in the school district in the current and 2 preceding school years multiplied by ~~\$75 in the 2013-14 school year, by \$150 in the 2014-15 and 2015-16 school years, by \$250 in the 2016-17 school year, by \$450 in the 2017-18 school year, by \$654~~ \$766 in the ~~2018-19~~ 2023-24 school year, and by ~~\$679 and \$63 in~~ \$811 in the ~~2024-25~~ school year and each school year thereafter. The department shall make the payments from the appropriation under s. 20.255 (2) (aq).

SECTION 906. 115.437 (2) (b) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0950/P2
FFK:cjs

DOA:.....Kretschmann, BB0098 - Grants for Milk Coolers and Dispensers
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Grants for milk coolers and dispensers

This bill creates a grant program for purchasing milk coolers and milk dispensers that cost less than \$5,000 per unit. Under the bill, DPI must award a grant for this purpose to educational entities that participate in the National School Lunch program, including school districts, independent charter schools, private schools, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, and the Wisconsin Center for the Blind and Visually Impaired.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 907. 20.255 (2) (bj) of the statutes is created to read:

20.255 (2) (bj) *Grants for milk coolers and dispensers.* The amounts in the scheduled for grants under s. 115.342

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 908. 115.342 of the statutes is created to read:

115.342 Grants for milk coolers and dispensers. (1) In this section:

(a) “Educational agency” means a school board, an operator of a charter school under s. 118.40 (2r) or (2x), a private school, a tribal school, an operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, and the director of the center under s. 115.525.

(a) “Eligible milk equipment” means a milk cooler or dispenser that has a purchase price of less than \$5,000.

(2) From the appropriation under s. 20.255 (2) (bj), the department shall awards grants to educational agencies participating in the federal school lunch program under 42 USC 1751 to 1769j for the purpose of purchasing eligible milk equipment. An educational agency shall specify in its application for a grant under this section the eligible milk equipment that it intends to purchase with the grant and the cost of each unit. The department may award a grant under this section of up to \$5,000 per unit of eligible milk equipment.

(3) If the appropriation under s. 20.255 (2) (bj) in any fiscal year is insufficient to pay the full amount requested by all applicants under sub. (2), the department shall prorate the payments among the applicants.

(4) The department may promulgate rules to implement and administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0951/P2
FFK:emw

DOA:.....Kretschmann, BB0100 - Supplemental Nutrition Aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Supplemental nutrition aid

This bill creates supplemental nutrition aid, a categorical aid to reimburse educational agencies for school meals provided to pupils who satisfy the income criteria for a reduced-price lunch under the federal school lunch program and pupils who do not satisfy the income criteria for a free or reduced-price lunch under the federal school lunch program. An educational agency is eligible for supplemental nutrition aid if the educational agency does not charge pupils for school meals for which the educational agency receives reimbursement from the federal government. Under the bill, the amount of aid is equal to the sum of 1) the number of school meals provided in the previous school year to pupils who satisfy the income criteria for a reduced-price lunch multiplied by the difference between the free-meal reimbursement amount and the reduced-price-meal reimbursement amount and 2) the number of school meals provided in the previous year to pupils who do not satisfy the income criteria for a free or reduced-price lunch multiplied by the difference between the free-meal reimbursement amount and the reimbursement amount for a paid school meal. Supplemental nutrition aid is first paid to educational agencies in the 2024-25 school year for school meals provided during the 2023-24 school year.

Under the bill, supplemental nutrition aid is funded by a sum sufficient appropriation, which ensures that educational agencies receive the full amount of aid to which they are entitled.

The bill defines a “school meal” as a school lunch or snack under the federal school lunch program and a breakfast under the federal school breakfast program and an “educational agency” as a school board, an operator of an independent charter school, the director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the director of the Wisconsin Center for the Blind and Visually Impaired, an operator of a residential care center for children and youth, a tribal school, or a private school.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 909. 20.255 (2) (co) of the statutes is created to read:

20.255 (2) (co) *Supplemental nutrition aid.* A sum sufficient for payments under s. 115.3415.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 910. 115.3415 of the statutes is created to read:

115.3415 Supplemental nutrition aid. (1) DEFINITIONS. In this section:

(a) “Educational agency” means a school board, an operator of a charter school under s. 118.40 (2r) or (2x), a private school, a tribal school, an operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, and the director of the center under s. 115.525.

(b) “Eligible pupil” means a pupil who satisfies the income eligibility criteria for a reduced-price lunch under 42 USC 1758 (b) (1).

(c) “Federal school breakfast program” means the program under 42 USC 1773.

(d) “Federal school lunch program” means the program under 42 USC 1751 to 1769j.

(e) “Free-meal reimbursement amount” means the reimbursement amount in the previous school year for a school meal provided to a pupil who satisfies the income eligibility for a free lunch under the federal school lunch program.

(f) “Ineligible pupil” means a pupil who does not satisfy the income eligibility criteria for a free or reduced-price lunch under 42 USC 1758 (b) (1).

(g) “Paid-meal reimbursement amount” means the reimbursement amount in the previous school year for a school meal provided to an ineligible pupil.

(h) “Reduced-price-meal reimbursement amount” means the reimbursement amount in the previous school year for a school meal provided to an eligible pupil.

(i) “Reimbursement amount” means the national average payment rate for a school meal, as announced by the food and nutrition service of the federal department of agriculture in the federal register.

(j) “School meal” means a lunch made available under the federal school lunch program, a meal supplement made available under the federal school lunch program, or a breakfast made available under the federal school breakfast program.

(2) ELIGIBILITY. An educational agency is eligible for payments under this section if the educational agency does not charge pupils for school meals for which the educational agency receives reimbursement under the federal school breakfast program or the federal school lunch program.

(3) ANNUAL PAYMENT. From the appropriation under s. 20.255 (2) (co), in the 2024-25 school year and each school year thereafter, the state superintendent shall pay to each educational agency the sum of all of the following:

(a) The total number of lunches provided by the educational agency to eligible pupils under the federal school lunch program in the previous school year multiplied by the difference between the reduced-price-meal reimbursement amount for a lunch and the free-meal reimbursement amount for a lunch.

(b) The total number of lunches provided by the educational agency to ineligible pupils under the federal school lunch program in the previous school year multiplied by the difference between the paid-meal reimbursement amount for a lunch and the free-meal reimbursement amount for a lunch.

(c) The total number of breakfasts provided by the educational agency to eligible pupils under the federal school breakfast program in the previous school year multiplied by the difference between the reduced-price-meal reimbursement amount for a breakfast and the free-meal reimbursement amount for a breakfast.

(d) The total number of breakfasts provided by the educational agency to ineligible pupils under the federal school breakfast program in the previous school year multiplied by the difference between the paid-meal reimbursement amount for a breakfast and the free-meal reimbursement amount for a breakfast.

(e) The total number of meal supplements provided by the educational agency to eligible pupils under the federal school lunch program in the previous school year multiplied by the difference between the reduced-price-meal reimbursement amount for a meal supplement and the free-meal reimbursement amount for a meal supplement.

(f) The total number of meal supplements provided by the educational agency to ineligible pupils under the federal school lunch program in the previous school year multiplied by the difference between the paid-meal reimbursement amount for

a meal supplement and the free-meal reimbursement amount for a meal supplement.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0968/P1
SWB:amn

DOA:.....Schmidt, BB0104 - Judicial Branches in 2019 Act 184

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Statutory addition of circuit court branches designated under 2019 Wisconsin Act 184

This bill adds to the statutory list of judicial circuit branches to reflect the circuit court branches authorized under 2019 Wisconsin Act 184 to be added by the director of state courts, with four designated to begin operation in August 2022 and four designated to begin operation in August 2023.

Under current law, the statutes contain a list dividing, by administrative district and judicial circuit, how many branches each circuit has. 2019 Wisconsin Act 184 authorized the director of state courts to add four additional circuit court branches to begin operation on August 1, 2022, and four additional circuit court branches to begin operation on August 1, 2023. Act 184 further authorized the director of state courts to allocate each new branch to any county that the director of state courts determined to be in need of an additional circuit court branch and that established, or will have established, by May 31 of the year the court would begin operation, the appropriate infrastructure to support an additional circuit court branch. Act 184 further authorized the director of state courts to require any county, as a condition for receiving a circuit court branch allocation, to have established or

to apply for a grant to establish a drug court. The director of state courts allocated new circuit court branches to Adams, Eau Claire, Vilas, and Waushara Counties, which were designated to begin operation on August 1, 2022. The director of state courts has also allocated new circuit court branches to Clark, Manitowoc, Sawyer, and Wood Counties, and these are designated to begin operation on August 1, 2023.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 911. 753.06 (4) (c) of the statutes is amended to read:

753.06 (4) (c) Manitowoc County. The circuit has ~~3~~ 4 branches.

SECTION 912. 753.06 (4) (dm) of the statutes is amended to read:

753.06 (4) (dm) Waushara County. The circuit has ~~one branch~~ 2 branches.

SECTION 913. 753.06 (7) (ag) of the statutes is amended to read:

753.06 (7) (ag) Adams County. The circuit has ~~one branch~~ 2 branches.

SECTION 914. 753.06 (7) (ar) of the statutes is amended to read:

753.06 (7) (ar) Clark County. The circuit has ~~one branch~~ 2 branches.

SECTION 915. 753.06 (9) (L) of the statutes is amended to read:

753.06 (9) (L) Vilas County. The circuit has ~~one branch~~ 2 branches.

SECTION 916. 753.06 (9) (m) of the statutes is amended to read:

753.06 (9) (m) Wood County. The circuit has ~~3~~ 4 branches.

SECTION 917. 753.06 (10) (g) of the statutes is amended to read:

753.06 (10) (g) Eau Claire County. The circuit has ~~5~~ 6 branches.

SECTION 918. 753.06 (10) (L) of the statutes is amended to read:

753.06 (10) (L) Sawyer County. The circuit has ~~one branch~~ 2 branches.

SECTION 9107. Nonstatutory provisions; Circuit Courts.

(1) CIRCUIT COURTS DESIGNATED TO BEGIN OPERATION IN 2022. The circuit court branches added in s. 753.06 (4) (dm), (7) (ag), (9) (L), and (10) (g) are the additional

branches authorized to be added and allocated by the director of state courts under s. 753.0605 (2) to begin operation on August 1, 2022.

(2) CIRCUIT COURTS DESIGNATED TO BEGIN OPERATION IN 2023. The circuit court branches added in s. 753.06 (4) (c), (7) (ar), (9) (m), and (10) (L) are the additional branches authorized to be added and allocated by the director of state courts under s. 753.0605 (3) to begin operation on August 1, 2023.

SECTION 9407. Effective dates; Circuit Courts.

(1) CIRCUIT COURT BRANCHES. The treatment of s. 753.06 (4) (c), (7) (ar), (9) (m), and (10) (L) and SECTION 9107 (2) of this act take effect on August 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0972/P1
KRP:emw

DOA:.....Schmidt, BB0105 - Certificates of Qualification for Employment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Certificates of qualification for employment

This bill eliminates the \$20 application fee for an individual convicted of a crime to apply for a certificate of qualification for employment. Under current law, certain nonviolent offenders who have been released from confinement may apply to the Council on Offender Employment for a certificate, and the council generally must approve an offender's application if the council finds that the offender is not likely to pose a risk to public safety, that the certificate will substantially assist the offender in obtaining employment or occupational licensing or certification, and that the offender is less likely to commit an additional criminal offense if the offender obtains a certificate. Under current law, a certificate provides relief to an offender from ineligibility for or disadvantage related to employment, occupational licensing, or occupational certification that results from the offender's criminal record. A certificate also incentivizes an employer to hire an offender by providing the employer with limited immunity from civil liability related to acts or omissions of the offender.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 919. 20.625 (1) (h) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 920. 973.25 (4) (a) of the statutes is amended to read:

973.25 (4) (a) An offender may file an application for a certificate of qualification for employment with the council on offender employment on a form to be provided by the director of state courts ~~along with an application fee of \$20 that shall be deposited in the appropriation under s. 20.625 (1) (h).~~ The council may waive the fee if the offender submits an affidavit along with the application in which he or she swears or affirms that he or she is unable to pay the application fee.

SECTION 9207. Fiscal changes; Circuit Courts.

(1) CERTIFICATES OF QUALIFICATION FOR EMPLOYMENT APPROPRIATION. The unencumbered balance in s. 20.625 (1) (h), 2021 stats., is transferred to s. 20.625 (1) (g).

SECTION 9307. Initial applicability; Circuit Courts.

(1) CERTIFICATES OF QUALIFICATION FOR EMPLOYMENT. The treatment of s. 973.25 (4) (a) first applies to an application submitted on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0973/P1
KRP:cdc

DOA:.....Schmidt, BB0106 - County Law Libraries

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

GENERAL COURTS AND PROCEDURE

County law libraries

This bill creates an appropriation account to receive any amounts from counties for providing materials or other services under contracts for county law libraries.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 921. 20.680 (2) (hm) of the statutes is created to read:

20.680 (2) (hm) *County law libraries.* All moneys received from counties for providing materials or other services under contracts for county law libraries.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0980/P1
MJW:klm

DOA:.....Richter, BB0107 - Charging and Sentencing Alternatives -
Diversion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

Alternatives to prosecution for disorderly conduct

This bill requires a prosecutor to offer to certain disorderly conduct defendants a deferred prosecution agreement or an agreement in which the defendant stipulates to his or her guilt of a noncriminal ordinance violation. Under the bill, a prosecutor must offer alternatives to prosecution to a person who has committed a disorderly conduct violation if it is the person's first disorderly conduct violation, the person has not committed a similar violation previously, and the person has not committed a felony in the previous three years. Under the bill, if the person is offered a deferred prosecution agreement, he or she must be required to pay restitution, if applicable.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 922. 967.056 of the statutes is created to read:

967.056 Prosecution of offenses; disorderly conduct. (1) If a person is accused of or charged with disorderly conduct in violation of s. 947.01 or a local ordinance in conformity with s. 947.01, a prosecutor shall offer the person an alternative to prosecution under sub. (2) if all of the following apply:

(a) The accused or charged violation is the person's first violation of s. 947.01.

(b) The person has not previously been convicted of a misdemeanor or felony for conduct that is substantially similar to the accused or charged violation.

(c) The person has not been convicted of a felony in this state, or of a violation in another state that would be a felony if committed by an adult in this state, in the preceding 3 years.

(2) A prosecutor shall offer one of the following alternatives to prosecution to a qualifying person under sub. (1):

(a) A deferred prosecution agreement that includes restitution, if applicable.

(b) An agreement in which the defendant stipulates to his or her guilt of a noncriminal ordinance violation that includes payment of a forfeiture.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0985/P1
MJW:amn

DOA:.....Richter, BB0109 - Trial Staff Caseload Exemption

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

COURT AND PROCEDURE

PUBLIC DEFENDER

Annual caseload standards exemption

Under current law, the state public defender may exempt up to 10 full-time assistant state public defenders in the trials subunit from annual caseload standards based on their need to perform other assigned duties. Under this bill, beginning on July 1, 2023, the state public defender may exempt up to 25 such assistant state public defenders from annual caseload standards based on their need to perform other assigned duties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 923. 977.08 (5) (br) of the statutes is amended to read:

977.08 (5) (br) Beginning on July 1, 2000, and until June 30, 2023, the state public defender may exempt up to 10 full-time assistant state public defenders in the

subunit responsible for trials from the annual caseload standards under par. (bn) based on their need to perform other assigned duties.

SECTION 924. 977.08 (5) (bs) of the statutes is created to read:

977.08 **(5)** (bs) Beginning on July 1, 2023, the state public defender may exempt up to 25 full-time assistant state public defenders in the subunit responsible for trials from the annual caseload standards under par. (bn) based on their need to perform other assigned duties.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0996/P2
JK:cjs&kms

DOA:.....Martin, BB0111 - Sales tax exemption for diapers and feminine hygiene products

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Sales tax exemption for diapers and feminine hygiene products

This bill creates a sales and use tax exemption for the sale of diapers and feminine hygiene products.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 925. 77.51 (3h) of the statutes is created to read:

77.51 (3h) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty controlling their bladder or bowel movements.

SECTION 926. 77.51 (3pq) of the statutes is created to read:

77.51 (3pq) “Feminine hygiene products” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle. “Feminine hygiene products” do not include grooming and hygiene products.

SECTION 927. 77.51 (4f) of the statutes is created to read:

77.51 (4f) “Grooming and hygiene products” means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens.

SECTION 928. 77.52 (13) of the statutes is amended to read:

77.52 (13) For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser an electronic or a paper certificate, in a manner prescribed by the department, to the effect that the property, item, good, or service is purchased for resale or is otherwise exempt, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), (66), and (67), (70), (72), and (73).

***NOTE: This is reconciled s. 77.52 (13). This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

SECTION 929. 77.53 (10) of the statutes is amended to read:

77.53 (10) For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser an electronic or paper certificate, in a manner prescribed by the department, to the effect that the property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise exempt from the tax, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), ~~and (67), (70), (72), and (73).~~

****NOTE: This is reconciled s. 77.53 (10). This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

SECTION 930. 77.54 (70) of the statutes is created to read:

77.54 (70) The sales price from the sale of and the storage, use, or other consumption of diapers and feminine hygiene products.

SECTION 9437. Effective dates; Revenue.

(1) DIAPERS AND FEMININE HYGIENE PRODUCTS; GUN SAFETY ITEMS; AND BREASTFEEDING PRODUCTS. The treatment of ss. 77.51 (3h), (3pq), and (4f), 77.52 (13), 77.53 (10), and 77.54 (70), (72), and (73) takes effect on the first day of the 3rd month beginning after publication.

***NOTE: This is a reconciled effective date provision. This SECTION has been affected by drafts with the following LRB numbers: -0996/P1, -1611/P1, and -1625/P2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0997/P1
CMH:amn

DOA:.....Richter, BB0110 - Public defender: private bar attorney
compensation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

Private bar reimbursement rate

Under current law, the state public defender provides legal representation for indigent persons in criminal, delinquency, and certain related cases. The SPD assigns cases either to staff attorneys or to local private attorneys. Generally, a private attorney who is assigned a case by the SPD is paid \$70 per hour for time spent related to the case and \$25 per hour for time spent in travel related to a case. This bill increases the rate the private attorney is paid for cases assigned on or after July 1, 2023. Under the bill, a private attorney is paid \$100 per hour for time spent related to a case, excluding travel, and \$50 per hour for time spent in travel related to a case.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 931. 977.08 (4m) (d) of the statutes is amended to read:

977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after January 1, 2020, and before July 1, 2023, private local attorneys shall be paid \$70 per hour for time spent related to a case, excluding travel, and \$25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 932. 977.08 (4m) (e) of the statutes is created to read:

977.08 (4m) (e) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after July 1, 2023, private local attorneys shall be paid \$100 per hour for time spent related to a case, excluding travel, and \$50 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1001/P1
KP:skw

DOA:.....Martin, BB0103 - Repeal sales tax exemption for farm-raised deer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Repeal of sales tax exemption for farm-raised deer

The bill repeals the sales and use tax exemption that applies to the sale of farm-raised deer to a person operating a hunting preserve or game farm in this state.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 933. 77.54 (62) of the statutes is repealed.

SECTION 9437. Effective dates; Revenue.

(1) SALES AND USE TAX EXEMPTION FOR FARM-RAISED DEER. The treatment of s. 77.54 (62) takes effect on the first day of the 3rd month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1007/P3
MDE:cjs&kms

DOA:.....Quinn, BB0113 - 2023-24 Economic Development Funding
Increase

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

WEDC GPR appropriation

This bill adds \$40 million to WEDC's GPR appropriation for general operations and economic development programs in fiscal year 2023-24.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9249. Fiscal changes; Wisconsin Economic Development Corporation.

(1) GPR APPROPRIATION OF THE WISCONSIN ECONOMIC DEVELOPMENT CORPORATION. Notwithstanding the cap on expenditures specified in s. 20.192 (1) (a),

in fiscal year 2023-24, the amount the Wisconsin Economic Development Corporation may expend from the appropriation under s. 20.192 (1) (a) for the purposes for which the appropriation is made is equal to the lesser of the following:

- (a) The amount calculated under s. 20.192 (1) (a) plus \$40,000,000.
- (b) \$66,512,500.

***NOTE: This is reconciled SECTION 9249 (1). This SECTION has been affected by drafts with the following LRB numbers: -0870/P1 and -1007/P2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1011/P3
FFK:skw/wlj/cjs

DOA:.....Kretschmann, BB0097 - Payment Indexing for choice, charter, and open enrollment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Payment indexing: parental choice programs, the Special Needs Scholarship Program, independent charter schools, full-time open enrollment program, and whole grade sharing agreements

Under current law, the per pupil payment amounts under the Milwaukee Parental Choice Program, the Racine Parental Choice Program, the statewide parental choice program, and the Special Needs Scholarship Program, the per pupil payment amount to independent charter schools, the transfer amounts under the full-time open enrollment program, and the required transfer amount for a child with a disability in a whole grade sharing agreement (collectively “per pupil payments”) are adjusted annually. The annual adjustment for per pupil payments is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2023–24 school year, the annual adjustment for per pupil payments is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase in the per member amount of per pupil

aid paid to school districts between the previous school year and the current school year, if any.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 934. 115.363 (2) (b) of the statutes is amended to read:

115.363 (2) (b) The school board shall pay to each nonprofit corporation with which it contracts under par. (a) an amount that is no more than the amount paid per pupil under s. 118.40 (2r) (e) ~~2m., 2n., or 2p.~~ 2q. in the current school year multiplied by the number of pupils participating in the program under the contract.

SECTION 935. 115.7915 (4m) (a) 2. c. of the statutes is created to read:

115.7915 (4m) (a) 2. c. Beginning in the 2023-24 school year, the sum of the scholarship amount under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

****NOTE: This is reconciled s. 115.7915 (4m) (a) 2. c. This SECTION has been affected by drafts with the following LRB numbers:-1011/P1 and -1013/P1.

SECTION 936. 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

118.40 (2r) (e) 2p. (intro.) ~~In~~ Beginning in the 2015-16 school year and ~~in each ending in the 2022-23 school year thereafter,~~ for a pupil attending a charter school established by or under a contract with an entity under par. (b) 1., from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the

change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, if positive. The change in the statewide categorical aid per pupil shall be determined as follows:

SECTION 937. 118.40 (2r) (e) 2q. of the statutes is created to read:

118.40 (2r) (e) 2q. Beginning in the 2023-24 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), for a pupil attending a charter school established by or under a contract with an entity under par. (b) 1., the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 938. 118.40 (2r) (g) 1. b. of the statutes is amended to read:

118.40 (2r) (g) 1. b. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (e) ~~2p.~~ 2q. for that school year.

SECTION 939. 118.50 (2m) (a) 2. of the statutes is amended to read:

118.50 (2m) (a) 2. Beginning in the 2017-18 school year and ending in the 2022-23 school year, the sum of the per pupil amount under this paragraph for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 940. 118.50 (2m) (a) 3. of the statutes is created to read:

118.50 (2m) (a) 3. Beginning in the 2023-24 school year, the sum of the per pupil amount under this paragraph for the previous school year; the amount of the

per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 941. 118.51 (16) (a) 3. b. of the statutes is amended to read:

118.51 (16) (a) 3. b. Beginning with the amount in the 2015-16 school year and ending with the amount in the 2022-23 school year, except as provided in subd. 3. c., ~~in each school year thereafter~~, the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 942. 118.51 (16) (a) 3. bm. of the statutes is created to read:

118.51 (16) (a) 3. bm. Beginning with the amount for the 2023-24 school year and in each school year thereafter, the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 943. 118.51 (17) (b) 2. cm. of the statutes is created to read:

118.51 (17) (b) 2. cm. Beginning in the 2023-24 school year, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

***NOTE: This is reconciled s. 118.51 (17) (b) 2. cm. This SECTION has been affected by drafts with the following LRB numbers:-1011/P1 and -1013/P1.

SECTION 944. 118.60 (4) (bg) 3. of the statutes is amended to read:

118.60 (4) (bg) 3. In the 2015-16 to 2022-23 school year and in each school year thereafter years, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 5., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 945. 118.60 (4) (bg) 6. of the statutes is created to read:

118.60 (4) (bg) 6. Beginning in the 2023-24 school year and in each school year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 7., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the

change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 946. 118.60 (4) (bg) 7. of the statutes is created to read:

118.60 (4) (bg) 7. If the pupil described in subd. 6. is enrolled in a private school that enrolls pupils under the program in any grade between kindergarten to 8 and also in any grade between 9 to 12, the state superintendent shall substitute for the amount described in subd. 6. the amount determined under subd. 4. a. to d., with the following modifications:

a. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between kindergarten to 8 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

b. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between 9 to 12 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 947. 119.23 (4) (bg) 3. of the statutes is amended to read:

119.23 (4) (bg) 3. In the 2015-16 ~~to 2022-23~~ school year ~~and in each school year thereafter~~ years, upon receipt from the pupil's parent or guardian of proof of the

pupil's enrollment in the private school during a school term, except as provided in subd. 5., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

SECTION 948. 119.23 (4) (bg) 6. of the statutes is created to read:

119.23 (4) (bg) 6. Beginning in the 2023-24 school year and in each school year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, except as provided in subd. 7., the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

SECTION 949. 119.23 (4) (bg) 7. of the statutes is created to read:

119.23 (4) (bg) 7. If the pupil described in subd. 6. is enrolled in a private school that enrolls pupils under the program in any grade between kindergarten to 8 and

also in any grade between 9 to 12, the state superintendent shall substitute for the amount described in subd. 6. the amount determined under subd. 4. a. to d., with the following modifications:

a. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between kindergarten to 8 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

b. Multiply the number of pupils participating in the program who are enrolled in the private school in any grade between 9 to 12 by the sum of the maximum amount per pupil the state superintendent paid a private school under this section in the previous school year for the grade in which the pupil is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) between the previous school year and the current school year, if positive.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1013/P2
FFK:kms/skw/wlj

DOA:.....Kretschmann, BB0096 - Repeal Special Needs Scholarship and
Open Enrollment Actual Costs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

***Per pupil payment and transfer amount based on actual costs; Special Needs
Scholarship Program and full-time Open Enrollment***

Under current law, the per pupil payment amount for a child participating in the Special Needs Scholarship Program and the transfer amount for a child with a disability in the full-time Open Enrollment Program is one of the following:

1. A per pupil amount set by law. The SNSP per pupil payment amount and transfer amount for a child with a disability in the OEP for the 2022-23 school year is \$13,076.

2. An alternative amount based on the actual costs to educate the pupil in the previous school year, as reported by the private school or nonresident school district, whichever is applicable. For example, under this option, the amount paid to a private school in the SNSP or nonresident school district in the 2022-23 school year is based on the actual costs to educate the pupil in the 2021-22 school year, as reported by the private school or nonresident school district.

This bill repeals the alternative SNSP per pupil payment amount and OEP transfer amount based on the actual costs to educate the pupil and the processes for

setting these alternative amounts. Under the bill, the SNSP per pupil payment amount and the OEP transfer amount for children with disabilities is the same for all pupils and is set by law. In the 2022-23 school year, the amount set by law is \$13,076.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 950. 20.255 (2) (az) of the statutes is amended to read:

20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to make the payments under s. 115.7915 (4m) (a), ~~(em)~~, and (e) and (4p).

SECTION 951. 20.255 (2) (cg) of the statutes is amended to read:

20.255 (2) (cg) *Tuition payments; full-time open enrollment transfer payments.*

The amounts in the schedule for payment of tuition under subch. V of ch. 121 and full-time open enrollment transfer payments under s. 118.51 (16) (b) 2. and (17) (c) 2. and ~~(em) 2.~~

SECTION 952. 115.77 (1) of the statutes is amended to read:

115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), “local educational agency” means the school district that the child is attending.

SECTION 953. 115.79 (1) (b) of the statutes is amended to read:

115.79 (1) (b) An educational placement is provided to implement a child’s individualized education program. Except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide an educational placement for the child and shall

pay tuition charges instead of the school district in which the child resides if required by the placement.

SECTION 954. 115.7915 (4c) of the statutes is repealed.

SECTION 955. 115.7915 (4m) (a) 2. b. of the statutes is amended to read:

115.7915 (4m) (a) 2. b. Beginning in the 2018-19 school year and subject to ~~subd. 3., ending in the 2022-23 school year,~~ the sum of the scholarship amount under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive, or the amount under s. 115.7915 (4m) (a) 3., 2021 stats., if applicable.

***NOTE: This is reconciled s. 115.7915 (4m) (a) 2. b. This SECTION has been affected by drafts with the following LRB numbers:-1011/P1 and 1013/P1.

SECTION 956. 115.7915 (4m) (a) 3. of the statutes is repealed.

SECTION 957. 115.7915 (4m) (cm) of the statutes is repealed.

SECTION 958. 115.7915 (4m) (f) 1. a. of the statutes is amended to read:

115.7915 (4m) (f) 1. a. Determine the ~~sum of the amount paid for each child~~ number of children residing in the school district for whom a payment is made under par. (a) in that school year.

SECTION 959. 115.7915 (4m) (f) 1. bm. of the statutes is created to read:

115.7915 (4m) (f) 1. bm. Multiply the number of children under subd. 1. a. by the per pupil amount calculated under par. (a) for that school year.

SECTION 960. 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

115.7915 (4m) (f) 1. e. Sum the amounts calculated under subd. 1. a., ~~bm.,~~ d., and dh.

SECTION 961. 118.51 (1) (aj) of the statutes is repealed.

SECTION 962. 118.51 (9) of the statutes is amended to read:

118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d) or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) ~~(b)~~, the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 963. 118.51 (12) (title) of the statutes is amended to read:

118.51 (12) (title) ~~NONRESIDENT SCHOOL DISTRICT STATEMENT OF EDUCATIONAL COSTS; SPECIAL~~ SPECIAL EDUCATION OR RELATED SERVICES.

SECTION 964. 118.51 (12) (a) of the statutes is repealed.

SECTION 965. 118.51 (12) (b) of the statutes is renumbered 118.51 (12).

SECTION 966. 118.51 (16) (a) 1. of the statutes is amended to read:

118.51 (16) (a) 1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

SECTION 967. 118.51 (16) (a) 2. of the statutes is amended to read:

118.51 (16) (a) 2. For each school district, the number of resident pupils attending public school in a nonresident school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

SECTION 968. 118.51 (16) (c) of the statutes is amended to read:

118.51 (16) (c) If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection and sub. (17) (c) ~~and (em)~~ based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

SECTION 969. 118.51 (16) (d) of the statutes is amended to read:

118.51 (16) (d) The department shall ensure that the aid adjustments under par. (b) and sub. (17) (c) ~~and (em)~~ do not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

SECTION 970. 118.51 (17) (b) 2. c. of the statutes is amended to read:

118.51 (17) (b) 2. c. Beginning in the 2018-19 school year, ~~and subject to subd. 3.~~ and ending in the 2022-23 school year, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive, or the amount under s. 118.51 (17) (b) 3., 2021 stats., if applicable.

SECTION 971. 118.51 (17) (b) 3. of the statutes is repealed.

SECTION 972. 118.51 (17) (bm) of the statutes is repealed.

SECTION 973. 118.51 (17) (c) of the statutes is amended to read:

118.51 (17) (c) 1. If Beginning in the 2022-23 school year, if the number determined in par. (b) 1. a. is greater than the number determined in par. (b) 1. b. for a school district, in the 2016-17, 2017-18, and 2018-19 school years, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by an the amount under par. (b) 2. a., b., or c. for the applicable school year.

2. If Beginning in the 2022-23 school year, if the number determined in par. (b) 1. a. is less than the number determined in par. (b) 1. b. for a school district, in the 2016-17, 2017-18, and 2018-19 school years, the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by an the amount under par. (b) 2. a., b., or c. for the applicable school year. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

SECTION 974. 118.51 (17) (cm) of the statutes is repealed.

SECTION 975. 121.84 (4) (b) of the statutes is amended to read:

121.84 (4) (b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9) applies.

SECTION 976. 121.91 (4) (p) 1. of the statutes is amended to read:

121.91 (4) (p) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. ~~or (cm) 2. or s. 118.51 (17) (cm) 2., 2021 stats.,~~ in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1015/P3
FFK:cjs

DOA:.....Kretschmann, BB0099 - Locally Sourced Foods Incentive Payment
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Locally sourced food incentive payments

This bill requires DPI to reimburse a school food authority 10 cents for each school meal it provided in the previous school year that contained locally sourced food. Under the bill, a “school food authority” is an educational entity that participates in the federal school lunch program and a “school meal” is a lunch or snack provided under the federal school lunch program or a breakfast provided under the federal school breakfast program. Finally, the bill defines “locally sourced food” as food that is raised, produced, aggregated, sorted, processed, and distributed within this state.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 977. 20.255 (2) (bk) of the statutes is created to read:

20.255 (2) (bk) *Locally sourced food incentive payments.* The amounts in the schedule for payments to school food authorities under s. 115.344.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 978. 115.344 of the statutes is created to read:

115.344 Locally sourced food incentive payments. (1) In this section:

(a) “Federal school breakfast program” means the program under 42 USC 1773.

(b) “Federal school lunch program” means the program under 42 USC 1751 to 1769j.

(c) “Locally sourced food” means food that is raised, produced, aggregated, sorted, processed, and distributed within this state.

(d) “School food authority” means all of the following that participate in the federal school lunch program:

1. A school district.
2. A charter school under s. 118.40 (2r) or (2x).
3. A private school.
4. A tribal school.
5. A residential care center for children and youth, as defined in s. 115.76 (14g).
6. The program under s. 115.52.
7. The center under s. 115.525.

(e) “School meal” means a lunch made available under the federal school lunch program, a meal supplement made available under the federal school lunch program, or a breakfast made available under the federal school breakfast program.

(2) Beginning in the 2024-25 school year and subject to sub. (3), the department shall reimburse a school food authority 10 cents for each school meal the

school food authority provided in the previous school year that included a locally sourced food.

(3) If the appropriation under s. 20.255 (2) (bk) in any fiscal year is insufficient to pay the full amount of aid under this section, the department shall prorate payments among the school food authorities entitled to the aid.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1021/P1
KP:klm

DOA:.....Quinn, BB0116 - Homestead credit indexing

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Homestead tax credit

Under current law, the homestead tax credit is a refundable income tax credit that may be claimed by homeowners and renters. The credit is based on the claimant's household income and the amount of property taxes or rent constituting property taxes on his or her Wisconsin homestead. Because the credit is refundable, if the credit exceeds the claimant's income tax liability, he or she receives the excess as a refund check. Under current law, there are three key dollar amounts used when calculating the credit:

1. If household income is \$8,060 or less, the credit is 80 percent of the property taxes or rent constituting property taxes. If household income exceeds \$8,060, the property taxes or rent constituting property taxes are reduced by 8.785 percent of the household income exceeding \$8,060, and the credit is 80 percent of the reduced property taxes or rent constituting property taxes.
2. The credit may not be claimed if household income exceeds \$24,680.
3. The maximum property taxes or rent constituting property taxes used to calculate the credit is \$1,460.

Beginning with claims filed for the 2023 tax year, this bill reduces the percentage used for household income over \$8,060 from 8.785 to 5.614 percent and

increases the maximum income amount from \$24,680 to \$35,000. The bill also indexes the \$8,060, \$35,000, and \$1,460 amounts for inflation during future tax years.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 979. 71.54 (1) (g) (intro.) of the statutes is amended to read:

71.54 (1) (g) ~~2012 and thereafter~~ to 2023. (intro.) The amount of any claim filed in 2012 ~~and thereafter~~ to 2023 and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

SECTION 980. 71.54 (1) (g) 4. of the statutes is amended to read:

71.54 (1) (g) 4. ~~Except as provided in subds. 5. and 7., for~~ For claims filed in 2018 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year, no credit may be allowed under this paragraph if the claimant has no earned income in the taxable year to which the claim relates unless the claimant is disabled and provides the proof required under subd. 6. or the claimant or the claimant's spouse is over the age of 61 at the close of the year to which the claim relates.

SECTION 981. 71.54 (1) (g) 5. of the statutes is repealed.

SECTION 982. 71.54 (1) (g) 6. (intro.) of the statutes is amended to read:

71.54 (1) (g) 6. (intro.) ~~With regard to a claimant who is disabled, the~~ A claimant who is disabled shall provide with his or her return proof that his or her disability is in effect for the taxable year to which the claim relates. Proof of disability may be demonstrated by any of the following:

SECTION 983. 71.54 (1) (g) 7. of the statutes is repealed.

SECTION 984. 71.54 (1) (h) of the statutes is created to read:

71.54 (1) (h) *2024 and thereafter.* Subject to sub. (2m), the amount of any claim filed in 2024 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

1. If the household income was \$8,060 or less in the year to which the claim relates, the claim is limited to 80 percent of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead.

2. If the household income was more than \$8,060 in the year to which the claim relates, the claim is limited to 80 percent of the amount by which the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead exceeds 5.614 percent of the household income exceeding \$8,060.

3. No credit may be allowed if the household income exceeds \$35,000.

4. Notwithstanding the time limitations described in par. (g) (intro.), the provisions of par. (g) 4. apply to claims filed under this paragraph.

SECTION 985. 71.54 (2) (b) 4. of the statutes is amended to read:

71.54 (2) (b) 4. In calendar years 2011 ~~or any subsequent calendar year to 2022~~, \$1,460.

SECTION 986. 71.54 (2) (b) 5. of the statutes is created to read:

71.54 (2) (b) 5. Subject to sub. (2m), in calendar year 2023 or any subsequent calendar year, \$1,460.

SECTION 987. 71.54 (2m) of the statutes is amended to read:

71.54 (2m) INDEXING FOR INFLATION; ~~2010 2024 AND THEREAFTER.~~ (a) For calendar years beginning after December 31, 2009, ~~and before January 1, 2011~~ 2023, the dollar amounts of the threshold income under sub. (1) (~~f~~) (h) 1. and 2., the maximum

household income under sub. (1) ~~(f)~~ (h) 3., and the maximum property taxes under sub. (2) (b) 3. 5. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for the month of August of the year before the previous year through the month of July of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the 12-month average of the U.S. consumer price index for August ~~2007~~ 2021 through July ~~2008~~ 2022, as determined by the federal department of labor, except that the adjustment may occur only if the percentage is a positive number. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10. The department of revenue shall annually adjust the changes in dollar amounts required under this paragraph and incorporate the changes into the income tax forms and instructions.

(b) The department of revenue shall annually adjust the slope under sub. (1) ~~(f)~~ (h) 2. ~~such so~~ that, as a claimant's income increases from the threshold income as ~~calculated~~ adjusted under par. (a), to an amount that exceeds the maximum household income as ~~calculated~~ adjusted under par. (a), the credit that may be claimed is reduced to \$0, and the department of revenue shall incorporate the changes into the income tax forms and instructions.

SECTION 9337. Initial applicability; Revenue.

(1) HOMESTEAD TAX CREDIT. The treatment of s. 71.54 (1) (h) first applies to claims filed for taxable years beginning after December 31, 2022.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1022/P1
KP:amn

DOA:.....Quinn, BB0114 - Caregiver tax credit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Caregiver tax credit

This bill creates an income tax credit for individuals who pay for items that directly relate to the care or support of a family member who requires assistance with one or more daily living activities and is over the age of 18. The credit equals 50 percent of the expenses, limited to a maximum annual credit per family member of \$500, or \$250 for married spouses filing separately. If more than one individual may claim the credit based on the same family member, the maximum annual credit amount is apportioned among them based on expenses paid. For married couples filing jointly, the credit phases out between federal adjusted gross income of \$150,000 and \$170,000, and no credit may be claimed if federal AGI exceeds \$170,000. For all other taxpayers, the phase out range is between federal AGI of \$75,000 and \$85,000, and no credit may be claimed if federal AGI exceeds \$85,000. Under the bill, expenses that qualify for the credit include amounts spent on improving the claimant's primary residence to assist the family member, purchasing equipment to help the family member with daily living activities, and obtaining other goods or services to help care for the family member. Expenses that do not qualify for the credit include general food, clothing, transportation, and household repair costs, as

well as amounts that are reimbursed by insurance or other means. The credit is nonrefundable, which means it may be claimed only up to the amount of the claimant's tax liability.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 988. 71.07 (8p) of the statutes is created to read:

71.07 (8p) FAMILY CAREGIVER TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an individual who files a claim under this subsection for amounts paid for qualified expenses to benefit a qualified family member.

2. "Physician" has the meaning given in s. 36.60 (1) (b).

3. "Qualified expenses" means amounts paid by a claimant in the year to which the claim relates for items that relate directly to the care or support of a qualified family member, including the following:

a. The improvement or alteration of the claimant's primary residence to enable or assist the qualified family member to be mobile, safe, or independent.

b. The purchase or lease of equipment to enable or assist the qualified family member to carry out one or more activities of daily living.

c. The acquisition of goods or services, or support, to assist the claimant in caring for the qualified family member, including employing a home care aide or personal care attendant, adult day care, specialized transportation, legal or financial services, or assistive care technology.

4. "Qualified family member" means an individual to whom all of the following apply:

a. The individual is at least 18 years of age during the taxable year to which the claim relates.

b. The individual requires assistance with one or more daily living activities, as certified in writing by a physician.

c. The individual is the claimant's family member, as defined in s. 46.2805 (6m).

(b) *Filing claims.* For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, 50 percent of the claimant's qualified expenses.

(c) *Limitations.* 1. Subject to subds. 2. and 3., the maximum credit that may be claimed under this subsection each taxable year with regard to a particular qualified family member is \$500 or, if a claimant is married and filing a separate return, \$250. If more than one individual may file a claim under this subsection for a particular qualified family member, the maximum credit specified in this subdivision shall be apportioned among all eligible claimants based on the ratio of their qualified expenses to the total amount of all qualified expenses incurred on behalf of that particular qualified family member, as determined by the department.

2. If the claimant is married and filing jointly and the couple's federal adjusted gross income in the taxable year exceeds \$170,000, no credit may be claimed under this subsection. If the claimant is married and filing jointly and the couple's federal adjusted gross income in the taxable year exceeds \$150,000, but does not exceed \$170,000, the credit claimed under this subsection may not exceed the amount determined as follows:

a. Determine the amount allowed under par. (b) without regard to this subdivision but with regard to subd. 1.

- b. Subtract \$150,000 from the couple's federal adjusted gross income.
- c. Divide the amount determined under subd. 2. b. by \$20,000.
- d. Multiple the amount determined under subd. 2. a. by the amount determined under subd. 2. c.

e. Subtract the amount determined under subd. 2. d. from the amount determined under subd. 2. a.

3. If the claimant files as a single individual or head of household, or is married and files separately, and the claimant's federal adjusted gross income in the taxable year exceeds \$85,000, no credit may be claimed under this subsection. If the claimant files as a single individual or head of household, or is married and files separately, and the claimant's federal adjusted gross income in the taxable year exceeds \$75,000, but does not exceed \$85,000, the credit claimed under this subsection may not exceed the amount determined as follows:

a. Determine the amount allowed under par. (b) without regard to this subdivision but with regard to subd. 1.

b. Subtract \$75,000 from the claimant's federal adjusted gross income.

c. Divide the amount determined under subd. 3. b. by \$10,000.

d. Multiple the amount determined under subd. 3. a. by the amount determined under subd. 3. c.

e. Subtract the amount determined under subd. 3. d. from the amount determined under subd. 3. a.

4. No credit may be allowed under this subsection unless it is claimed within the period specified under s. 71.75 (2).

5. No credit may be claimed under this subsection by nonresidents or part-year residents of this state.

6. Qualified expenses may not include any of the following:

a. General food, clothing, or transportation expenses.

b. Ordinary household maintenance or repair expenses that are not directly related or necessary for the care of the qualified family member.

c. Any amount that is paid or reimbursed by insurance or other means.

7. No credit may be allowed under this subsection for a taxable year covering a period of less than 12 months, except for a taxable year closed by reason of the death of the taxpayer.

(d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

SECTION 989. 71.10 (4) (hd) of the statutes is created to read:

71.10 (4) (hd) Family caregiver tax credit under s. 71.07 (8p).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1023/P1
MDE:cjs

DOA:.....Kirschbaum, BB0119 - Tourism Marketing Clearinghouse

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This bill repeals the requirement that the Department of Tourism maintain a marketing clearinghouse to provide marketing services to state agencies.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 990. 20.380 (1) (kc) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 991. 41.21 of the statutes is repealed.

***NOTE: At a technical level, we can't transfer PR funds to a sum certain GPR appropriation (in this case, s. 20.380 (1) (b)). Rather, in the schedule, the DOA may increase the appropriation under s. 20.380 (1) (b) by the amount in s. 20.380 (1) (kc) that lapses back to the general fund. Let me know if you have any questions about this.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1024/P2
MJW:kms&emw

DOA:.....Richter, BB0118 - DAIT GPR Funding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Justice information systems funding

Under current law, DOA, in conjunction with the Public Defender Board, the director of state courts, DOC, DOJ, and district attorneys, is tasked with maintaining, promoting, and coordinating automated justice information systems that are compatible among counties and those officers and state agencies. Funding for the automated justice information systems comes from justice information fee receipts and penalty surcharge receipts. This bill creates a new GPR appropriation that will also fund the automated justice information systems.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 992. 16.971 (9) of the statutes is amended to read:

16.971 (9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice, and district attorneys, the department may maintain, promote, and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 (1) (dm), (kh), and (kq). The department shall annually report to the legislature under s. 13.172 (2) concerning the department's efforts to improve and increase the efficiency of integration of justice information systems.

SECTION 993. 20.505 (1) (dm) of the statutes is created to read:

20.505 (1) (dm) *Justice information systems; general purpose revenue.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1026/P3
MPG&JK:wlj&emw

DOA:.....Bork, BB0121 - Office of Election Transparency and Compliance

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

Office of Election Transparency and Compliance

This bill creates under the Elections Commission the Office of Election Transparency and Compliance. The office is under the direction and supervision of a director appointed in the classified service by the Elections Commission administrator.

The bill requires the office, as directed by the commission by resolution, to provide assistance and research to the commission concerning sworn complaints of election law violations, including violations by election officials. The bill further requires the office to provide assistance and research to the commission with respect to the following, as directed by the commission administrator:

1. Procedures at polling places.
2. Election processes.
3. Audits of election systems and equipment, including with respect to accessibility requirements for individuals with disabilities.
4. Responding to public records requests.
5. Responding to legislative inquiries and requests for assistance.
6. Responding to inquiries from the public.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 994. 5.053 of the statutes is created to read:

5.053 Office of election transparency and compliance. (1) DEFINITION.

In this section, “office” means the office of election transparency and compliance.

(2) DUTIES. The office shall do all of the following:

(a) As directed by the commission by resolution, provide assistance and research to the commission concerning a sworn complaint filed under s. 5.05 (2m) or 5.06.

(b) As directed by the administrator, provide assistance and research to the commission concerning the following:

1. Procedures at polling places.
2. Election processes.
3. Audits of election systems and equipment, including with respect to accessibility requirements for individuals with disabilities.
4. Responding to public records requests submitted under s. 19.35.
5. Responding to inquiries and requests for assistance made by a member, committee, or house of the state legislature.
6. Responding to inquiries from the public.

SECTION 995. 15.615 of the statutes is created to read:

15.615 Same; attached office. (1) OFFICE OF ELECTION TRANSPARENCY AND COMPLIANCE. There is created an office of election transparency and compliance, which is attached to the elections commission under s. 15.03. The office shall be

under the direction and supervision of a director who shall be appointed in the classified service by the administrator or interim administrator of the elections commission.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1027/P1
JK:emw

DOA:.....Quinn, BB0115 - Veterans and Surviving Spouses Credit for Renters

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Veterans and surviving spouses property tax credit

Under current law, an eligible veteran or surviving spouse may claim a refundable income tax credit that equals the amount of property taxes paid during the year on his or her principal dwelling in Wisconsin. Current law does not expressly address the treatment of renters. DOR allows an eligible veteran or surviving spouse who is a renter to claim the credit if he or she is required to pay the property taxes under a written agreement with the landlord and pays the property taxes directly to the municipality.

Under this bill, an eligible veteran or surviving spouse who is a renter may claim the credit in an amount equal to his or her rent constituting property taxes. The bill defines "rent constituting property taxes" to mean 20 percent of the rent paid during the year for the use of a principal dwelling if heat is included in the rent and 25 percent of the rent if heat is not included.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 996. 71.07 (6e) (a) 6. of the statutes is created to read:

71.07 (6e) (a) 6. “Rent constituting property taxes” has the meaning given in sub. (9) (a) 4.

SECTION 997. 71.07 (6e) (b) of the statutes is amended to read:

71.07 (6e) (b) *Filing claims.* Subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02 the amount of the claimant’s property taxes or rent constituting property taxes. If the allowable amount of the claim exceeds the income taxes otherwise due on the claimant’s income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (em).

SECTION 998. 71.07 (6e) (c) 3. of the statutes is amended to read:

71.07 (6e) (c) 3. If an eligible veteran and an eligible spouse file separate returns, each spouse may claim a credit under this subsection for property taxes based on their respective ownership interest in the eligible veteran’s principal dwelling or for rent constituting property taxes based on 50 percent of the total rent constituting property taxes paid during the taxable year for the eligible veteran’s principal dwelling.

SECTION 9337. Initial applicability; Revenue.

(1) VETERANS AND SURVIVING SPOUSES PROPERTY TAX CREDIT. The treatment of s. 71.07 (6e) (a) 6., (b), and (c) 3. first applies to taxable years beginning after December 31, 2022.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1028/P1
JK:amn

DOA:.....Quinn, BB0117 - Veterans and Surviving Spouses Property Tax
Credit Eligibility Expansion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Veterans and surviving spouses property tax credit eligibility expansion

This bill reduces the eligibility threshold for an eligible veteran, the spouse of an eligible veteran, and the unremarried surviving spouse of an eligible veteran to claim the veterans and surviving spouses property tax credit under the individual income tax system. Under the bill, a claimant may claim the credit if the service-connected disability rating of the veteran for whom the claimant is claiming the credit is at least 70 percent. Currently, that rating must be 100 percent.

Under the bill, the maximum credit that a claimant may claim is multiplied by the percentage of the service-connected disability rating. The bill does not affect a claimant who claims the credit based on the individual unemployability rating. Under current law, a claimant may also claim the credit if the disability rating based on individual unemployability of the veteran for whom the claimant is claiming the credit is 100 percent.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 999. 71.07 (6e) (a) 2. b. of the statutes is amended to read:

71.07 (6e) (a) 2. b. An individual who had served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces; who was a resident of this state at the time of entry into that active service or who had been a resident of this state for any consecutive 5-year period after entry into that active duty service; who was a resident of this state at the time of his or her death; and who had either a service-connected disability rating of ~~100~~ at least 70 percent under 38 USC 1114 or 1134 or a 100 percent disability rating based on individual unemployability.

SECTION 1000. 71.07 (6e) (a) 3. d. of the statutes is amended to read:

71.07 (6e) (a) 3. d. Has either a service-connected disability rating of ~~100~~ at least 70 percent under 38 USC 1114 or 1134 or a 100 percent disability rating based on individual unemployability.

SECTION 1001. 71.07 (6e) (c) 4. of the statutes is created to read:

71.07 (6e) (c) 4. If a service-connected disability rating is less than 100 percent, the amount that the claimant may claim under this subsection shall be multiplied by a percentage that equals that service-connected disability rating.

SECTION 9337. Initial applicability; Revenue.

(1) VETERANS PROPERTY TAX CREDIT EXPANSION. The treatment of s. 71.07 (6e) (a) 2. b. and 3. d. and (c) 4. first applies to taxable years beginning after December 31, 2022.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1031/P2
ZDW:amn&wlj

DOA:.....Potts, BB0127 - Lead service line replacement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Lead service line replacement

This bill creates a continuing appropriation from the general fund to the environmental improvement program for projects involving forgivable loans to private users of public water systems to replace lead service lines.

Under current law, DOA and DNR administer the safe drinking water loan program (SDWLP), which provides financial assistance from the environmental improvement program to local governmental units and to the private owners of community water systems that serve local governmental units for projects for the planning, designing, construction, or modification of public water systems. DNR establishes a funding list for SDWLP projects and DOA allocates funding for those projects.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1002. 13.48 (26m) of the statutes is created to read:

13.48 **(26m)** LEAD SERVICE LINE REPLACEMENT. The legislature finds and determines that the prevalence of lead service lines in connections to public water systems poses a public health hazard and that processes for reducing lead entering drinking water from such pipes requires additional treatment of wastewater. It is therefore in the public interest, and it is the public policy of this state, to assist private users of public water systems in replacing lead service lines.

SECTION 1003. 20.320 (2) (a) of the statutes is created to read:

20.320 **(2)** (a) *Lead service line replacement.* As a continuing appropriation, the amounts in the schedule for lead service line replacement loans under s. 281.61 (8) (b).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1004. 281.61 (8) (b) of the statutes is created to read:

281.61 **(8)** (b) The department of administration shall allocate the amount appropriated under s. 20.320 (2) (a) to projects involving forgivable loans to private users of public water systems to replace lead service lines.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1032/P3
ARG:cjs&wlj

DOA:.....Mott, BB0125 - Amend lifetime eligibility cap for Wisconsin grants for WTCS, UWS, and tribal colleges

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Duration limit for Wisconsin grants for public and tribal college students

This bill extends and clarifies the limit on the total number of semesters a UW System, technical college, or tribal college student may receive a Wisconsin grant.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident undergraduate students enrolled at least half time in various postsecondary institutions, including UW System schools, technical colleges, and tribal colleges in this state. HEAB limits its award of these grants to 10 semesters or their equivalent.

This bill limits these grants to 12 semesters of full-time enrollment or their equivalent. If a student receiving the grant is enrolled less than full-time, only the fraction of the student's enrollment, in proportion to full-time enrollment, is counted toward this 12-semester limit.

Grants to students with visual or hearing impairment and talent incentive grants

Under current law, HEAB also administers programs to award grants to postsecondary students with visual or hearing impairments and to award talent incentive grants.

The bill makes clarifying changes relating to these grants that do not substantively affect HEAB's administration of these grant programs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1005. 20.235 (1) (fd) of the statutes is amended to read:

20.235 (1) (fd) *Talent incentive grants.* Biennially, the amounts in the schedule for talent incentive grants under s. ~~39.435 (2)~~ 39.436 (1).

SECTION 1006. 20.235 (1) (fe) of the statutes is amended to read:

20.235 (1) (fe) *Wisconsin grants; University of Wisconsin System students.* Biennially, the amounts in the schedule for the Wisconsin grant program under s. 39.435 for University of Wisconsin System students, ~~except for grants awarded under s. 39.435 (2) or (5).~~

SECTION 1007. 20.235 (1) (ff) of the statutes is amended to read:

20.235 (1) (ff) *Wisconsin grants; technical college students.* Biennially, the amounts in the schedule for the Wisconsin grant program under s. 39.435 for technical college students, ~~except for grants awarded under s. 39.435 (2) or (5).~~

SECTION 1008. 20.235 (1) (fj) of the statutes is amended to read:

20.235 (1) (fj) *Impaired student grants.* Biennially, the amounts in the schedule for impaired student grants under s. ~~39.435 (5)~~ 39.436 (2).

SECTION 1009. 20.235 (1) (km) of the statutes is amended to read:

20.235 (1) (km) *Wisconsin grants; tribal college students.* Biennially, the amounts in the schedule for the Wisconsin grant program under s. 39.435 for tribal college students, ~~except for grants awarded under s. 39.435 (2) or (5).~~ All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 10. shall be

credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 1010. 36.11 (6) (c) of the statutes is amended to read:

36.11 (6) (c) By February 10 of each year, the board shall develop and submit to the higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, ~~except for grants awarded under s. 39.435 (2) or (5),~~ for the next fiscal year to students enrolled in the system.

SECTION 1011. 38.04 (7m) of the statutes is amended to read:

38.04 (7m) FINANCIAL AIDS. By February 10 of each year, the board shall develop and submit to the higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, ~~except for grants awarded under s. 39.435 (2) or (5),~~ for the next fiscal year to students enrolled in the technical colleges.

SECTION 1012. 39.285 (1) (b) of the statutes is amended to read:

39.285 (1) (b) If the board determines during a fiscal year that any formula approved under par. (a) during the prior fiscal year needs to be modified during the fiscal year in order to expend the entire amount appropriated for grants to students under s. 39.30 or 39.435, ~~except s. 39.435 (2) or (5),~~ in that fiscal year, the board shall submit the modified formula to the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the modified formula within 14 working days after the date of the submittal, the modified formula may be implemented as proposed by the board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the

purpose of reviewing the modified formula, the modified formula may be implemented only upon approval of the committee.

SECTION 1013. 39.285 (3) of the statutes is amended to read:

39.285 (3) By February 10 of each year, each tribally controlled college in this state is requested to develop and submit to the board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.435, ~~except for grants awarded under s. 39.435 (2) or (5),~~ for the next fiscal year to students enrolled at that tribally controlled college.

SECTION 1014. 39.31 (intro.) of the statutes is amended to read:

39.31 Determination of student costs. (intro.) In determining a student's total cost of attending a postsecondary institution for the purpose of calculating the amount of a grant under s. 39.30, 39.38, 39.435, 39.436, or 39.44, the board shall include the following:

SECTION 1015. 39.435 (2) of the statutes is renumbered 39.436 (1).

SECTION 1016. 39.435 (2m) of the statutes is created to read:

39.435 (2m) The board may award a grant under this section to the same student for up to 12 semesters of full-time enrollment or their equivalent. If the student receiving the grant is enrolled less than full-time in any semester or session, only the fraction of the student's enrollment, in proportion to full-time enrollment, shall be applied toward this 12-semester limit.

SECTION 1017. 39.435 (4) (a) of the statutes is amended to read:

39.435 (4) (a) The board shall award grants under this section based on a formula that accounts for ~~expected parental and student contributions~~ a family's expected family contribution, as defined in s. 39.437 (3) (a), and that is consistent

with generally accepted definitions and nationally approved needs analysis methodology.

****NOTE: The treatment of s. 39.435 (4) (a), above, is added to harmonize the provision with changes in LRB-1041 (BB0122).

SECTION 1018. 39.435 (5) of the statutes is renumbered 39.436 (2) and amended to read:

39.436 (2) ~~The board shall ensure that grants under this section are made available to students~~ administer a grant program for postsecondary resident students enrolled at least half-time and attending private or public institutions in this state who are deaf or hard of hearing or visually impaired and who demonstrate need. Grants may also be made available to such students attending private or public institutions in other states under criteria established by the board. In determining the financial need of these students special consideration shall be given to their unique and unusual costs. A grant awarded under this subsection may not be less than \$250 nor more than \$1,800 for any academic year. The board may award a grant under this subsection to the same student for up to 10 semesters or their equivalent, but may not award a grant to the same student more than 6 years after the initial grant is awarded to that student.

SECTION 1019. 39.436 (title), (3) and (4) of the statutes are created to read:

39.436 (title) Talent incentive grants; grants for students with visual or hearing impairment.

(3) The board shall award grants under this section based on a formula that accounts for a family's expected family contribution, as defined in s. 39.437 (3) (a), and that is consistent with generally accepted definitions and nationally approved needs analysis methodology.

****NOTE: Sub. (3), above, repeats s. 39.435 (4) (a). It is drafted to be consistent with with LRB-1041 (BB0122).

(4) The board may not make a grant under this section to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1033/P2
ARG:amn

DOA:.....Mott, BB0126 - Amend private nonprofit Wisconsin grant calculation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Wisconsin grant formula for private nonprofit colleges

This bill modifies the method that HEAB uses to determine the amount of a Wisconsin grant awarded to a student enrolled in a private nonprofit college.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident undergraduate students enrolled in various postsecondary institutions in this state. For students enrolled in UW System schools, technical colleges, and tribal colleges, HEAB must award grants based on a formula that accounts for expected parental and student contributions and is consistent with generally accepted definitions and nationally approved needs analysis methodology. For students enrolled in private nonprofit colleges, the amount of the grant that HEAB awards is based on a mathematical calculation specified by statute. All Wisconsin grants are subject to a maximum grant amount.

This bill eliminates the statutory mathematical calculation used to determine the amount of a Wisconsin grant awarded to a student enrolled in a private nonprofit college. The bill replaces this calculation with the same standard used for the award of grants to students enrolled in UW System schools, technical colleges, and tribal colleges.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1020. 39.30 (3) of the statutes is repealed and recreated to read:

39.30 (3) BASIS OF GRANTS. (a) The board shall award grants under this section based on a formula that accounts for a family's expected family contribution, as defined in s. 39.437 (3) (a), and that is consistent with generally accepted definitions and nationally approved needs analysis methodology.

****NOTE: The treatment of s. 39.30 (3) (a), above, matches the treatment in LRB-1032 (BB0125), which is harmonized with changes in LRB-1041 (BB0122).

(b) The awarding of grants under this section is subject to any formula approved or modified by the board under s. 39.285 (1).

SECTION 9320. Initial applicability; Higher Educational Aids Board.

(1) WISCONSIN GRANT CALCULATION FOR PRIVATE NONPROFIT COLLEGES. The treatment of s. 39.30 (3) first applies to grants awarded for the semester or session beginning after the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1034/P1
MDE:skw

DOA:.....Bork, BB0129 - Gaming Investigations Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

GAMBLING

Gaming investigative services

This bill creates a GPR appropriation for the Division of Gaming in DOA to fund investigative and outreach services for charitable gaming and tribal gaming.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1021. 20.505 (8) (d) of the statutes is created to read:

20.505 (8) (d) *Gaming investigative services.* The amounts in the schedule for investigative and outreach services under chs. 563 and 569.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1035/P1
MIM:cjs

DOA:.....Sherwin, BB0130 - Budget request for modernization of pension administration system

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

2025-27 budget request for pension administration system

This bill requires ETF to include in its 2025-27 biennial budget request a request for funding for modernization of ETF's pension administration system.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

(1) 2025-27 BIENNIAL BUDGET REQUEST. In submitting information under s. 16.42 for purposes of the 2025-27 biennial budget bill, the department of employee trust

funds shall include a request for funding for the modernization of the department's pension administration system.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1041/P1
JAM:klm

DOA:.....Mott, BB0122 - Updating terminology used in calculation of student financial aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Updating terminology used in calculation of student financial aid

This bill changes the meaning of the phrase “expected family contribution” in higher education statutes.

Under current state and federal law, the phrase “expected family contribution” describes a metric used in determining the amount of financial aid a college student may receive. The federal FAFSA Simplification Act of 2019 changed the name of “expected family contribution” to “student aid index,” and accompanied the name change with a change in how the federal government calculates the metric. Similar to the “expected family contribution,” the student aid index will “reflect an evaluation of a student’s approximate financial resources to contribute toward the student’s postsecondary education for the academic year.” The terminology change is set to go into effect on July 1, 2024, and will apply starting with the 2024-25 financial aid award year.

This bill changes the definition of “expected family contribution” to incorporate the changes to the federal terminology once the FAFSA Simplification Act of 2019 is implemented.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1022. 39.437 (3) (a) of the statutes is amended to read:

39.437 (3) (a) In this subsection, “expected family contribution” means the amount that a student and the student’s family are expected to contribute in an academic year to the cost of the student’s postsecondary education, as determined by use of the most recent federal Free Application for Federal Student Aid, as described in 20 USC 1090 (a), except that, upon implementation of the FAFSA Simplification Act, Pub. Law 116-260, section 702, as affected by the FAFSA Simplification Technical Corrections Act, Pub. Law 117-103, section 102, “expected family contribution” shall be determined consistently with requirements for determining the student aid index under 20 USC 472 to 477.

***NOTE: All other instances of “expected family contribution” cross-ref to this definition, so this would be the only needed change.

It appears that the Consolidated Appropriations Act, 2022, amends the plan to transition the EFC to SAI by pushing everything back a year. See page 771 of <https://www.congress.gov/117/plaws/publ103/PLAW-117publ103.pdf>. That means that, as of now, the law is set to go into effect July 1, 2024, to apply for the first time to the 2024-2025 academic year. We can’t know if this date will be again pushed back another year. We can draft the language as you see above, or we could pause this request until the next budget cycle.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1042/P3
JAM:kms&amn

DOA:.....Mott, BB0123 - Allowing quarter-time TCS students to be eligible
for certain grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Enrollment requirement for Wisconsin grants

This bill changes the enrollment requirement for a higher education grant known as a "Wisconsin grant" from at least half-time to at least quarter-time for students enrolled in technical colleges.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident undergraduate students enrolled at least half-time in various postsecondary institutions, including UW System schools, technical colleges, and tribal colleges in this state. This bill changes the enrollment requirement from half-time to quarter-time for students enrolled in technical colleges.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1023. 39.435 (title) and (1) of the statutes are amended to read:

39.435 (title) Wisconsin grants and talent incentive grants. (1) There is established, to be administered by the board, a grant program for postsecondary resident students enrolled at least half-time and registered as freshmen, sophomores, juniors, or seniors in accredited institutions of higher education or in tribally controlled colleges in this state, or enrolled at least quarter-time in a technical college within the technical college system in this state. ~~Except as authorized under sub. (5), such~~ These grants shall be made only to students enrolled in nonprofit public institutions or tribally controlled colleges in this state.

***NOTE: This is reconciled s. 39.435 (title) and (1). This SECTION has been affected by drafts with the following LRB numbers: -1032/P2 and -1042/P2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1043/P2
JAM:kms&amn

DOA:.....Mott, BB0124 - UWS Wisconsin Grants cap

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Raising the maximum amount that may be awarded in a Wisconsin grant

This bill raises the maximum amount that may be awarded through a Wisconsin grant during one academic year.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident undergraduate students enrolled at least half-time in various postsecondary institutions, including UW System schools, technical colleges, and tribal colleges in this state. A Wisconsin grant may not be less than \$250 during any one academic year, and may not be more than \$3,150 during any one academic year.

This bill raises the maximum amount of a Wisconsin grant for students enrolled in a UW System institution or college campus from \$3,150 in an academic year to an amount not to exceed half of the in-state, undergraduate tuition and fees charged at the University of Wisconsin-Madison for an academic year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1024. 39.435 (3) of the statutes is amended to read:

39.435 (3) Grants under sub. (1) shall not be less than \$250 during any one academic year, unless the joint committee on finance approves an adjustment in the amount of the minimum grant. Grants under sub. (1) shall not exceed ~~\$3,000~~ \$3,150 during any one academic year, except that beginning in academic year ~~2009-10~~ 2023-24, grants under sub. (1) shall not exceed ~~\$3,150~~ during any one academic year for students enrolled in a University of Wisconsin System institution or college campus shall not exceed during any one academic year half of the in-state, undergraduate tuition and fees charged at the University of Wisconsin-Madison for an academic year corresponding to the academic year for which the grant is made. The board shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the board deems necessary to assure uniform administration of the program.

***NOTE: For ease of reading, in the course of making this edit I removed the old reference to "beginning in the year 2009-10," since it relates to well over a decade ago. Please let me know if that's not consistent with your intent and you'd like it re-inserted.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1045/P1
JAM:kms&amn

DOA:.....Stinebrink, BB0134 - County and tribal veterans service office grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Veterans service officer grants

This bill increases the dollar amount of grants made to counties with a veterans service officer.

Under current law, DVA is required to annually award a grant to counties that employ a county veterans service officer chosen from a list of candidates who have completed a particular civil service examination or who were appointed under a certain civil service competitive examination procedure. The grants are awarded for the purpose of improving a county's services to veterans. The amount of each grant is \$9,350 for a county with a population of less than 20,000, \$11,000 for a county with a population of 20,000 to 45,499, \$12,650 for a county with a population of 45,500 to 74,999, and \$14,300 for a county with a population of 75,000 or more. Counties that employ a part-time county veterans service officer are eligible to receive an annual grant not exceeding \$550. DVA may also make annual grants not to exceed \$16,500 to the governing bodies of federally recognized American Indian tribes and bands if the tribal governing body appoints a tribal veterans service officer and enters into an agreement with DVA regarding the creation, goals, and objectives of the tribal veterans service officer position.

This bill doubles the dollar amount of the grants annually awarded to counties and tribal governing bodies and repeals the restriction that a county employing a part-time county veterans services officer receive a grant not to exceed \$550.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1025. 45.82 (2) of the statutes is amended to read:

45.82 (2) The department of veterans affairs shall award a grant annually to a county that meets the standards developed under this section if the county executive, administrator, or administrative coordinator certifies to the department that it employs a county veterans service officer who, if chosen after April 15, 2015, is chosen from a list of candidates who have taken a civil service examination for the position of county veterans service officer developed and administered by the bureau of merit recruitment and selection in the department of administration, or is appointed under a civil service competitive examination procedure under s. 59.52 (8) or ch. 63. The grant shall be ~~\$9,350~~ \$18,700 for a county with a population of less than 20,000, ~~\$11,000~~ \$22,000 for a county with a population of 20,000 to 45,499, ~~\$12,650~~ \$25,300 for a county with a population of 45,500 to 74,999, and ~~\$14,300~~ \$28,600 for a county with a population of 75,000 or more. The department of veterans affairs shall use the most recent Wisconsin official population estimates prepared by the demographic services center when making grants under this subsection.

SECTION 1026. 45.82 (3) of the statutes is repealed.

SECTION 1027. 45.82 (4) of the statutes is amended to read:

45.82 (4) The department shall provide grants to the governing bodies of federally recognized American Indian tribes and bands from the appropriation

under s. 20.485 (2) (km) or (vu) if that governing body enters into an agreement with the department regarding the creation, goals, and objectives of a tribal veterans service officer, appoints a veteran to act as a tribal veterans service officer, and gives that veteran duties similar to the duties described in s. 45.80 (5), except that the veteran shall report to the governing body of the tribe or band. The department may make annual grants in an amount not to exceed ~~\$16,500~~ \$33,000 per grant under this subsection and shall promulgate rules to implement this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1046/P3
EHS:amn

DOA:.....Bork, BB0120 - Tribal subsidized guardianship

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Tribal administration of subsidized guardianships

Under current law, a county department of human services or social services (county department) or DCF in a county having a population of 750,000 or more must provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if certain conditions have been met, including the conditions that 1) the child, if 14 years of age or over, has been consulted with regarding the guardianship arrangement; 2) the guardian has a strong commitment to caring for the child permanently; 3) the guardian is licensed as the child's foster parent, which licensing includes an inspection of the guardian's home under rules promulgated by DCF; 4) the guardian and all adult residents of the guardian's home have passed a criminal background investigation; and 5) prior to being named as guardian of the child, the guardian entered into a subsidized guardianship agreement with the county department or DCF. Under current law, a county department is reimbursed by DCF for the subsidized guardianship payments it makes, including guardianships of children ordered by tribal courts under a law substantially similar to the state's guardianship law (tribal guardianship law).

This bill allows DCF to enter into an agreement with the governing body of an Indian tribe to allow that governing body to administer subsidized guardianships ordered by a tribal court under a tribal guardianship law. Under such an agreement, the Indian tribe must comply with all requirements for administering subsidized guardianship that apply to counties and DCF, including eligibility. Under the bill, DCF reimburses Indian tribes for subsidized guardianship payments in the same way that it reimburses county departments under current law. The bill also specifies that a county department may provide subsidized guardianship payments for guardianships of children ordered by a tribal court if the county department has entered into an agreement with an Indian tribe to do so.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1028. 20.437 (1) (dd) of the statutes is amended to read:

20.437 (1) (dd) *State out-of-home care, adoption services, and subsidized guardianships.* The amounts in the schedule for foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), for the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., for the cost of the foster care monitoring system, for the cost of reimbursing counties and Indian tribes for subsidized guardianship payments under s. 48.623 (3) (a), for the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and for the cost of postadoption services to children with special needs.

SECTION 1029. 20.437 (1) (pd) of the statutes is amended to read:

20.437 (1) (pd) *Federal aid; state out-of-home care, adoption services, and subsidized guardianships.* All federal moneys received for meeting the costs of providing foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., the cost of reimbursing counties and Indian tribes for subsidized guardianship payments under s. 48.623 (3) (a), the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of postadoption services to children with special needs. Disbursements for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

SECTION 1030. 48.48 (8r) of the statutes is amended to read:

48.48 (8r) To reimburse county departments and Indian tribes, from the appropriations under s. 20.437 (1) (dd) and (pd), for subsidized guardianship payments made under s. 48.623 (1) or (6), including guardianships of ~~Indian~~ children ordered by tribal courts.

SECTION 1031. 48.623 (1) (intro.) of the statutes is amended to read:

48.623 (1) ELIGIBILITY. (intro.) A county department or, as provided in sub. (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law if the county department, Indian tribe, or department determines that the conditions specified in pars. (a) to (d) have been met. A county department or, as provided in sub. (3) (a),

a tribe or the department shall also provide those payments for the care of a sibling of such a child, regardless of whether the sibling meets the conditions specified in par. (a), if the county department, Indian tribe, or department and the guardian agree on the appropriateness of placing the sibling in the home of the guardian. A guardian of a child under s. 48.977 (2) or under a substantially similar tribal law is eligible for monthly subsidized guardianship payments under this subsection if the county department, Indian tribe, or ~~the~~ department, whichever will be providing those payments, determines that all of the following apply:

SECTION 1032. 48.623 (1) (b) 3. of the statutes is amended to read:

48.623 (1) (b) 3. The guardian is licensed as the child's foster parent and the guardian and all adults residing in the guardian's home meet the requirements specified in s. 48.685 or, for a guardianship of a child ordered by a tribal court in which the background investigation is conducted by the Indian tribe, all adults residing in the guardian's home meet either the requirements specified in s. 48.685 or the background check requirements for foster parent licensing under 42 USC 671 (a) (20).

SECTION 1033. 48.623 (1) (c) of the statutes is amended to read:

48.623 (1) (c) An order under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or a tribal court under a substantially similar tribal law placing the child, or continuing the placement of the child, outside of the child's home has been terminated, or any proceeding in which the child has been adjudged to be in need of protection or services specified in s. 48.977 (2) (a) has been dismissed, as provided in s. 48.977 (3r) (a).

SECTION 1034. 48.623 (2) (intro.) of the statutes is amended to read:

48.623 (2) SUBSIDIZED GUARDIANSHIP AGREEMENT. (intro.) Before a county department, an Indian tribe, or the department may approve the provision of subsidized guardianship payments under sub. (1) to a proposed guardian, the county department, Indian tribe, or department shall negotiate and enter into a written, binding subsidized guardianship agreement with the proposed guardian and provide the proposed guardian with a copy of the agreement. A subsidized guardianship agreement or an amended subsidized guardianship agreement may also name a prospective successor guardian of the child to assume the duty and authority of guardianship on the death or incapacity of the guardian. A successor guardian is eligible for monthly subsidized guardianship payments under this section only if the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement that was entered into before the death or incapacity of the guardian, the conditions specified in sub. (6) (bm) are met, and the court appoints the successor guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m). A subsidized guardianship agreement shall specify all of the following:

SECTION 1035. 48.623 (2) (c) of the statutes is amended to read:

48.623 (2) (c) That the county department, Indian tribe, or department will pay the total cost of the nonrecurring expenses that are associated with obtaining guardianship of the child, not to exceed \$2,000.

SECTION 1036. 48.623 (3) (a) of the statutes is amended to read:

48.623 (3) (a) Except as provided in this paragraph, the county department shall provide the monthly payments under sub. (1) or (6). An Indian tribe that has entered into an agreement with the department under sub. (8) shall provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the

tribal court, or a county department may provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments. The county department or Indian tribe shall provide those payments from moneys received under s. 48.48 (8r). The department shall reimburse county departments and Indian tribes for the cost of subsidized guardianship payments, including payments made by county departments for guardianships of Indian children ordered by tribal courts, from the appropriations under s. 20.437 (1) (dd) and (pd). In a county having a population of 750,000 or more or in the circumstances specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments under sub. (1) or (6). The department shall provide those payments from the appropriations under s. 20.437 (1) (cx) and (mx).

SECTION 1037. 48.623 (3) (b) of the statutes is amended to read:

48.623 (3) (b) The county department or, as provided in par. (a), an Indian tribe or the department shall determine the initial amount of a monthly payment under sub. (1) or (6) for the care of a child based on the circumstances of the guardian and the needs of the child. That amount may not exceed the amount received under s. 48.62 (4) or a substantially similar tribal law by the guardian of the child for the month immediately preceding the month in which the guardianship order was granted. A guardian or an interim caretaker who receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

SECTION 1038. 48.623 (3) (c) 1. of the statutes is amended to read:

48.623 (3) (c) 1. If a person who is receiving monthly subsidized guardianship payments under an agreement under sub. (2) believes that there has been a

substantial change in circumstances, as defined by the department by rule promulgated under sub. (7) (a), he or she may request that the agreement be amended to increase the amount of those payments. If a request is received under this subdivision, the county department, Indian tribe, or department shall determine whether there has been a substantial change in circumstances and whether there has been a substantiated report of abuse or neglect of the child by the person receiving those payments. If there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by that person, the county department, Indian tribe, or department shall offer to increase the amount of those payments based on criteria established by the department by rule promulgated under sub. (7) (b). If an increased monthly subsidized guardianship payment is agreed to by the person receiving those payments, the county department, Indian tribe, or department shall amend the agreement in writing to specify the increased amount of those payments.

SECTION 1039. 48.623 (3) (c) 2. of the statutes is amended to read:

48.623 (3) (c) 2. Annually, a county department, Indian tribe, or the department shall review an agreement that has been amended under subd. 1. to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the county department, Indian tribe, or department shall offer to decrease the amount of the monthly subsidized guardianship payments provided under sub. (1) based on criteria established by the department under sub. (7) (c). If the decreased amount of those payments is agreed to by the person receiving those payments, the county department, Indian tribe, or

department shall amend the agreement in writing to specify the decreased amount of those payments. If the decreased amount of those payments is not agreed to by the person receiving those payments, that person may appeal the decision of the county department, Indian tribe, or department regarding the decrease under sub. (5).

SECTION 1040. 48.623 (3) (d) of the statutes is amended to read:

48.623 (3) (d) The department, an Indian tribe, or a county department may recover an overpayment made under sub. (1) or (6) from a guardian or interim caretaker who continues to receive those payments by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments. A county department or Indian tribe that recovers an overpayment under this paragraph due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 1041. 48.623 (4) of the statutes is amended to read:

48.623 (4) ANNUAL REVIEW. A county department, an Indian tribe, or the department shall review a placement of a child for which the county department, Indian tribe, or department makes payments under sub. (1) not less than every 12 months after the county department, Indian tribe, or department begins making those payments to determine whether the child and the guardian remain eligible for those payments. If the child or the guardian is no longer eligible for those payments, the county department, Indian tribe, or department shall discontinue making those payments.

SECTION 1042. 48.623 (5) (b) 1. (intro.) of the statutes is amended to read:

48.623 (5) (b) 1. (intro.) Upon receipt of a timely petition described in par. (a) the department shall give the applicant or recipient reasonable notice and an

opportunity for a fair hearing. The department may make such additional investigation as it considers necessary. Notice of the hearing shall be given to the applicant or recipient and to the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. That county department, Indian tribe, or subunit of the department may be represented at the hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant or recipient and to the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. The decision of the department shall have the same effect as an order of the county department, Indian tribe, or subunit of the department whose action or failure to act is the subject of the petition. The decision shall be final, but may be revoked or modified as altered conditions may require. The department shall deny a petition for review or shall refuse to grant relief if any of the following applies:

SECTION 1043. 48.623 (5) (b) 2. of the statutes is amended to read:

48.623 **(5)** (b) 2. If a recipient requests a hearing within 10 days after the date of notice that his or her payments under sub. (1) are being decreased or discontinued, those payments may not be decreased or discontinued until a decision is rendered after the hearing but payments made pending the hearing decision may be recovered by the department if the contested action or failure to act is upheld. The department shall promptly notify the county department, Indian tribe, or the subunit of the department whose action is the subject of the hearing that the recipient has requested a hearing. Payments under sub. (1) shall be decreased or discontinued if the recipient is contesting a state law or a change in state law and not the determination of the payment made on the recipient's behalf.

SECTION 1044. 48.623 (6) (am) (intro.) of the statutes is amended to read:

48.623 (6) (am) (intro.) On the death, incapacity, resignation, or removal of a guardian receiving payments under sub. (1), the county department, Indian tribe, or the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) for a period of up to 12 months to an interim caretaker if all of the following conditions are met:

SECTION 1045. 48.623 (6) (am) 1. of the statutes is amended to read:

48.623 (6) (am) 1. The county department, Indian tribe, or department inspects the home of the interim caretaker, interviews the interim caretaker, and determines that placement of the child with the interim caretaker is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

SECTION 1046. 48.623 (6) (am) 2. of the statutes is amended to read:

48.623 (6) (am) 2. The county department, Indian tribe, or department conducts a background investigation under s. 48.685 of the interim caretaker and any nonclient resident, as defined in s. 48.685 (1) (bm), of the home of the interim caretaker and determines that those individuals meet the requirements specified in s. 48.685. For investigations conducted by an Indian tribe, the background investigation may be conducted under s. 48.685 or by meeting the background check requirements for foster parent licensing under 42 USC 671 (a) (20). The county department, Indian tribe, or department shall provide the department of health services with information about each person who is denied monthly subsidized guardianship payments or permission to reside in the home of an interim caretaker for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

SECTION 1047. 48.623 (6) (am) 3. of the statutes is amended to read:

48.623 (6) (am) 3. The interim caretaker cooperates with the county department, Indian tribe, or department in finding a permanent placement for the child.

SECTION 1048. 48.623 (6) (bm) (intro.), 1., 2., 3., 4. and 5. of the statutes are amended to read:

48.623 (6) (bm) (intro.) On the death or incapacity of a guardian receiving payments under sub. (1), the county department, an Indian tribe, or the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a person named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement that was entered into before the death or incapacity of the guardian if all of the following conditions are met and the court appoints the person as successor guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m):

1. The county department, Indian tribe, or department determines that the child, if 14 years of age or over, has been consulted with regarding the successor guardianship arrangement.

2. The county department, Indian tribe, or department determines that the person has a strong commitment to caring permanently for the child.

3. The county department, Indian tribe, or department inspects the home of the person, interviews the person, and determines that placement of the child with the person is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

4. Prior to being appointed as successor guardian to assume the duty and authority of guardianship, the person enters into a subsidized guardianship agreement under sub. (2) with the county department, Indian tribe, or department.

5. Prior to the person entering into the subsidized guardianship agreement, the county department, Indian tribe, or department conducts a background investigation under s. 48.685 of the person and any nonclient resident, as defined in s. 48.685 (1) (bm), of the home of the person and determines that those individuals meet the requirements specified in s. 48.685. The county department, Indian tribe, or department shall provide the department of health services with information about each person who is denied monthly subsidized guardianship payments or permission to reside in the home of a person receiving those payments for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

SECTION 1049. 48.623 (7) (b) of the statutes is amended to read:

48.623 (7) (b) Rules establishing requirements for submitting a request under sub. (3) (c) 1. and criteria for determining the amount of the increase in monthly subsidized guardianship payments that a county department, an Indian tribe, or the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the person receiving those payments.

SECTION 1050. 48.623 (8) of the statutes is created to read:

48.623 (8) TRIBAL AGREEMENTS. (a) The department may enter into an agreement with the governing body of an Indian tribe to allow that governing body to administer subsidized guardianships ordered by a tribal court under a tribal law substantially similar to s. 48.977 (2) and to be reimbursed by the department for eligible tribal subsidized guardianship payments. An agreement under this

paragraph shall require the governing body of an Indian tribe to comply with all requirements for administering subsidized guardianship that apply to counties and the department, including eligibility.

(b) A county department may provide the monthly payments under sub. (1) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments.

SECTION 1051. 48.685 (5) (a) of the statutes is amended to read:

48.685 (5) (a) Subject to par. (bm), the department may license to operate an entity, a county department or a child welfare agency may license to operate a foster home under s. 48.62, the department in a county having a population of 750,000 or more, an Indian tribe, or a county department may provide subsidized guardianship payments under s. 48.623 (6) to a person who otherwise may not be so licensed or provided those payments for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the entity a person who otherwise may not be so employed, provided payments, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, county department, or child welfare agency or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

SECTION 1052. 48.977 (3r) (a) of the statutes is amended to read:

48.977 (3r) (a) *Guardian*. Subsidized guardianship payments under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If a child's permanency plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of the determinations made under s. 48.623 (1) and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming those determinations. If the court confirms those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated to be in need of protection or services as specified in sub. (2) (a), the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the guardian under s. 48.623 (1).

SECTION 1053. 48.977 (3r) (b) of the statutes is amended to read:

48.977 (3r) (b) *Successor guardian*. Subsidized guardianship payments under s. 48.623 (6) (bm) may not be made to a successor guardian of a child unless the court makes a finding confirming that the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement under s. 48.623 (2) that was entered into before the death or incapacity of the guardian and that the conditions specified in s. 48.623 (6) (bm) have been met, appoints the successor guardian to assume the duty and

authority of guardianship as provided in sub. (5m), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If the court makes that finding and appointment and either terminates such an order or dismisses such a proceeding, the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the successor guardian under s. 48.623 (6) (bm).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1052/P1
EVM:klm

DOA:.....Schmidt, BB0139 - Police officer citizenship

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

Exception to law enforcement officer citizenship requirement

Under current law, no person may be appointed as a deputy sheriff of any county or police officer of any city, village, or town unless that person is a citizen of the United States. This bill allows the sheriff of a county or the appointing authority of a local law enforcement agency to elect to authorize the appointment of noncitizens who are in receipt of valid employment authorization from the federal Department of Homeland Security as deputy sheriffs or police officers. The bill also prevents the law enforcement standards board from preventing such a noncitizen from participating in a law enforcement preparatory training program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1054. 66.0501 (1) of the statutes is renumbered 66.0501 (1) (a) and amended to read:

66.0501 (1) (a) ~~No~~ Except as provided in par. (b), no person may be appointed deputy sheriff of any county or police officer for any city, village, or town unless that

person is a citizen of the United States. This section does not apply to common carriers or to a deputy sheriff not required to take an oath of office.

SECTION 1055. 66.0501 (1) (b) of the statutes is created to read:

66.0501 (1) (b) The sheriff of a county or the appointing authority of a local law enforcement agency that provides police service to a city, village, or town may elect to authorize the appointment of noncitizens who are in receipt of valid employment authorization from the federal department of homeland security as deputy sheriffs for that county or as police officers for that city, village, or town.

SECTION 1056. 165.85 (4) (a) 1m. of the statutes is created to read:

165.85 (4) (a) 1m. The board may not create criteria for participation in the preparatory training program under subd. 1. that would prevent a person from participation if the person is in receipt of a valid employment authorization from the federal department of homeland security.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1056/P2
EHS:skw

DOA:.....Vencill, BB0132 - Regeneration of non-DNR forested public lands

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FORESTRY

Public forest regeneration grants

This bill requires DNR to establish a public forest regeneration grant program. Under that program, DNR awards grants from moneys received for forestry activities for projects involving reforestation, forest regeneration, and forest management on public land. The bill provides that a project is eligible for a grant if it is located on public land owned by a local government or school district or by this state, except for land under the jurisdiction and control of DNR.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1057. 20.370 (5) (hs) of the statutes is created to read:

20.370 (5) (hs) *Public forest regeneration grants.* From the moneys received by the department for forestry activities, the amounts in the schedule for the public forest regeneration grant program under s. 28.25.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1058. 28.25 of the statutes is created to read:

28.25 Public forest regeneration grants. The department shall establish a grant program under which it awards grants for projects involving reforestation, forest regeneration, and forest management on public land. A project is eligible for a grant under this section if it is located on public land owned by a local government or school district or by this state, except for land under the jurisdiction and control of the department.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1059/P1
EAW:cjs

DOA:.....Richter, BB0108 - CHIPS pilot extension

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Five-county pilot program for representation of parents in CHIPS proceedings.

Under current law, a parent is generally not entitled to representation by a public defender in a proceeding under the Children's Code in which a child is alleged to be in need of protection or services. However, a pilot program that began in 2018 requires the state public defender to assign counsel to any nonpetitioning parent in these cases in the counties of Brown, Outagamie, Racine, Kenosha, and Winnebago. This five-county pilot program is set to expire on June 30, 2023. This bill extends the expiration date of the pilot program to June 30, 2025.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1059. 48.233 (2) of the statutes is amended to read:

48.233 (2) This section does not apply to a proceeding commenced under s. 48.13 after June 30, ~~2023~~ 2025.

SECTION 1060. 48.233 (3) of the statutes is amended to read:

48.233 (3) The state public defender may promulgate rules necessary to implement the pilot program established under sub. (1). The state public defender may promulgate the rules under this subsection as emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the state public defender is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until ~~2~~ 4 years after June 30, 2021.

SECTION 1061. 48.233 (4) of the statutes is amended to read:

48.233 (4) By January 1, ~~2021~~, and by January 1, ~~2023~~ 2025, the department and the state public defender shall each submit a report to the joint committee on finance, and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), regarding costs and data from implementing the pilot program under sub. (1).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1060/P3
MJW:kms/cjs/skw

DOA:.....Schmidt, BB0135 - Treatment Alternatives and Diversion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Treatment alternatives and diversion grant program

Under current law, DOJ, in collaboration with DOC and DHS, awards grants to counties and tribes that have established qualifying treatment alternatives and diversion (TAD) programs that offer substance abuse or mental health treatment services as alternatives to prosecution or incarceration in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

Under current law, in order to qualify for a TAD grant, a county's or tribe's program is required to match 25 percent of the grant and to charge participants a fee to participate. A county or tribe that receives a TAD grant must create an oversight committee to administer and evaluate its program. DOJ is required to make grants available to any county or tribe on a competitive basis every five years. At the end of the five-year grant cycle, DOJ is required to prepare a comprehensive report on the grant program based on annual reports and other data it collects from the counties and tribes.

Under current law, one of the appropriations used to fund the TAD grant program provides that DOJ may use that appropriation to provide a TAD grant to counties that were not a recipient of a TAD grant as of September 23, 2017.

The bill makes several changes to the TAD grant program. Under the bill, a program funded by a TAD grant need not focus solely on alcohol and other drug

treatment, but must employ evidence-based practices targeted to the population served by the program. The bill changes the match requirement from 25 percent to 10 percent and changes the competitive grant process to a four-year cycle. The bill allows, but does not require, an eligible program to charge participants a fee for their treatment. The bill also eliminates certain requirements pertaining to exposure of genitals during drug testing. The bill also provides that the appropriation that was formerly limited to providing a TAD grant to a county that had not received one as of September 23, 2017, may be used to provide a TAD grant to a county that is not a recipient of a TAD grant on the effective date of the bill.

Under current law, when a person pleads or is found guilty of certain drug offenses, the court is required to order a substance use assessment. Under current law, the court does not have to order an assessment if the person is already covered by such an order, has recently completed an assessment under such an order, or is participating in a TAD program. The bill specifies that if a person is participating in any evidence-based substance use disorder treatment program as determined by DOJ, regardless of its status relating to the TAD program, the court does not need to order an assessment.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1062. 20.455 (2) (ek) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1063. 20.455 (2) (em) (title) of the statutes is amended to read:

20.455 (2) (em) (title) *Alternatives Grants for alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.*

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1064. 20.455 (2) (jd) of the statutes is amended to read:

20.455 (2) (jd) *Alternatives to prosecution and incarceration grant program.*

The amounts in the schedule to provide grants under s. 165.95 (2) to counties that are not a recipient of a grant under the alternatives to incarceration grant program on September 23, 2017 the effective date of this paragraph [LRB inserts date].

All moneys transferred under 2017 Wisconsin Act 59, section 9228 (15t), and 2023

Wisconsin Act (this act), section 9227 (1), shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.455 (2) (jd). This SECTION has been affected by drafts with the following LRB numbers: -1060/P2 and -1062/P1.

SECTION 1065. 20.455 (2) (kn) (title) of the statutes is amended to read:

20.455 (2) (kn) (title) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.*

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1066. 20.455 (2) (kr) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1067. 20.455 (2) (kv) (title) of the statutes is amended to read:

20.455 (2) (kv) (title) *Grants for ~~substance abuse treatment~~ programs for criminal offenders.*

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1068. 165.95 (title) of the statutes is amended to read:

165.95 (title) Alternatives to prosecution and incarceration; grant program.

SECTION 1069. 165.95 (1) (ac) of the statutes is created to read:

165.95 (1) (ac) “Evidence-based practice” means a practice that has been developed using research to determine its efficacy for achieving positive measurable outcomes, including reducing recidivism and increasing public safety.

SECTION 1070. 165.95 (2) of the statutes is amended to read:

165.95 (2) The department of justice shall make grants to counties and to tribes to enable them to establish and operate programs, including suspended and deferred

prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who ~~abuse alcohol or other drugs~~. The department of justice shall make the grants from the appropriations under s. 20.455 (2) ~~(ek)~~, (em), (jd), (kn), and (kv). The department of justice shall collaborate with the department of corrections and the department of health services in establishing this grant program.

SECTION 1071. 165.95 (2r) of the statutes is amended to read:

165.95 (2r) Any county or tribe that receives a grant under this section ~~on or after January 1, 2012~~, shall provide matching funds that are equal to ~~25~~ 10 percent of the amount of the grant.

SECTION 1072. 165.95 (3) (a) of the statutes is repealed.

SECTION 1073. 165.95 (3) (ag) of the statutes is created to read:

165.95 (3) (ag) The county's or tribe's program operates within the continuum from arrest to discharge from supervision and provides an alternative to prosecution, revocation, or incarceration through the use of pre-charge and post-charge diversion programs or treatment courts and community-based corrections.

SECTION 1074. 165.95 (3) (b) of the statutes is amended to read:

165.95 (3) (b) The program employs evidence-based practices and is designed to promote and facilitate the implementation of effective criminal justice policies and practices that maximize justice and public and victim safety, reduce prison and jail populations, reduce prosecution and incarceration costs, and reduce recidivism, ~~and improve the welfare of participants' families by meeting the comprehensive needs of participants.~~

SECTION 1075. 165.95 (3) (bd) of the statutes is created to read:

165.95 (3) (bd) The program identifies each target population served by the program and identifies the evidence-based practices the program employs for each target population it serves.

SECTION 1076. 165.95 (3) (cm) 2. of the statutes is created to read:

165.95 (3) (cm) 2. If the program is administered by a tribe, the criminal justice oversight committee shall consist of a representative of the judiciary, a representative of criminal prosecution and criminal defense, a social services provider, a behavioral health treatment provider, a law enforcement officer, a representative of corrections, and other members that the oversight committee determines are appropriate to the program.

SECTION 1077. 165.95 (3) (d) of the statutes is amended to read:

165.95 (3) (d) Services provided under the program are consistent with evidence-based practices ~~in substance abuse and mental health treatment, as determined by the department of health services,~~ and the program provides intensive case management.

SECTION 1078. 165.95 (3) (e) of the statutes is amended to read:

165.95 (3) (e) The program uses graduated sanctions and incentives to promote ~~successful substance abuse treatment~~ success.

SECTION 1079. 165.95 (3) (g) of the statutes is amended to read:

165.95 (3) (g) The program is designed to integrate all ~~mental health~~ services provided to program participants by state and local government agencies, tribes, and other organizations. The program shall require regular communication and coordination among a participant's ~~substance abuse treatment providers, other~~ service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program,

and any probation, extended supervision, and parole agent assigned to the participant.

SECTION 1080. 165.95 (3) (h) of the statutes is amended to read:

165.95 (3) (h) The program provides ~~substance abuse and mental health treatment services through providers that~~ who use evidence-based practices in the delivery of services and, where applicable, who are certified by the department of health services or licensed to provide the services approved under the program.

SECTION 1081. 165.95 (3) (i) of the statutes is renumbered 165.95 (3d) and amended to read:

165.95 (3d) The A program requires that receives a grant under this section may require participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursues to pursue and uses use all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.

SECTION 1082. 165.95 (3) (j) of the statutes is amended to read:

165.95 (3) (j) The program is developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local and, if applicable, tribal law enforcement officials, county agencies and, if applicable, tribal agencies responsible for providing social services, including services relating to ~~alcohol and other drug addiction~~ substance use disorder, child welfare, mental health, and the Wisconsin Works program, the departments of corrections, children and families, and health services, private social services agencies, and substance abuse use disorder treatment providers.

SECTION 1083. 165.95 (3) (k) of the statutes is amended to read:

165.95 (3) (k) The county or tribe complies with other eligibility requirements established by the department of justice to promote the objectives listed in pars. (a) and (b) this subsection.

SECTION 1084. 165.95 (5) (a) of the statutes is renumbered 165.95 (3) (cm) (intro.) and amended to read:

165.95 (3) (cm) (intro.) ~~A county or tribe that receives a grant under this section shall create an~~ The program identifies a criminal justice oversight committee to develop and implement the program design and advise the county or tribe in administering and evaluating its program. ~~Each~~ The membership of each criminal justice oversight committee shall be as follows:

1. If the program is administered by a county, or by a county and a tribe pursuant to sub. (6), the criminal justice oversight committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of the tribe, if applicable, a representative of each other county agency and, if applicable, tribal agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the department of corrections and department of health services, a representative from private social services agencies, a representative of ~~substance abuse~~ behavioral health treatment providers, and other members ~~to be determined by the county or tribe~~ the oversight committee determines are appropriate for the program.

SECTION 1085. 165.95 (5) (b) of the statutes is renumbered 165.95 (5) (ag) and amended to read:

165.95 (5) (ag) A county or tribe that receives a grant under this section shall comply with state audits and shall submit an annual report to the department of justice and to the criminal justice oversight committee created under par. (a) identified in sub. (3) (cm) regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in sub. (3) (b) and (f).

SECTION 1086. 165.95 (5m) of the statutes is repealed.

SECTION 1087. 165.95 (6) of the statutes is amended to read:

165.95 (6) A county or tribe may, with one or more other counties or tribes, jointly apply for and receive a grant under this section. Upon submitting a joint application, each county or tribe shall include with the application a written agreement specifying each tribe's and each county department's role in developing, administering, and evaluating the program. The criminal justice oversight committee established under sub. (5) (a) identified in sub. (3) (cm) shall consist of representatives from each county or tribe that participates in the program.

SECTION 1088. 165.95 (7) of the statutes is amended to read:

165.95 (7) Grants provided under this section shall be provided on a calendar year basis ~~beginning on January 1, 2007. If the department of justice decides to make a grant to a county or tribe under this section, the department of justice shall notify the county or tribe of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.~~

SECTION 1089. 165.95 (7m) of the statutes is amended to read:

165.95 (7m) Beginning in fiscal year ~~2012-13~~ 2023-24, the department of justice shall, every ~~5~~ 4 years, make grants under this section available to any county or tribe on a competitive basis. A county or tribe may apply for a grant under this

subsection regardless of whether the county or tribe has received a grant previously under this section.

SECTION 1090. 302.43 of the statutes is amended to read:

302.43 Good time. Every inmate of a county jail is eligible to earn good time in the amount of one-fourth of his or her term for good behavior if sentenced to at least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects or refuses to perform any duty lawfully required of him or her, may be deprived by the sheriff of good time under this section, except that the sheriff shall not deprive the inmate of more than 2 days good time for any one offense without the approval of the court. An inmate who files an action or special proceeding, including a petition for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of the number of days of good time specified in the court order prepared under s. 807.15 (3). This section does not apply to a person who is confined in the county jail in connection with his or her participation in a ~~substance-abuse-treatment~~ program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

SECTION 1091. 961.472 (5) (b) of the statutes is amended to read:

961.472 (5) (b) The person is participating in a an evidence-based substance abuse use disorder treatment program ~~that meets the requirements of s. 165.95 (3),~~ as determined by the department of justice ~~under s. 165.95 (9) and (10).~~

SECTION 1092. 967.11 (1) of the statutes is amended to read:

967.11 (1) In this section, “~~approved substance abuse treatment program~~” means a ~~substance abuse treatment~~ program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

SECTION 1093. 967.11 (2) of the statutes is amended to read:

967.11 (2) If a county establishes an approved ~~substance abuse treatment~~ program and the approved program authorizes the use of surveillance and monitoring technology or day reporting programs, a court or a district attorney may require a person participating in an the approved ~~substance abuse treatment~~ program to submit to surveillance and monitoring technology or a day reporting program as a condition of participation.

SECTION 1094. 973.155 (1m) of the statutes is amended to read:

973.155 (1m) A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody as part of a ~~substance abuse treatment~~ program that meets the requirements of s. 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10), for any offense arising out of the course of conduct that led to the person’s placement in that program.

SECTION 9227. Fiscal changes; Justice.

(1) TRANSFER OF MONEYS FOR GRANTS FOR ALTERNATIVES TO PROSECUTION AND INCARCERATION. There is transferred the unencumbered balance in the appropriation account under s. 20.455 (2) (kr), 2021 stats., to the appropriation account under s. 20.455 (2) (jd) on the effective date of this subsection.

SECTION 9327. Initial applicability; Justice.

(1) TREATMENT ALTERNATIVES AND DIVERSIONS. The treatment of s. 165.95 (1) (ac), (2), (2r), (3) (a), (ag), (b), (bd), (cm) 2., (d), (e), (g), (h), (i), (j), and (k), (5) (a) and (b),

(5m), (6), (7), and (7m) first applies to grants awarded under s. 165.95 (2) on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1061/P1
MJW:cdc

DOA:.....Schmidt, BB0136 - Hate Crime Hotline

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
JUSTICE

Hate crimes reporting portal

This bill requires DOJ to develop an Internet-based reporting system and a telephone hotline for the reporting of hate crimes. Under the bill, DOJ must conduct a public education campaign on hate crimes and where to report them and must collect data relating to the reporting of hate crimes.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1095. 165.73 of the statutes is created to read:

165.73 Hate crimes reporting. (1) In this section, “hate crime” means an act described under s. 939.645 (1).

(2) The department of justice shall provide a publicly accessible Internet-based reporting system and a telephone hotline for the reporting of hate

crimes. The department of justice shall ensure that the reporting system and hotline do all of the following:

(a) Relay a report of a hate crime to the appropriate employee of the department or law enforcement officer for investigation.

(b) Direct individuals to appropriate local support services.

(c) Maintain confidentiality for any personally identifiable information that an individual provides through the reporting system or hotline, except as needed for investigative, legal, or crime victims service purposes.

(d) Are staffed by individuals who are trained to be knowledgeable about applicable federal, state, and local hate crime laws and law enforcement and support services.

(3) The department of justice shall collaborate with community organizations to provide a public education campaign to raise awareness of hate crimes and to promote the reporting of hate crimes using the reporting system and hotline described in sub. (2).

(4) The department of justice shall collect data on hate crime reporting under sub. (2).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1064/P1
FFK:emw

DOA:.....Stinebrink, BB0133 - Disabled children's long-term support program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Children's long-term support waiver program

This bill requires DHS to ensure that any eligible child who applies for the disabled children's long-term support waiver program receives services under that program. The disabled children's long-term support waiver program provides services to children who have developmental, physical, or severe emotional disabilities and who are living at home or in another community-based setting.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1096. 46.995 (4) of the statutes is created to read:

46.995 (4) The department shall ensure that any child who is eligible and who applies for the disabled children's long-term support program that is operating

under a waiver of federal law receives services under the disabled children's long-term support program that is operating under a waiver of federal law.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1067/P2
CMH:cdc&cjs

DOA:.....Schmidt, BB0141 - Require background checks for all sales of all firearms

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Background checks on all transfers of firearms

Current law provides that a federally licensed firearms dealer may not transfer a handgun after a sale until the dealer has performed a background check on the prospective transferee to determine if he or she is prohibited from possessing a firearm under state or federal law. This bill generally prohibits any person from transferring any firearm, including the frame or receiver of a firearm, unless the transfer occurs through a federally licensed firearms dealer and involves a background check of the prospective transferee. Under the bill, the prohibition does not apply to: a transfer to a firearms dealer or to a law enforcement or armed services agency; a transfer of a firearm classified as antique; a transfer for no more than 14 days for the purpose of hunting or target shooting that involves no more than nominal consideration; or a transfer that is by gift, bequest, or inheritance to a family member. A person who is convicted of violating the prohibition is guilty of a misdemeanor and must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and may not possess a firearm for a period of two years.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1097. 20.455 (2) (gr) of the statutes is amended to read:

20.455 (2) (gr) *Handgun Firearm purchaser record check; checks for licenses or certifications to carry concealed weapons.* All moneys received as fee payments under ss. 175.35 (2i) (a), 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and b. to provide services under ss. 175.35, 175.49, and 175.60.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1098. 175.33 of the statutes is created to read:

175.33 Transfer of firearms. (1) In this section:

(a) “Family member” means a spouse, parent, grandparent, sibling, child, or grandchild. The relationship may be by blood, marriage, or adoption.

(b) “Firearm” includes the frame or receiver of a firearm.

(c) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

(d) “Transfer” has the meaning given in s. 175.35 (1) (br).

(2) No person may transfer ownership of a firearm, or be transferred ownership of a firearm, unless one of the following applies:

(a) The transferor is a firearms dealer.

(b) The transferor makes the transfer to or through a firearms dealer and obtains a receipt under s. 175.35 (2j) (b).

(c) The transfer of ownership of the firearm is one of the transfers listed under s. 175.35 (2t).

(d) The transferor is transferring ownership of the firearm to a family member by gift, bequest, or inheritance, the transferee is not prohibited from possessing a firearm under state or federal law, and the transferee is at least 18 years of age.

(e) The transferor is transferring the firearm with the intent that the transfer is for the purpose of hunting or target shooting if the transfer is for no longer than 14 days, the transferor did not receive in exchange for the transfer more than nominal consideration, the transferee is not prohibited from possessing a firearm under state or federal law, and the transfer is not otherwise prohibited by law.

(3) Any person who intentionally violates sub. (2) is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months. The person is also prohibited under s. 941.29 from possessing a firearm for a period of 2 years.

SECTION 1099. 175.35 (title) of the statutes is amended to read:

175.35 (title) **Purchase Transfer of handguns firearms.**

SECTION 1100. 175.35 (1) (at) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

175.35 **(1)** (at) “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to ~~purchase~~ be transferred a ~~handgun~~ firearm is prohibited from possessing a firearm under s. 941.29. “Firearms restrictions record search” includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check system to determine whether a person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether the person is subject to an injunction

under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 813.128 (3g), a search to determine whether the person is subject to a temporary restraining order or injunction under s. 813.124, and a search to determine whether the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m).

****NOTE: This is reconciled s.175.35 (1) (at). This SECTION has been affected by drafts with the following LRB numbers: LRB-1067/p1 and LRB-1242/p1.

SECTION 1101. 175.35 (1) (b) of the statutes is repealed.

SECTION 1102. 175.35 (1) (br) of the statutes is created to read:

175.35 (1) (br) “Transfer” includes to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

SECTION 1103. 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) (am) and amended to read:

175.35 (2) (am) When a firearms dealer sells transfers a handgun firearm, including the frame or receiver of a firearm, he or she may not transfer possession of that handgun firearm to any other person until all of the following ~~have occurred:~~ requirements under par. (cm) have been met.

SECTION 1104. 175.35 (2) (a), (b), (c) and (d) of the statutes are renumbered 175.35 (2) (cm) 1., 2., 3. and 4.

SECTION 1105. 175.35 (2) (bm) of the statutes is created to read:

175.35 (2) (bm) When a person transfers a firearm, including the frame or receiver of a firearm, through a firearms dealer, the transfer of possession of that firearm may not be made until all of the requirements of par. (cm) have been met.

SECTION 1106. 175.35 (2) (cm) (intro.) of the statutes is created to read:

175.35 (2) (cm) (intro.) All of the following must occur before a transfer of a firearm occurs under par. (am) or (bm):

SECTION 1107. 175.35 (2g) (a) of the statutes is amended to read:

175.35 (2g) (a) The department of justice shall promulgate rules prescribing procedures for use under sub. (2) (cm) 1. for a transferee to provide and a firearms dealer to inspect identification containing a photograph of the transferee.

SECTION 1108. 175.35 (2g) (b) 1. of the statutes is amended to read:

175.35 (2g) (b) 1. The department of justice shall promulgate rules prescribing a notification form for use under sub. (2) (cm) 2. and 3. requiring the transferee to provide his or her name, date of birth, gender, race and social security number and other identification necessary to permit an accurate firearms restrictions record search under par. (c) 3. and the required notification under par. (c) 4. ~~The department of justice shall make the forms available at locations throughout the state.~~

SECTION 1109. 175.35 (2g) (b) 2. of the statutes is amended to read:

175.35 (2g) (b) 2. The department of justice shall ensure that each notification form under subd. 1. requires the transferee to indicate that he or she is not purchasing receiving a transfer of the firearm with the purpose or intent to transfer the firearm to a person who is prohibited from possessing a firearm under state or federal law and that each notification form informs the transferee that making a false statement with regard to this purpose or intent is a Class H felony.

SECTION 1110. 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and amended to read:

175.35 **(2i)** (a) The department shall charge a firearms dealer a \$10 fee for each firearms restrictions record search that the firearms dealer requests under sub. (2) ~~(e)~~ (cm) 3.

(b) 1. The firearms dealer may collect the fee under par. (a) from the transferee.

(c) The department may refuse to conduct firearms restrictions record searches for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within 30 days after billing by the department.

SECTION 1111. 175.35 (2i) (b) 2. of the statutes is created to read:

175.35 **(2i)** (b) 2. If the transfer is made under sub. (2) (bm), the firearms dealer may collect from the transferor the fee under par. (a) and any additional amount to cover any costs he or she incurs in processing the transfer.

SECTION 1112. 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

SECTION 1113. 175.35 (2j) (b) of the statutes is created to read:

175.35 **(2j)** (b) If a person transfers a firearm through a firearms dealer under sub. (2) (bm), or transfers a firearm to a firearms dealer, the firearms dealer shall provide the person a written receipt documenting the dealer's participation in the transfer.

SECTION 1114. 175.35 (2k) (ar) 2. of the statutes is amended to read:

175.35 **(2k)** (ar) 2. Check each notification form received under sub. (2j) (a) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the completed notification form indicates that the transferee is prohibited from

possessing a firearm under s. 941.29, the department shall destroy all records regarding that firearms restrictions record search within 30 days after receiving the notification form.

SECTION 1115. 175.35 (2k) (c) 2. a. of the statutes is amended to read:

175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency is conducting an investigation of a crime in which a ~~handgun~~ firearm was used or was attempted to be used or was unlawfully possessed.

SECTION 1116. 175.35 (2k) (c) 2. b. of the statutes is amended to read:

175.35 (2k) (c) 2. b. A statement by a division commander or higher authority within the Wisconsin law enforcement agency that he or she has a reasonable suspicion that the person who is the subject of the information request has obtained or is attempting to obtain a ~~handgun~~ firearm.

SECTION 1117. 175.35 (2k) (g) of the statutes is amended to read:

175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has attempted to obtain a ~~handgun~~ firearm.

SECTION 1118. 175.35 (2k) (h) of the statutes is amended to read:

175.35 (2k) (h) If a search conducted under sub. (2g) indicates a felony charge without a recorded disposition and the attorney general or his or her designee has reasonable grounds to believe the transferee may pose a danger to himself, herself or another, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has obtained or has attempted to obtain a ~~handgun~~ firearm.

SECTION 1119. 175.35 (2L) of the statutes is amended to read:

175.35 (2L) The department of justice shall promulgate rules providing for the review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right to ~~purchase~~ receive a transfer of a handgun firearm because the firearms dealer received a nonapproval number under sub. (2g) (c) 4. a. may request a firearms restrictions record search review under those rules. If the person disagrees with the results of that review, the person may file an appeal under rules promulgated by the department.

SECTION 1120. 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

175.35 (2t) (a) Transfers of any ~~handgun~~ firearm classified as an antique by regulations of the U.S. department of the treasury.

(b) Transfers of any ~~handgun~~ firearm between firearms dealers or between wholesalers and dealers.

(c) Transfers of any ~~handgun~~ firearm to law enforcement or armed services agencies.

SECTION 1121. 175.35 (3) (b) 2. of the statutes is amended to read:

175.35 (3) (b) 2. A person who violates sub. (2e) by intentionally providing false information regarding whether he or she is ~~purchaseing~~ receiving a transfer of the firearm with the purpose or intent to transfer the firearm to another who the person knows or reasonably should know is prohibited from possessing a firearm under state or federal law is guilty of a Class H felony. The penalty shall include a fine that is not less than \$500.

SECTION 1122. 175.60 (7) (d) of the statutes is amended to read:

175.60 (7) (d) A fee for a background check that is equal to the fee charged under s. 175.35 (2i) (a).

SECTION 1123. 175.60 (15) (b) 4. b. of the statutes is amended to read:

175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee charged under s. 175.35 (2i) (a).

SECTION 1124. 938.208 (1) (b) of the statutes is amended to read:

938.208 (1) (b) Probable cause exists to believe that the juvenile possessed, used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony under ch. 940 if committed by an adult.

SECTION 1125. 938.34 (4m) (b) 2. of the statutes is amended to read:

938.34 (4m) (b) 2. The juvenile has possessed, used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony under ch. 940 if committed by an adult.

SECTION 1126. 938.341 of the statutes is amended to read:

938.341 Delinquency adjudication; restriction on firearm possession.

Whenever a court adjudicates a juvenile delinquent for an act that if committed by an adult in this state would be a felony or for a violation under s. 175.33 (2), the court shall inform the juvenile of the requirements and penalties under s. 941.29.

SECTION 1127. 941.237 (1) (d) of the statutes is amended to read:

941.237 (1) (d) “Handgun” ~~has the meaning given in s. 175.35 (1) (b)~~ means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

SECTION 1128. 941.29 (1m) (dm), (dn) and (do) of the statutes are created to read:

941.29 **(1m)** (dm) The person has been convicted of a misdemeanor under s. 175.33 (2), unless at least 2 years have passed since the conviction.

(dn) The person has been adjudicated delinquent for a violation under s. 175.33 (2), unless at least 2 years have passed since the adjudication.

(do) The person has been found not guilty of a misdemeanor under s. 175.33 (2) by reason of mental disease or defect, unless at least 2 years have passed since the finding.

SECTION 1129. 941.296 (1) (b) of the statutes is amended to read:

941.296 **(1)** (b) "Handgun" has the meaning given in s. ~~175.35 (1) (b)~~ 941.237 (1) (d).

SECTION 1130. 968.20 (3) (b) of the statutes is amended to read:

968.20 **(3)** (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized dangerous weapon or ammunition, if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized dangerous weapon or ammunition is not returned by the officer under sub. (2), the city, village, town or county or other custodian may retain the dangerous weapon or ammunition and authorize its use by a law enforcement agency, except that a dangerous weapon used in the commission of a homicide or a handgun, as defined

in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous weapon other than a firearm is not so retained, the city, village, town or county or other custodian shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.

SECTION 1131. 971.17 (1g) of the statutes is amended to read:

971.17 **(1g)** NOTICE OF RESTRICTION ON FIREARM POSSESSION. If the defendant under sub. (1) is found not guilty of a felony, or of a violation under s. 175.33 (2), by reason of mental disease or defect, the court shall inform the defendant of the requirements and penalties under s. 941.29.

SECTION 1132. 973.176 (1) of the statutes is amended to read:

973.176 **(1)** FIREARM POSSESSION. Whenever a court imposes a sentence or places a defendant on probation regarding a felony conviction or regarding a conviction for a misdemeanor under s. 175.33 (2), the court shall inform the defendant of the requirements and penalties applicable to him or her under s. 941.29 (1m) or (4m).

SECTION 9327. Initial applicability; Justice.

(1) TRANSFERS OF FIREARMS. The treatment of ss. 175.33 and 175.35 (1) (at) (with respect to background checks for transfers of firearms that are not handguns) and (br) and (2) (intro.), (a), (b), (bm), (c), (cm) (intro.), and (d), the renumbering of s. 175.35 (2j), and the creation of s. 175.35 (2j) (b) first apply to transfers that occur on the effective date of this subsection.

SECTION 9427. Effective dates; Justice.

(1) TRANSFERS OF FIREARMS. The treatment of ss. 20.455 (2) (gr), 175.33, 175.35 (title), (1) (at) (by SECTION 1100), (b), and (br), (2) (intro.), (a), (b), (bm), (c), (cm) (intro.), and (d), (2g) (a) and (b) 1. and 2., (2k) (ar) 2., (c) 2. a. and b., (g), and (h), (2L), (2t) (a), (b), and (c), (3) (b) 2., (7) (d), and (15) (b) 4. b., 938.208 (1) (b), 938.34 (4m) (b) 2., 938.341, 941.237 (1) (d), 941.29 (1m) (dm), (dn), and (do), 941.296 (1) (b), 968.20 (3) (b), 971.17 (1g), and 973.176 (1), the renumbering of s. 175.35 (2j), the renumbering and amendment of s. 175.35 (2i), and the creation of s. 175.35 (2i) (b) 2. and (2j) (b) and SECTION 9327 (1) of this act take effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1072/P2
MPG/SWB/RAC:klm

DOA:.....Schmidt, BB0147 - Legislative Intervention

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

LEGISLATURE

Legislative intervention in certain court proceedings

Current law provides that the legislature may intervene as a matter of right in an action in state or federal court when a party to the action does any of the following:

1. Challenges the constitutionality of a statute.
2. Challenges a statute as violating or being preempted by federal law.
3. Otherwise challenges the construction or validity of a statute.

Current law further provides that the legislature must be served with a copy of the proceedings in all such actions, regardless of whether the legislature intervenes in the action.

This bill repeals all of those provisions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1133. 13.365 of the statutes is repealed.

SECTION 1134. 13.56 (2) of the statutes is amended to read:

13.56 (2) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint committee for review of administrative rules or their designated agents shall accept service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that the legislature should be represented in the proceeding, it shall request the joint committee on legislative organization to ~~intervene in~~ designate the legislature's representative for the proceeding as ~~provided under s. 806.04 (11)~~. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 1135. 13.90 (2) of the statutes is amended to read:

13.90 (2) The cochairpersons of the joint committee on legislative organization or their designated agent shall accept service made under ~~ss. s. 806.04 (11) and 893.825 (2)~~. If the committee, the senate organization committee, or the assembly organization committee determines that the legislature should ~~intervene~~ be represented in the proceeding as ~~provided under s. 803.09 (2m)~~, ~~the assembly shall represent the assembly, the senate shall represent the senate, and the joint committee on legislative organization shall represent the legislature, that~~ committee shall designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 1136. 165.25 (1) of the statutes is amended to read:

165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), appear for the state and prosecute or

defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party. ~~The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time.~~ Nothing in this subsection deprives or relieves the attorney general or the department of justice of any authority or duty under this chapter.

SECTION 1137. 165.25 (1m) of the statutes is amended to read:

165.25 (1m) REPRESENT STATE IN OTHER MATTERS. If requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. ~~The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time.~~ The public service commission may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 1138. 803.09 (2m) of the statutes is repealed.

SECTION 1139. 806.04 (11) of the statutes is amended to read:

806.04 (11) PARTIES. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration may prejudice the right of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, the municipality shall be made a party, and shall be entitled to be heard.

~~If a statute, ordinance, or franchise is alleged to be unconstitutional, or to be in violation of or preempted by federal law, or if the construction or validity of a statute is otherwise challenged, the attorney general shall also be served with a copy of the proceeding and be entitled to be heard. If a statute is alleged to be unconstitutional, or to be in violation of or preempted by federal law, or if the construction or validity of a statute is otherwise challenged, the speaker of the assembly, the president of the senate, and the senate majority leader shall also be served with a copy of the proceeding, and the assembly, the senate, and the state legislature are entitled to be heard. If the assembly, the senate, or the joint committee on legislative organization intervenes as provided under s. 803.09 (2m), the assembly shall represent the assembly, the senate shall represent the senate, and the joint committee on legislative organization shall represent the legislature. In any proceeding under this section in which the constitutionality, construction, or application of any provision of ch. 227, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule as defined in s. 227.01 (13) is placed in issue by the parties, the joint committee for review of administrative rules shall be served with a copy of the petition and, with the approval of the joint committee on legislative organization, shall be made a party and be entitled to be heard. In any proceeding under this section in which the constitutionality, construction, or application of any provision of ch. 13, 20, 111, 227, or 230 or subch. I, III, or IV of ch. 16 or s. 753.075, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule, as defined in s. 227.01 (13), is placed in issue by the parties, the joint committee on legislative organization shall be served with a copy of the petition and the joint committee on legislative organization, the senate committee~~

on organization, or the assembly committee on organization may intervene as a party to the proceedings and be heard.

SECTION 1140. 809.13 of the statutes is amended to read:

809.13 Rule (Intervention). A person who is not a party to an appeal may file in the court of appeals a petition to intervene in the appeal. A party may file a response to the petition within 11 days after service of the petition. The court may grant the petition upon a showing that the petitioner's interest meets the requirements of s. 803.09 (1), or (2), ~~or (2m)~~.

SECTION 1141. Subchapter VIII (title) of chapter 893 [precedes 893.80] of the statutes is amended to read:

CHAPTER 893

SUBCHAPTER VIII

CLAIMS AGAINST GOVERNMENTAL BODIES, OFFICERS, AND EMPLOYEES; STATUTORY CHALLENGES

SECTION 1142. 893.825 of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1073/P1
MPG&MDE:cjs

DOA:.....Quinn, BB0150 - Enterprise Zone Cap

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Enterprise zone designations

Under current law, WEDC may designate any number of enterprise zones for purposes of certifying taxpayers to claim tax credits for certain activities carried out within an enterprise zone. However, current law subjects WEDC's designation of a new enterprise zone to the approval of JCF under passive review.

This bill provides that WEDC may designate no more than 30 enterprise zones and eliminates the requirement that WEDC seek approval for a new enterprise zone from JCF under passive review.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1143. 238.399 (3) (a) of the statutes is amended to read:

238.399 (3) (a) The corporation may designate ~~any number of~~ not more than 30 enterprise zones in this state.

SECTION 1144. 238.399 (3) (am) of the statutes is repealed.

SECTION 1145. 238.399 (3) (em) of the statutes is created to read:

238.399 (3) (em) If the corporation revokes all certifications for tax benefits within a designated enterprise zone or all certifications for tax benefits within a designated enterprise zone expire, the corporation may cancel the designation of that enterprise zone. After canceling the designation of an enterprise zone, the corporation may designate a new enterprise zone subject to the limits under this subsection.

SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.

(1) ENTERPRISE ZONE DESIGNATION LIMIT. The treatment of s. 238.399 (3) (a) may not be construed to require that the Wisconsin Economic Development Corporation revoke a certification for tax benefits under s. 238.399 that is in effect on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1074/P1
SWB:kms&emw

DOA:.....Schmidt, BB0148 - Attorney General's Settlement Authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Powers of the attorney general

This bill repeals changes made to the powers of the attorney general in 2017 Wisconsin Act 369 relating to the power to compromise or discontinue civil actions prosecuted by DOJ and the power to compromise and settle actions in cases where DOJ is defending the state. The bill reestablishes these settlement powers as they existed under the law before 2017 Wisconsin Act 369 was enacted.

The bill allows the attorney general to compromise or discontinue actions prosecuted by DOJ 1) when directed by the officer, department, board, or commission that directed the prosecution or 2) with the approval of the governor when the action is prosecuted by DOJ on the initiative of the attorney general or at the request of any individual. The bill eliminates the requirement for approval of a compromise or discontinuance from a legislative intervenor or JCF. It also eliminates the requirement for the attorney general to obtain approval of a compromise or discontinuance by the Joint Committee on Legislative Organization in certain circumstances before submitting a proposed plan to JCF.

Under the bill, when DOJ is defending the state, the attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. The bill eliminates the requirement under current law that, in actions for injunctive relief or if there is a proposed consent decree, the attorney

general must 1) obtain the approval of any legislative intervenor or 2) if there is no intervenor, submit a proposed plan to JCF and, in certain circumstances, obtain approval of JCF. The bill also eliminates the requirement for the attorney general to obtain approval from JCLO in certain circumstances before submitting a proposed plan of settlement or compromise to JCF.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1146. 165.08 (1) of the statutes is amended to read:

165.08 (1) Any civil action prosecuted by the department by direction of any officer, department, board, or commission, ~~or any~~ shall be compromised or discontinued when so directed by such officer, department, board, or commission. ~~Any~~ civil action prosecuted by the department on the initiative of the attorney general, or at the request of any individual may be compromised or discontinued with the approval of an intervenor under s. 803.09 (2m) or, if there is no intervenor, by submission of a proposed plan to the joint committee on finance for the approval of the committee. ~~The compromise or discontinuance may occur only if the joint committee on finance approves the proposed plan. No proposed plan may be submitted to the joint committee on finance if the plan concedes the unconstitutionality or other invalidity of a statute, facially or as applied, or concedes that a statute violates or is preempted by federal law, without the approval of the joint committee on legislative organization~~ the governor.

SECTION 1147. 165.12 (2) (a) of the statutes is repealed.

***NOTE: This initial version includes a provision to repeal s. 165.12 (2) (a), which was part of additions made during the 2021 session relating to the opioid settlement and the attorney general's authority to enter a settlement agreement. Subsection (2) (a) includes a requirement for joint finance approval under the s. 165.08 (1) process that is amended out under the bill. Please let me know if you would like to make any changes.

SECTION 1148. 165.25 (6) (a) 1. of the statutes is amended to read:

165.25 (6) (a) 1. At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employee, or agent of the department in any civil action or other matter brought before a court or an administrative agency which is brought against the state department, or officer, employee, or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employee's, or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. The attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state ~~except that, if the action is for injunctive relief or there is a proposed consent decree, the attorney general may not compromise or settle the action without the approval of an intervenor under s. 803.09 (2m) or, if there is no intervenor, without first submitting a proposed plan to the joint committee on finance. If, within 14 working days after the plan is submitted, the cochairpersons of the committee notify the attorney general that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the attorney general may compromise or settle the action only with the approval of the committee. The attorney general may not submit a proposed plan to the joint committee on finance under this subdivision in which the plan concedes the unconstitutionality or other invalidity of a statute, facially or as applied, or concedes that a statute violates or is preempted by federal law, without the approval of the joint committee on legislative organization.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1075/P1
SWB&MJW:cjs

DOA:.....Schmidt, BB0149 - Disposition of Settlement Funds

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Gifts and grants and disposition of settlement funds

This bill repeals certain changes made by 2017 Wisconsin Act 369 relating to gifts and grants and certain proceeds received by DOJ, specifically reversing provisions that changed a DOJ gifts and grants appropriation and a DOJ gifts, grants, and proceeds appropriation from continuing appropriations to annual appropriations.

Second, the bill repeals the requirement that the attorney general must deposit all settlement funds into the general fund. The bill restores procedures relating to discretionary settlement funds under which the attorney general could expend certain settlement funds not committed under the terms of a settlement after submitting a plan to JCF for passive review only if either 1) the cochairpersons of JCF do not schedule a meeting or 2) a meeting is scheduled and JCF approves a plan for expenditure.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1149. 20.455 (2) (gb) of the statutes is amended to read:

20.455 (2) (gb) *Gifts and grants.* ~~The amounts in the schedule to carry out the purposes for which gifts and grants are made and received. All moneys received from gifts and grants, other than moneys received for and credited to another appropriation account under this subsection, shall be credited to this appropriation account to carry out the purposes for which made and received.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1150. 20.455 (3) (g) of the statutes is amended to read:

20.455 (3) (g) *Gifts, grants and proceeds.* ~~The amounts in the schedule to carry out the purposes for which gifts and grants are made and collected. All moneys received from gifts and grants and all proceeds from services, conferences, and sales of publications and promotional materials to carry out the purposes for which made or collected, except as provided in sub. (2) (gm) and (gp) and to transfer to s. 20.505 (1) (kg), at the discretion of the attorney general, an amount not to exceed \$98,300 annually, shall be credited to this appropriation account.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1151. 165.10 of the statutes is amended to read:

165.10 Deposit Limits on expenditure of discretionary settlement funds. ~~The Notwithstanding s. 20.455 (3), before the attorney general shall deposit all may expend settlement funds into the general fund under s. 20.455 (3) (g) that are not committed under the terms of the settlement, the attorney general shall submit to the joint committee on finance a proposed plan for the expenditure of the funds. If the cochairpersons of the committee do not notify the attorney general within 14 working days after the submittal that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the attorney general may expend the funds~~

to implement the proposed plan. If, within 14 working days after the submittal, the cochairpersons of the committee notify the attorney general that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the attorney general may expend the funds only to implement the plan as approved by the committee.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1087/P1
ZDW:klm

DOA:.....Vencill, BB0146 - Go Wild system identification card validation
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Use of ID card to establish residency for DNR approvals

Under current law, DNR issues approvals that authorize the holder of the approval to engage in certain activities, such as hunting wild animals. In general, residents of the state are issued a different approval, for a lower fee, than nonresidents of the state. Current law provides that a resident is anyone who has maintained a permanent abode in the state for at least 30 days prior to applying for an approval, which must be established by demonstrating domiciliary intent. Under current law, evidence of domiciliary intent includes voting, paying personal income taxes, or obtaining a driver's license at a location in the state. This bill provides that domiciliary intent may also be satisfied by obtaining an identification card issued by DOT. Under current law, an identification card issued by DOT is required to contain the same information that is required for an operator's license, including the license holder's name, address, and photograph, but must be clearly labeled as providing only identification of the card's holder.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1152. 29.001 (69) of the statutes is amended to read:

29.001 (69) “Resident” means a person who has maintained his or her place of permanent abode in this state for a period of 30 days immediately preceding his or her application for an approval. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes, or obtains a driver’s license or an identification card issued under s. 343.50.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1093/P3
CMH:kms&skw

DOA:.....Schmidt, BB0145 - Community policing and prosecutors grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Community policing and community prosecution program grants

Under current law, DOJ awards grants to local governments for many purposes, including for community-oriented policing-house programs and to increase beat patrol officers. This bill adds that DOJ must award grants to cities, villages, towns, counties, and tribes to fund community policing and community prosecution programs.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1153. 20.455 (2) (bc) of the statutes is created to read:

20.455 (2) (bc) *Grants for community policing and community prosecution programs.* As a continuing appropriation, the amounts in the schedule to provide

grants for community policing and community prosecution programs under s. 165.990.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1154. 165.990 of the statutes is created to read:

165.990 Grants for community policing and community prosecution programs. The department of justice shall award grants from the appropriation under s. 20.455 (2) (bc) to cities, villages, and towns; counties, including district attorney offices; and federally recognized American Indian tribes or bands in this state to fund community policing and community prosecution programs.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1096/P1
JAM:emw

DOA:.....Bollhorst, BB0167 - Minimum age for cigarettes, nicotine products,
tobacco products, and vapor products

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Changing the minimum age for cigarettes, tobacco products, and nicotine products; imposing a minimum age for vapor products

This bill changes the minimum age in Wisconsin for purchasing cigarettes, tobacco products, or nicotine products from 18 to 21 and imposes the same minimum age for purchasing vapor products.

In December 2019, enacted legislation amending the Federal Food, Drug, and Cosmetic Act raised the federal minimum age for the sale of tobacco products from 18 to 21. Under current federal law, it is illegal for a retailer to sell any tobacco product—including cigarettes, cigars, and e-cigarettes—to anyone under the age of 21.

Under current state law, “nicotine products” are products that contain nicotine and that are not tobacco products, cigarettes, or products that have been approved by the federal Food and Drug Administration for sale as a smoking cessation product. “Tobacco products” include products such as cigars, chewing tobacco, and smoking tobacco. “Vapor products” are noncombustible products that produce a vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid or other substance contains nicotine.

Under current state law, no person under the age of 18 may purchase, attempt to purchase, possess, or falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product with certain limited exceptions. Current state law also prohibits any person from purchasing cigarettes, tobacco products, or nicotine products on behalf of a person who is under the age of 18 and subjects that purchaser to a penalty. A person is also prohibited under current state law from delivering a package of cigarettes unless the person making the delivery verifies that the person receiving the package is at least 18 years of age. The bill changes these ages from 18 to 21. The bill similarly prohibits the purchase of vapor products by or on behalf of a person who is under the age of 21.

Current state law prohibits a retailer, manufacturer, distributor, jobber, subjobber, or independent contractor or an employee or agent of any of these persons from selling or providing cigarettes or tobacco or nicotine products to an individual who is under the age of 18 and from providing cigarettes or tobacco or nicotine products to any person for free unless the cigarettes or products are provided in a place where persons under 18 years of age are generally not permitted to enter. Current state law also prohibits a retailer or vending machine operator from selling cigarettes or tobacco or nicotine products from a vending machine unless the retailer or vending machine operator ensures that no person under 18 years of age is present on or permitted to enter the premises where the machine is located. The bill changes these ages from 18 to 21. The bill similarly prohibits the sale or provision of vapor products to a person who is under the age of 21.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1155. 134.66 (title) of the statutes is amended to read:

134.66 (title) Restrictions on sale or gift of cigarettes or nicotine, vapor, or tobacco products.

SECTION 1156. 134.66 (1) (jm) of the statutes is created to read:

134.66 (1) (jm) “Vapor product” has the meaning given in s. 139.75 (14).

SECTION 1157. 134.66 (2) (a), (am), (b) and (cm) 1m. of the statutes are amended to read:

134.66 (2) (a) No retailer, direct marketer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, direct

marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes, nicotine products, ~~or tobacco products,~~ or vapor products to any person under the age of ~~18~~ 21, except as provided in s. 254.92 (2) (a). A vending machine operator is not liable under this paragraph for the purchase of cigarettes, nicotine products, ~~or tobacco products,~~ or vapor products from his or her vending machine by a person under the age of ~~18~~ 21 if the vending machine operator was unaware of the purchase.

(am) No retailer, direct marketer, manufacturer, distributor, jobber, subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes, nicotine products, ~~or tobacco products,~~ or vapor products to any person except in a place where no person younger than ~~18~~ 21 years of age is present or permitted to enter unless the person who is younger than ~~18~~ 21 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of ~~18~~ 21 years.

(b) 1. A retailer shall post a sign in areas within his or her premises where cigarettes ~~or,~~ tobacco products, or vapor products are sold to consumers stating that the sale of any cigarette ~~or,~~ tobacco product, or vapor product to a person under the age of ~~18~~ 21 is unlawful under this section and s. 254.92.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette ~~or,~~ tobacco product, or vapor product by a person under the age of ~~18~~ 21 is unlawful under s. 254.92 and that the purchaser is subject to a forfeiture of not to exceed \$50.

(cm) 1m. A retailer or vending machine operator may not sell cigarettes ~~or~~, tobacco products, vapor products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than ~~18~~ 21 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of ~~18~~ 21 years.

SECTION 1158. 134.66 (2m) (a) of the statutes is amended to read:

134.66 **(2m)** (a) Except as provided in par. (b), at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes, vapor products, or tobacco products, the retailer shall provide the agent, employee, or independent contractor with training on compliance with sub. (2) (a) and (am), including training on the penalties under sub. (4) (a) 2. for a violation of sub. (2) (a) or (am). The department of health services shall make available to any retailer on request a training program developed or approved by that department that provides the training required under this paragraph. A retailer may comply with this paragraph by providing the training program developed or approved by the department of health services or by providing a comparable training program approved by that department. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the department of health services verifying that the agent, employee, or independent contractor has received the training, which the retailer shall retain in the personnel file of the agent, employee, or independent contractor.

SECTION 1159. 134.66 (3) of the statutes is amended to read:

134.66 **(3)** DEFENSE; SALE TO MINOR. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or subjobber, an agent, employee, or

independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products, or vapor products to a person under the age of ~~18~~ 21 is a defense to any prosecution, or a complaint made under s. 134.65 (7), for a violation of sub. (2) (a):

(a) That the purchaser falsely represented that he or she had attained the age of ~~18~~ 21 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of ~~18~~ 21.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of ~~18~~ 21.

SECTION 1160. 139.345 (3) (a) (intro.) of the statutes is amended to read:

139.345 (3) (a) (intro.) Verifies the consumer's name and address and that the consumer is at least ~~18~~ 21 years of age by any of the following methods:

SECTION 1161. 139.345 (3) (b) 2. of the statutes is amended to read:

139.345 (3) (b) 2. That the consumer understands that no person who is under ~~18~~ 21 years of age may purchase or possess cigarettes or falsely represent his or her age for the purpose of receiving cigarettes, as provided under s. 254.92.

SECTION 1162. 139.345 (7) (a) of the statutes is amended to read:

139.345 (7) (a) No person may deliver a package of cigarettes sold by direct marketing to a consumer in this state unless the person making the delivery receives a government issued identification card from the person receiving the package and verifies that the person receiving the package is at least ~~18~~ 21 years of age. If the person receiving the package is not the person to whom the package is addressed, the person delivering the package shall have the person receiving the package sign a

statement that affirms that the person to whom the package is addressed is at least 18 21 years of age.

SECTION 1163. Subchapter IX (title) of chapter 254 [precedes 254.911] of the statutes is amended to read:

CHAPTER 254

SUBCHAPTER IX

SALE OR GIFT OF CIGARETTES,

NICOTINE PRODUCTS, VAPOR

PRODUCTS, OR TOBACCO

PRODUCTS TO MINORS

SECTION 1164. 254.911 (11) of the statutes is created to read:

254.911 (11) "Vapor product" has the meaning given in s. 139.75 (14).

SECTION 1165. 254.916 (2) (intro.) of the statutes is amended to read:

254.916 (2) (intro.) ~~With the permission of his or her parent or guardian, a~~ A person under ~~18~~ 21 years of age, but not under 15 years of age, may buy, attempt to buy, or possess any cigarette, nicotine product, ~~or tobacco product, or vapor product~~ if all of the following are true:

SECTION 1166. 254.916 (2) (d) of the statutes is created to read:

254.916 (2) (d) If the person is under 18 years of age, he or she has obtained permission from his or her parent or guardian to participate in the investigation.

SECTION 1167. 254.916 (3) (a), (b), (c) and (d) of the statutes are amended to read:

254.916 (3) (a) If questioned about his or her age during the course of an investigation, the ~~minor~~ person under 21 years of age shall state his or her true age.

(b) A minor person under 21 years of age may not be used for the purposes of an investigation at a retail outlet at which the minor person is a regular customer.

(c) The appearance of a minor person under 21 years of age may not be materially altered so as to indicate greater age.

(d) A photograph or videotape of the minor person under 21 years of age shall be made before or after the investigation or series of investigations on the day of the investigation or series of investigations. If a prosecution results from an investigation, the photograph or videotape shall be retained until the final disposition of the case.

SECTION 1168. 254.916 (3) (f) 2. of the statutes is amended to read:

254.916 (3) (f) 2. The age of the minor person under 21 years of age.

SECTION 1169. 254.916 (11) of the statutes is amended to read:

254.916 (11) A person conducting an investigation under this section may not have a financial interest in a regulated cigarette and tobacco product retailer, a vapor product retailer, a tobacco vending machine operator, a tobacco vending machine premises, or a tobacco vending machine that may interfere with his or her ability to properly conduct that investigation. A person who is investigated under this section may request the local health department or local law enforcement agency that contracted for the investigation to conduct a review under ch. 68 to determine whether the person conducting the investigation is in compliance with this subsection or, if applicable, may request the state agency or state law enforcement agency that contracted for the investigation to conduct a contested case hearing under ch. 227 to make that determination. The results of an investigation that is conducted by a person who is not in compliance with this subsection may not be used

to prosecute a violation of s. 134.66 (2) (a) or (am) or a local ordinance adopted under s. 134.66 (5).

SECTION 1170. 254.92 (title) of the statutes is amended to read:

254.92 (title) Purchase or possession of cigarettes or tobacco products, nicotine products, or vapor products by person under 18 21 prohibited.

SECTION 1171. 254.92 (1) of the statutes is amended to read:

254.92 (1) No person under ~~18~~ 21 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, ~~or tobacco product,~~ or vapor product.

SECTION 1172. 254.92 (2) of the statutes is amended to read:

254.92 (2) No person under ~~18~~ 21 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, ~~or tobacco product,~~ or vapor product except as follows:

(a) A person under ~~18~~ 21 years of age may purchase or possess cigarettes, nicotine products, ~~or tobacco products,~~ or vapor products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.

(b) A person under ~~18~~ 21 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, ~~or tobacco products,~~ or vapor products in the course of his or her participation in an investigation under s. 254.916 that is conducted in accordance with s. 254.916 (3).

SECTION 1173. 254.92 (2m) (intro.) of the statutes is amended to read:

254.92 (2m) (intro.) No person may purchase cigarettes, tobacco products, ~~or nicotine products,~~ or vapor products on behalf of, or to provide to, any person who is under ~~18~~ 21 years of age. Any person who violates this subsection may be:

SECTION 1174. 254.92 (3) of the statutes is amended to read:

254.92 (3) A law enforcement officer shall seize any cigarette, nicotine product, ~~or tobacco product,~~ or vapor product that has been sold to and is in the possession of a person under ~~18~~ 21 years of age.

SECTION 9302. Initial applicability; Agriculture, Trade and Consumer Protection.

(1) MINIMUM AGE FOR CIGARETTES, NICOTINE PRODUCTS, TOBACCO PRODUCTS, AND VAPOR PRODUCTS. The treatment of ss. 134.66 (title), (1) (jm), (2) (a), (am), (b), and (cm) 1m., (2m) (a), and (3), 139.345 (3) (a) (intro.) and (b) 2. and (7) (a), 254.911 (11), 254.916 (2) (intro.) and (d), (3) (a), (b), (c), (d), and (f) 2., and (11), and 254.92 (title), (1), (2), (2m) (intro.), and (3) and subch. IX (title) of ch. 254 first applies to purchases, attempts to purchase, possession, and false representations of age for the purpose of receiving any cigarette, nicotine product, tobacco product, or vapor product by persons under 21 years of age on the effective date of this subsection and to sales or the provision of cigarettes, nicotine products, tobacco products, or vapor products to persons under 21 years of age on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1099/P2
SWB:cdc

DOA:.....Bollhorst, BB0162 - Medicaid psychosocial rehabilitation benefit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Community-based psychosocial services

Currently, community-based psychosocial services provided to Medical Assistance recipients are reimbursed only when the federal government agrees to provide its financial participation for the services, when the recipient's needs require more than outpatient level services but less than provided by a community support program, when the recipient's county has made the services available, when the provider is certified by DHS under its rules, and when any other requirements established by DHS by rule are met. This bill allows DHS to also provide community-based psychosocial services to Medical Assistance recipients and provide reimbursement for those services through providers other than those made available by a county. Reimbursement to providers that are not county-based will be both the federal and nonfederal share based on a fee schedule that is determined by DHS. Under the bill, for a county that elects to provide community-based psychosocial services to Medical Assistance recipients, DHS must reimburse the county only for the amount of the allowable charges for those services under the Medical Assistance program that is provided by the federal government. For a county that elects to provide the services through the Medical Assistance program

on a regional basis according to requirements established by DHS, however, DHS must reimburse the county for the federal and nonfederal amount of allowable charges under the Medical Assistance program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1175. 49.45 (30e) (a) 2. of the statutes is repealed.

SECTION 1176. 49.45 (30e) (b) 3. of the statutes is amended to read:

49.45 (30e) (b) 3. Requirements for certification of community-based psychosocial service programs. The department may certify county-based providers and providers that are not county-based providers.

SECTION 1177. 49.45 (30e) (c) of the statutes is renumbered 49.45 (30e) (c) 1. and amended to read:

49.45 (30e) (c) 1. ~~A For a county that elects to make provide the services under s. 49.46 (2) (b) 6. Lm. available shall reimburse a provider of the services for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government. The, the~~ department shall reimburse the provider county only for the amount of the allowable charges for those services under the ~~medical assistance~~ Medical Assistance program that is provided by the federal government.

SECTION 1178. 49.45 (30e) (c) 2. of the statutes is created to read:

49.45 (30e) (c) 2. The department shall reimburse a provider that is not a county-based provider for services under s. 49.46 (2) (b) 6. Lm. for both the federal and nonfederal share of a fee schedule that is determined by the department.

SECTION 1179. 49.45 (30e) (d) of the statutes is amended to read:

49.45 (30e) (d) *Provision of services on regional basis.* Notwithstanding par. (c) 1. and subject to par. (e), in counties that elect to ~~deliver~~ provide the services under s. 49.46 (2) (b) 6. Lm. through the Medical Assistance program on a regional basis according to criteria established by the department, the department shall reimburse a provider of the services for the amount of the allowable charges for those services under the Medical Assistance program that is provided by the federal government and for the amount of the allowable charges that is not provided by the federal government.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) COMMUNITY-BASED PSYCHOSOCIAL SERVICES. The department of health services may promulgate rules, including amending rules promulgated under s. 49.45 (30e) (b), update Medical Assistance program policies, and request any state plan amendment or waiver of federal Medicaid law from the federal government necessary to provide reimbursement to providers who are not county-based providers for psychosocial services provided to Medical Assistance recipients under s. 49.45 (30e).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1100/P1
JPC:cjs

DOA:.....Bollhorst, BB0159 - Medicaid Residential Substance Use Disorder
Treatment Room and Board

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Coverage of substance abuse treatment room and board under Medical Assistance

Currently, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. This bill directs DHS to pay allowable charges on behalf of recipients of Medical Assistance for room and board for residential substance use disorder treatment.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1180. 49.46 (2) (b) 8m. of the statutes is created to read:

49.46 (2) (b) 8m. Room and board for residential substance use disorder treatment.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1101/P2
SWB:kms/cdc/cjs

DOA:.....Bollhorst, BB0170 - Healthy aging grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Healthy aging grant program

This bill requires DHS to award in each fiscal year a grant of \$600,000 to an entity that conducts programs in healthy aging.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1181. 46.854 of the statutes is created to read:

46.854 Healthy aging grant program. From the appropriation under s. 20.435 (1) (b), the department shall award in each fiscal year a grant of \$600,000 to an entity that conducts programs in healthy aging.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1102/P2
JPC:skw

DOA:.....Bollhorst, BB0160 - Medicaid Postpartum coverage

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

Postpartum Medical Assistance coverage

This bill requires DHS to seek approval from the federal Department of Health and Human Services to extend Medical Assistance benefits to women who are eligible for those benefits when pregnant until the last day of the month in which the 365th day after the last day of the pregnancy falls. 2021 Wisconsin Act 58 directed DHS to apply for any amendment to the state plan or any waiver of federal law necessary to extend the time that women who are eligible for Medical Assistance when pregnant continue to be eligible under Medical Assistance from the last day of the month in which the 60th day after the last day of the pregnancy falls to the last day of the month in which the 90th day after the last day of the pregnancy falls. On June 3, 2022, DHS submitted a demonstration waiver to the federal Department of Health and Human Services pursuant to section 1115 of the federal Social Security Act to implement Act 58 that is currently pending approval.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1182. 49.46 (1) (a) 1m. of the statutes is amended to read:

49.46 (1) (a) 1m. Any pregnant woman whose income does not exceed the standard of need under s. 49.19 (11) and whose pregnancy is medically verified. Eligibility continues to the last day of the month in which the 60th day or, if approved by the federal government, the 90th 365th day after the last day of the pregnancy falls.

SECTION 1183. 49.46 (1) (j) of the statutes is amended to read:

49.46 (1) (j) An individual determined to be eligible for benefits under par. (a) 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and to the last day of the month in which the 60th day or, if approved by the federal government, the 90th 365th day after the last day of the pregnancy falls without regard to any change in the individual's family income.

SECTION 1184. 49.47 (4) (ag) 2. of the statutes is amended to read:

49.47 (4) (ag) 2. Pregnant and the woman's pregnancy is medically verified. Eligibility continues to the last day of the month in which the 60th day or, if approved by the federal government, the 90th 365th day after the last day of the pregnancy falls.

SECTION 1185. 49.471 (6) (b) of the statutes is amended to read:

49.471 (6) (b) A pregnant woman who is determined to be eligible for benefits under sub. (4) remains eligible for benefits under sub. (4) for the balance of the pregnancy and to the last day of the month in which the 60th day or, if approved by the federal government, the 90th 365th day after the last day of the pregnancy falls without regard to any change in the woman's family income.

SECTION 1186. 49.471 (7) (b) 1. of the statutes is amended to read:

49.471 (7) (b) 1. A pregnant woman whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's family income and the applicable income limit under sub. (4) (a) is obligated or expended for any member of the pregnant woman's family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision continues without regard to any change in family income for the balance of the pregnancy and to the last day of the month in which the 60th day or, if approved by the federal government, the 90th ~~90th~~ 365th day after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant woman under this subdivision extends to all pregnant women in the pregnant woman's family.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1103/P2
SWB:emw&cde

DOA:.....Bollhorst, BB0166 - Repeal 2017 Wisconsin Act 370 Medicaid Provisions

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Repealing implementation of childless adults demonstration waiver

2017 Wisconsin Act 370 required DHS to implement the childless adults BadgerCare Reform waiver as approved by the federal Department of Health and Human Services. BadgerCare is part of the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The 2015 and 2017 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions, including imposing premiums on, requiring a health risk assessment of, and limiting the time of eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 required DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. Under current law created by Act 370, if JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements relating to approved waiver implementation, JCF may reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure

authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program. This bill eliminates the statutory implementation requirement for the BadgerCare Reform waiver, including the deadline and penalties; eliminates the statutory requirement for DHS to seek the waiver; and allows DHS to modify or withdraw the waiver.

Eliminating legislative review of Medicaid state plan amendments

The Medical Assistance program provides health services to individuals who have limited financial resources, is the state's Medicaid program, and is jointly funded by the state and federal governments through a detailed agreement known as the state plan. Under current law created by 2017 Wisconsin Act 370, DHS is required to submit to JCF under its passive review process any proposed Medical Assistance state plan amendment and any proposed change to a reimbursement rate for or supplemental payment to a Medical Assistance provider that has an expected fiscal effect of \$7,500,000 or more from all revenue sources over a 12-month period. The bill eliminates this requirement to submit for JCF review Medical Assistance state plan amendments, changes to reimbursement rates, or supplemental payments.

Eliminating legislative oversight over federal law waivers

Current law created by 2017 Wisconsin Act 370 prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, current law created by Act 370 requires DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Current law also requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, DHS must submit its final implementation plan to JCF for approval. Under current law created by Act 370, JCF may reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for DHS related to the program for which the request is required to be submitted if JCF determines that DHS has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request. The bill eliminates the requirement that legislation be enacted in order for DHS to submit a request for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project. The bill also eliminates the legislative

review procedure for requests for waivers, pilot programs, or demonstration projects required by Act 370.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1187. 20.940 of the statutes is repealed.

SECTION 1188. 49.45 (2t) of the statutes is repealed.

***NOTE: This is reconciled s. 49.45 (23) (g). The elimination from this draft has been affected by drafts with the following LRB numbers: -1103/P1 and -0696/P1.

***NOTE: This is reconciled s. 49.45 (23b). The elimination from this draft has been affected by drafts with the following LRB numbers: -1103/P1 and -0696/P1.

SECTION 1189. 256.23 (5) of the statutes is amended to read:

256.23 (5) ~~In accordance with s. 20.940, the~~ The department shall submit to the federal department of health and human services a request for any state plan amendment, waiver or other approval that is required to implement this section and s. 49.45 (3) (em). If federal approval is required, the department may not implement the collection of the fee under sub. (2) until it receives approval from the federal government to obtain federal matching funds.

SECTION 1190. 601.83 (1) (a) of the statutes is amended to read:

601.83 (1) (a) The commissioner shall administer a state-based reinsurance program known as the healthcare stability plan in accordance with the specific terms and conditions approved by the federal department of health and human services dated July 29, 2018. Before December 31, 2023, the commissioner may not request from the federal department of health and human services a modification, suspension, withdrawal, or termination of the waiver under 42 USC 18052 under which the healthcare stability plan under this subchapter operates unless legislation has been enacted specifically directing the modification, suspension, withdrawal, or termination. Before December 31, 2023, the commissioner may

request renewal, without substantive change, of the waiver under 42 USC 18052 under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~ unless legislation has been enacted that is contrary to such a renewal request. ~~The commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

****NOTE: This is reconciled 2017 Wisconsin Act 370, section 44 (2) and (3). The elimination from this draft has been affected by drafts with the following LRB numbers: -1103/P1 and -0696/P1.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The department of health services may submit a request to the federal department of health and human services to modify or withdraw the waiver granted under s. 49.45 (23) (g), 2021 stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1104/P2
FFK:cde

DOA:.....Bollhorst, BB0164 - Community support program GPR funding
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICE

MEDICAL ASSISTANCE

Community support program

Currently, mental health and psychosocial rehabilitative services provided by a community support program are a benefit provided by the Medical Assistance program. Under current law, for these services, a county pays the nonfederal share of the Medical Assistance reimbursement and DHS reimburses the service provider for the federal share of the Medical Assistance reimbursement. Under the bill, DHS reimburses the service provider for both the federal and nonfederal share of the allowable charges for mental health and psychosocial rehabilitative services provided by a community support program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1191. 49.45 (30) (a) of the statutes is repealed.

SECTION 1192. 49.45 (30) (b) of the statutes is renumbered 49.45 (30) and amended to read:

49.45 (30) SERVICE PROVIDED BY COMMUNITY SUPPORT PROGRAMS. The department shall reimburse a ~~provider of county that provides~~ services under s. 49.46 (2) (b) 6. L. ~~only~~ for the amount of the allowable charges for those services under the Medical Assistance program that is provided by the federal government and for the amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government.

SECTION 1193. 49.45 (52) (a) 1. of the statutes is amended to read:

49.45 (52) (a) 1. If the department provides the notice under par. (c) selecting the payment procedure in this paragraph, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payment adjustments to county departments under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or to local health departments, as defined in s. 250.01 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44. Payment adjustments under this paragraph shall include the state share of the payments. The total of any payment adjustments under this paragraph and Medical Assistance payments made from appropriation accounts under s. 20.435 (4) (b), (gm), (o), and (w), may not exceed applicable limitations on payments under 42 USC 1396a (a) (30) (A).

SECTION 1194. 49.45 (52) (b) 1. of the statutes is amended to read:

49.45 (52) (b) 1. Annually, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 shall submit a certified cost report that meets the requirements of

the federal department of health and human services for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1105/P3
MED:cdc&kms

DOA:.....Bollhorst, BB0163 - Dental Therapist Licensure

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Licensure of dental therapists

This bill provides for the licensure of dental therapists, who are health care practitioners who may engage in the limited practice of dentistry.

Under current law, dentists and dental hygienists are licensed by the Dentistry Examining Board to practice dentistry and dental hygiene, respectively. This bill provides for the licensure of a third type of dental practitioner, dental therapists. Under the bill, the board must grant a dental therapist license to an individual who satisfies certain criteria, including completion of an approved dental therapy program and passage of required examinations.

Dental therapists may provide dental therapy services only under the supervision of a dentist with whom the dental therapist has a collaborative management agreement that addresses various aspects of the dental therapist's practice. Dental therapists are, subject to the terms of a collaborative management agreement and what was covered in their dental therapy education program, limited to providing services, treatments, and procedures that are specified in the bill, as well as additional services, treatments, or procedures specified by the board by rule. Dental therapists may initially provide dental therapy services only under the direct

or indirect supervision of a qualifying dentist. Once a dental therapist has provided dental therapy services for at least 2,000 hours, the dental therapist may provide services under the general supervision of a qualifying dentist. However, the level of supervision for a dental therapist may be further limited under the terms of a collaborative management agreement. Dental therapists must also, under the bill, either 1) limit their practice to federally defined dental shortage areas or 2) practice in settings where at least 50 percent of their patient base consists of certain specified populations. Dental therapists must complete 12 hours of continuing education each biennium.

The bill subjects dental therapists to, or covers dental therapists under, various other laws, including the health care records law, the volunteer health care provider program, the health care worker protection law, and the emergency volunteer health care practitioner law.

Finally, the bill requires, effective when 50 individuals become licensed as a dental therapist in this state or five years after the bill is enacted, that, to the extent possible, one of the dental hygienist members on the board also be licensed as a dental therapist.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1195. 15.405 (6) (b) of the statutes is amended to read:

15.405 (6) (b) Three dental hygienists who are licensed under ch. 447. The governor shall, to the extent possible, appoint members under this paragraph so that at least one of the members under this paragraph is an individual who is also a dental therapist licensed under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members under this paragraph may participate in the preparation and grading of licensing examinations for dental hygienists.

SECTION 1196. 146.81 (1) (c) of the statutes is amended to read:

146.81 (1) (c) A dentist or dental therapist licensed under ch. 447.

SECTION 1197. 146.89 (1) (r) 1. of the statutes is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist, dental therapist, or dental hygienist under ch. 447, a

registered nurse, practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant under subch. IX of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

SECTION 1198. 146.89 (1) (r) 5. of the statutes is amended to read:

146.89 (1) (r) 5. An individual who holds a valid, unexpired license, certification, or registration issued by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as those acts that an individual who is described in subds. 1. to 4., except a dentist, dental therapist, or dental hygienist, is licensed or certified to perform and who performs acts that are within the scope of that license, certification, or registration.

SECTION 1199. 146.89 (3) (b) 8. of the statutes is amended to read:

146.89 (3) (b) 8. Dental services, including tooth extractions and other procedures done under local anesthesia only and any necessary suturing related to the extractions, performed by a dentist or dental therapist who is a volunteer health provider; and dental hygiene services, performed by a dental hygienist who is a volunteer health provider.

SECTION 1200. 146.89 (3m) (intro.) of the statutes is amended to read:

146.89 (3m) (intro.) A volunteer health care provider who is a dentist or dental therapist may provide dental services or a volunteer health care provider who is a dental hygienist may provide dental hygiene services, to persons who are recipients of Medical Assistance, if all of the following apply:

SECTION 1201. 146.997 (1) (d) 3. of the statutes is amended to read:

146.997 (1) (d) 3. A dentist or dental therapist licensed under ch. 447.

SECTION 1202. 155.01 (7) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

155.01 (7) “Health care provider” means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, or genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who holds a compact privilege under subch. XI of ch. 448, an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XII of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 1203. 252.14 (1) (ar) 3. of the statutes is amended to read:

252.14 (1) (ar) 3. A dentist or dental therapist licensed under ch. 447.

SECTION 1204. 257.01 (5) (a) of the statutes is amended to read:

257.01 (5) (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under

ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

SECTION 1205. 257.01 (5) (b) of the statutes is amended to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse or nurse-midwife, under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

SECTION 1206. 440.03 (13) (b) 20m. of the statutes is created to read:

440.03 (13) (b) 20m. Dental therapist.

SECTION 1207. 440.08 (2) (a) 25m. of the statutes is created to read:

440.08 (2) (a) 25m. Dental therapist: October 1 of each odd-numbered year.

SECTION 1208. 440.094 (1) (c) 3. of the statutes is amended to read:

440.094 (1) (c) 3. A dentist or dental therapist licensed under ch. 447.

SECTION 1209. 447.01 (6g) of the statutes is created to read:

447.01 (6g) "Dental therapist" means an individual who practices dental therapy.

SECTION 1210. 447.01 (6r) of the statutes is created to read:

447.01 (6r) "Dental therapy" means the limited practice of dentistry, consisting of the services, treatments, and procedures specified in s. 447.06 (3) (b).

SECTION 1211. 447.02 (1) (a) of the statutes is amended to read:

447.02 (1) (a) Governing the reexamination of an applicant who fails an examination specified in s. 447.04 (1) (a) 5., (1m)(e), or (2) (a) 5. The rules may specify additional educational requirements for those applicants and may specify the number of times an applicant may be examined.

SECTION 1212. 447.02 (1) (b) of the statutes is amended to read:

447.02 (1) (b) Governing the standards and conditions for the use of radiation and ionizing equipment in the practice of dentistry or dental therapy.

SECTION 1213. 447.02 (1) (g) of the statutes is created to read:

447.02 (1) (g) Specifying services, treatments, or procedures, in addition to those specified under s. 447.06 (3) (b) 1. to 27., that are included within the practice of dental therapy.

SECTION 1214. 447.02 (2) (a) of the statutes is amended to read:

447.02 (2) (a) The conditions for supervision and the degree of supervision required under ss. 447.03 (3) (a), (am), (b) and (d) 2. and 447.065.

SECTION 1215. 447.02 (3) (a) (intro.) of the statutes is amended to read:

447.02 (3) (a) (intro.) The examining board may issue a permit authorizing the practice in this state, without compensation, of dentistry, dental therapy, or dental hygiene to an applicant who is licensed to practice dentistry, dental therapy, or dental hygiene in another state, if all of the following apply:

SECTION 1216. 447.02 (3) (a) 2. of the statutes is amended to read:

447.02 (3) (a) 2. The examining board determines that the applicant is qualified and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the examining board may not require the applicant to pass an examination of state statutes and rules relating to dentistry, dental therapy, or dental hygiene.

SECTION 1217. 447.02 (3) (a) 3. of the statutes is created to read:

447.02 (3) (a) 3. If the applicant is applying for a permit to practice dental therapy, the applicant graduated from a dental therapy education program approved under s. 447.04 (1m) (c) 1. to 3.

SECTION 1218. 447.02 (3) (b) of the statutes is amended to read:

447.02 (3) (b) A permit under this subsection shall authorize the practice of dentistry, dental therapy, or dental hygiene in a specified area of the state for a period of time not more than 10 days in a year and may be renewed by the examining board. The examining board may not require an applicant to pay a fee for the issuance or renewal of a permit under this subsection.

SECTION 1219. 447.02 (5) of the statutes is amended to read:

447.02 (5) Except as provided in ss. 447.058 and 447.063, nothing in this chapter may be construed as authorizing the examining board to regulate business or administrative support functions or services, that do not constitute the practice of dentistry, dental therapy, or dental hygiene, provided to a business that provides dental or dental hygiene services.

SECTION 1220. 447.02 (6) of the statutes is created to read:

447.02 (6) The examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m). This subsection does not apply on or after the first day of the 6th year beginning after publication of this act [LRB inserts date].

SECTION 1221. 447.03 (1m) of the statutes is created to read:

447.03 (1m) DENTAL THERAPISTS. Except as provided under sub. (3) and s. 447.02 (3), no person may do any of the following unless he or she is licensed to practice dental therapy under this chapter:

(a) Practice or offer to practice dental therapy.

(b) Represent himself or herself to the public as a dental therapist or use, in connection with his or her name, any title or description that may convey the impression that he or she is a dental therapist.

SECTION 1222. 447.03 (3) (am) of the statutes is created to read:

447.03 (3) (am) A dental therapy student who practices dental therapy under the supervision of a dentist in an infirmary, clinic, hospital, or other institution connected or associated for training purposes with a dental therapy school accredited by the American Dental Association commission on dental accreditation or its successor agency.

SECTION 1223. 447.03 (3) (c) of the statutes is amended to read:

447.03 (3) (c) An individual licensed to practice dentistry, dental therapy, or dental hygiene in another state or country who practices dentistry, dental therapy, or dental hygiene in a program of dental education or research at the invitation of a group of dentists or practices dentistry, dental therapy, or dental hygiene under the jurisdiction of the army, navy, air force, U.S. public health service, or veterans bureau.

SECTION 1224. 447.04 (1m) of the statutes is created to read:

447.04 (1m) DENTAL THERAPISTS. The examining board shall grant a license to practice dental therapy to an individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Submits evidence satisfactory to the examining board that he or she has done one of the following:

1. Graduated from a dental therapy education program accredited by the American Dental Association commission on dental accreditation or its successor agency.

2. Graduated from a dental therapy education program that was not accredited by the American Dental Association commission on dental accreditation or its successor agency at the time of graduation, but was, on or before the effective date of this subdivision ... [LRB inserts date], accredited or approved by the Minnesota Board of Dentistry.

3. Graduated from a dental therapy education program located outside this state that was not accredited by the American Dental Association commission on dental accreditation or its successor agency, but that is approved by the examining board. The examining board shall approve a program under this subdivision if the examining board determines that the dental therapy education program is substantially similar to a program accredited by the American Dental Association commission on dental accreditation or its successor agency.

(d) Submits evidence satisfactory to the examining board that he or she has passed a national board dental therapy examination and a dental therapy clinical examination administered by a regional testing service that has been approved by the examining board to administer clinical examinations for dental professionals. If a national board examination or a regional testing service examination for dental therapy does not exist, the examining board shall accept evidence of passing an alternative examination administered by another entity or testing service that is approved by the examining board.

(e) Passes an examination administered by the examining board on the statutes and rules relating to dental therapy.

(f) Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(g) If the individual was licensed or is currently licensed in another state or territory of the United States or in another country, the individual submits information related to his or her licensure in other jurisdictions as required by the examining board.

(h) Completes any other requirements established by the examining board by rule that are comparable to and no more restrictive than the requirements established by the board for dentists under sub. (1) (a) 6. and dental hygienists under sub. (2) (a) 6.

SECTION 1225. 447.05 (2m) of the statutes is created to read:

447.05 (2m) The examining board may not renew a license to practice dental therapy unless the applicant for renewal attests that he or she has complied with s. 447.057 and any rules promulgated under s. 447.057, that he or she has current proficiency in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 1226. 447.057 of the statutes is created to read:

447.057 Continuing education; dental therapists. (1) (a) Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental therapy, other than a permit issued under s. 447.02 (3), unless the person has

taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of continuing education relating to the clinical practice of dental therapy that is sponsored or recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical-related professional organization.

(b) Continuing education required under par. (a) may include training in all of the following:

1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) may be satisfied by such training.

2. Infection control. Not less than 2 of the credit hours required under par. (a) must be satisfied by such training.

(c) After consultation with the department of health services, the examining board may promulgate rules requiring that continuing education credit hours under par. (a) include courses in specific clinical subjects.

(2) The credit hours required under sub. (1) (a) may be satisfied by independent study, correspondence, or Internet programs or courses.

(3) Subsection (1) (a) does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

(4) A person may substitute credit hours of college level courses related to the practice of dental therapy for the credit hours required under sub. (1) (a). For purposes of this subsection, one credit hour of a college level course is equivalent to 6 credit hours of continuing education.

(5) For purposes of sub. (1) (a), one hour of teaching or preparing a continuing education program is equivalent to one credit hour of continuing education, but a person who teaches or prepares a continuing education program may obtain credit for the program only once.

(6) The examining board may require applicants for renewal of a license to practice dental therapy to submit proof of compliance with the requirements of this section.

SECTION 1227. 447.06 (1) of the statutes is amended to read:

447.06 (1) No contract of employment entered into between a dentist or dental therapist and any other party under which the dentist or dental therapist renders dental services may require the dentist or dental therapist to act in a manner ~~which~~ that violates the professional standards for dentistry or dental therapy set forth in this chapter. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional standards for dentistry or dental therapy set forth in this chapter.

SECTION 1228. 447.06 (1m) of the statutes is created to read:

447.06 (1m) No contract of employment entered into between a dental therapist and any other party under which the dental therapist is employed to practice dental therapy may require a dental therapist to meet a minimum quota for the number of patients seen or the number of procedures performed.

SECTION 1229. 447.06 (2) (a) 3. of the statutes is amended to read:

447.06 (2) (a) 3. For a school for the education of dentists, dental therapists, or dental hygienists.

SECTION 1230. 447.06 (2) (b) of the statutes is amended to read:

447.06 (2) (b) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. only as authorized by a dentist or dental therapist who is licensed to practice dentistry or dental therapy under this chapter and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

SECTION 1231. 447.06 (2) (c) (intro.) of the statutes is amended to read:

447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed to practice dentistry or dental therapy under this chapter is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

SECTION 1232. 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:

447.06 (2) (c) 2. (intro.) The dentist or dental therapist who made the written or oral prescription has examined the patient at least once during the 12-month period immediately preceding:

SECTION 1233. 447.06 (3) of the statutes is created to read:

447.06 (3) (a) In this subsection:

1. “Collaborative management agreement” means an agreement under par. (d).
2. “Dental health shortage area” has the meaning given in s. 36.60 (1) (ad).
3. “Direct supervision” means that the dentist is present in the dental office or other practice setting, personally diagnoses the condition to be treated, personally authorizes each procedure, and before dismissal of the patient, evaluates the performance of the allied dental personnel.
4. “General supervision” means that the dentist is not present in the dental office or other practice setting or on the premises at the time tasks or procedures are

being performed by the dental therapist, but that the tasks or procedures performed by the dental therapist are being performed with the prior knowledge and consent of the dentist.

5. "Indirect supervision" means that the dentist is present in the dental office or other practice setting, authorizes each procedure, and remains in the office while the procedures are being performed by the allied dental personnel.

6. "Medical Assistance patient" means a patient who is a recipient of services under the Medical Assistance program under subch. IV of ch. 49.

7. "Qualifying dentist" means a dentist who is licensed in this state and who is actively practicing in this state.

8. "Uninsured patient" means a patient who lacks dental health coverage, either through a public health care program or private insurance, and has an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.

(b) The scope of practice of a dental therapist shall, subject to the terms of a collaborative management agreement, be limited to providing the following services, treatments, and procedures:

1. Oral evaluation and assessment of dental disease and formulation of an individualized treatment plan.

2. Identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and the management of referrals.

3. Comprehensive charting of the oral cavity.

4. Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

5. Exposure and evaluation of radiographic images.
6. Dental prophylaxis, including subgingival scaling and polishing procedures.
7. Dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider.
8. Application of topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants.
9. Pulp vitality testing.
10. Application of desensitizing medications or resins.
11. Fabrication of athletic mouth guards and soft occlusal guards.
12. Changing of periodontal dressings.
13. Administration of local anesthetic and nitrous oxide.
14. Simple extraction of erupted primary teeth.
15. Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist's collaborative management agreement, except for the extraction of a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for removal.
16. Emergency palliative treatment of dental pain limited to the procedures in this paragraph.
17. Preparation and placement of direct restoration in primary and permanent teeth.
18. Fabrication and placement of single-tooth temporary crowns.
19. Preparation and placement of preformed crowns on primary teeth.
20. Indirect and direct pulp capping on permanent teeth.

21. Indirect pulp capping on primary teeth.
22. Intraoral suture placement and removal.
23. Minor adjustment and repair of removable prostheses.
24. Placement and removal of space maintainers.
25. Pulpotomy on primary teeth.
26. Tooth reimplantation and stabilization.
27. Recementing of a permanent crown.
28. Any additional services, treatments, or procedures specified in the rules

promulgated under s. 447.02 (1) (g).

(bm) 1. Notwithstanding par. (b) 1. to 28., a dental therapist shall, except as provided in subd. 2., limit his or her practice of dental therapy to providing the services, treatments, and procedures covered by his or her dental therapy education program.

2. If any service, treatment, or procedure under par. (b) 1. to 28. was not covered by a dental therapist's dental therapy education program, the dental therapist may provide that service, treatment, or procedure if the dental therapist has subsequently received additional dental therapy educational training to provide that service, treatment, or procedure.

(c) 1. Except as provided in subd. 2., a dental therapist licensed under this chapter may provide dental therapy services in this state only under the direct supervision or indirect supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.

2. a. Once a dental therapist licensed under this chapter has provided dental therapy services for at least 2,000 hours under direct supervision or indirect supervision, the dental therapist may provide dental therapy services in this state

under the general supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.

b. For purposes of the 2,000 hours requirement under subd. 2. a., hours may include hours of providing dental therapy services in this state under direct supervision or indirect supervision of a qualifying dentist as described in subd. 1. or hours of providing dental therapy services under direct supervision or indirect supervision while licensed as a dental therapist outside this state, but may not include any hours completed prior to graduating from the dental therapy education program.

3. Notwithstanding subds. 1. and 2., the level of supervision for a dental therapist may be further limited under the terms of a collaborative management agreement under par. (d) 1. b.

4. A supervising dentist shall accept responsibility for all services performed by a dental therapist pursuant to a collaborative management agreement. If services needed by a patient are beyond the dental therapist's scope of practice or authorization under the collaborative management agreement, the dental therapist shall, to the extent required under the collaborative management agreement, consult with the supervising dentist as needed to arrange for those services to be provided by a dentist or another qualified health care provider.

(d) 1. Prior to providing any dental therapy services, a dental therapist shall enter into a written collaborative management agreement with a qualifying dentist who will serve as a supervising dentist under par. (c). The agreement must be signed by the dental therapist and the qualifying dentist and address all of the following:

a. The practice settings where services may be provided and the patient populations that may be served.

b. Consistent with and subject to pars. (bm) and (c), any conditions or limitations on the services that may be provided by the dental therapist, the level of supervision required, and any circumstances requiring consultation prior to performing services.

c. Age-specific and procedure-specific practice protocols.

d. Dental record-keeping procedures.

e. Plans for managing dental or medical emergencies.

f. A quality assurance plan for monitoring care provided by the dental therapist.

g. Protocols for administering and dispensing medications.

h. Criteria or protocols relating to the provision of care to patients with specific medical conditions, treatments, or medications.

i. Policies relating to supervision of dental hygienists and other staff.

j. A plan for the referral of patients to other dental or health care providers or clinics when services needed are beyond the scope of practice or authorization of the dental therapist.

k. Whether and to what extent the dental therapist may perform services described in par. (b) 15.

2. a. A collaborative management agreement shall be limited to covering one qualifying dentist and one dental therapist.

b. A dental therapist may enter into multiple collaborative management agreements.

c. No dentist may have collaborative management agreements with more than 4 dental therapists at any time.

(e) A dental therapist shall at all times comply with at least one of the following:

1. Limit his or her practice to practicing in one or more dental health shortage areas. If a dental therapist begins practicing in a dental health shortage area, and that area loses its designation as a dental health shortage area while the dental therapist continues to practice in that area, the dental therapist is considered to satisfy this subdivision as long as the dental therapist continues to practice in that area.

2. Practice in one or more settings in which at least 50 percent of the total patient base of the dental therapist consists of patients who are any of the following:

- a. Medical Assistance patients.
- b. Uninsured patients.
- c. Patients receiving dental care at free and charitable clinics.
- d. Patients receiving dental care at federally qualified health centers.
- e. Patients who reside in long-term care facilities.
- f. Veterans.
- g. Patients who are members of a federally recognized Indian tribe or band.
- h. Patients receiving dental care at clinics or facilities located on tribal lands.
- i. Patients with medical disabilities or chronic conditions that create barriers of access to dental care.

SECTION 1234. 447.063 of the statutes is amended to read:

447.063 Preservation and transfer of patient health care records. (1)

A person who manages or controls a business that offers dental, dental therapy, or dental hygiene services, including management or control of a business through which the person allows another person to offer dental, dental therapy, or dental hygiene services, shall preserve patient health care records, as defined in s. 146.81 (4), for an amount of time determined by the examining board by rule.

(2) A person who manages or controls a business that offers dental, dental therapy, or dental hygiene services, including management or control of a business through which the person allows another person to offer dental, dental therapy, or dental hygiene services, shall, upon request of a patient or person authorized by the patient, as defined in s. 146.81 (5), transfer the patient health care records, as defined in s. 146.81 (4), of the patient to another person that the patient or person authorized by the patient specifies to receive the patient health care records.

SECTION 1235. 447.065 of the statutes is amended to read:

447.065 Delegation of remediable procedures and dental practices. (1)

A dentist or dental therapist who is licensed to practice dentistry under this chapter may delegate to an individual who is not licensed under this chapter only the performance of remediable procedures, and only if all of the following conditions are met:

(a) The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist or dental therapist.

(b) The dentist or dental therapist is on the premises when the unlicensed individual performs the remediable procedures.

(c) The unlicensed individual's performance of the remediable procedures is subject to inspection by the dentist or dental therapist.

(2) Subject to the requirements under s. 447.06 (2), a dentist or dental therapist who is licensed to practice dentistry under this chapter may delegate to a dental hygienist who is licensed to practice dental hygiene under this chapter the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia, nitrous oxide inhalation analgesia, and

subgingival sustained release chemotherapeutic agents, to the extent the dentist or dental therapist has the authority to perform the activity personally.

(3) A dentist or dental therapist who delegates to another individual the performance of any practice or remediable procedure is responsible for that individual's performance of that delegated practice or procedure.

SECTION 1236. 447.07 (1) of the statutes is amended to read:

447.07 (1) The examining board may, without further notice or process, limit, suspend, or revoke the license or certificate of any dentist, dental therapist, or dental hygienist, or the registration of a mobile dentistry program registrant, who fails, within 60 days after the mailing of written notice to the dentist's, dental therapist's, dental hygienist's, or registrant's last-known address, to renew the license, certificate, or registration.

SECTION 1237. 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist, dental therapist, dental hygienist, or expanded function dental auxiliary, of a mobile dentistry program registrant, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry, dental therapy, or dental hygiene, or the operation of a mobile dentistry program, in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist, dental therapist, dental hygienist, or expanded function dental auxiliary who is licensed or certified under this chapter, or any mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her license or certificate, or the registration of the mobile dentistry program registrant, if it finds

that the dentist, dental therapist, dental hygienist, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

SECTION 1238. 447.07 (3) (e) to (h) of the statutes are amended to read:

447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a crime, the circumstances of which substantially relate to the practice of dentistry, dental therapy, or dental hygiene, the practice of an expanded function dental auxiliary, or the operation of a mobile dentistry program.

(f) Violated this chapter or any federal or state statute or rule that relates to the practice of dentistry, dental therapy, dental hygiene, or an expanded function dental auxiliary, or the operation of a mobile dentistry program.

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary while his or her ability was impaired by alcohol or other drugs.

(h) Engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of dentistry, dental therapy, or dental hygiene or the practice of an expanded function dental auxiliary.

SECTION 1239. 447.40 (intro.) of the statutes is amended to read:

447.40 Informed consent. (intro.) Any dentist or dental therapist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable dentist standard is the standard for informing a patient under this section. The reasonable dentist standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The dentist's or dental therapist's duty to inform the patient under this section does not require disclosure of any of the following:

SECTION 1240. 447.40 (6) of the statutes is amended to read:

447.40 (6) Information about alternate modes of treatment for any condition the dentist or dental therapist has not included in his or her diagnosis, assessment, or treatment plan at the time the dentist or dental therapist informs the patient.

SECTION 1241. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. IX, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

SECTION 1242. 448.975 (2) (c) 1. of the statutes is amended to read:

448.975 (2) (c) 1. The practice of dentistry, dental therapy, or dental hygiene within the meaning of ch. 447.

SECTION 1243. 450.03 (1) (e) of the statutes is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice as a pharmacy technician under s. 450.068, to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to

practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

SECTION 1244. 450.10 (3) (a) 4. of the statutes is amended to read:

450.10 (3) (a) 4. A dentist or dental therapist licensed under ch. 447.

SECTION 1245. 462.02 (2) (d) of the statutes is amended to read:

462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), a person certified as an expanded function dental auxiliary under s. 447.04 (3), or a person under the direct supervision of a dentist.

SECTION 1246. 462.04 of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

SECTION 1247. 463.10 (5) of the statutes is amended to read:

463.10 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1) or to a~~, dental therapist, or physician who tattoos or

offers to tattoo a person in the course of the dentist's, dental therapist's, or physician's professional practice.

SECTION 1248. 463.12 (5) of the statutes is amended to read:

463.12 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist who is licensed under s. 447.03 (1) or to a dental therapist, or physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's, dental therapist's, or physician's professional practice.

SECTION 1249. 632.87 (4) of the statutes is amended to read:

632.87 (4) No policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dentist or dental therapist within the scope of the dentist's or dental therapist's license, if the policy, plan or contract covers diagnosis and treatment of the condition or complaint by another health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 1250. 895.48 (1m) (a) (intro.) of the statutes is amended to read:

895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist or dental therapist licensed under ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1)

(c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

SECTION 1251. 895.48 (1m) (a) 2. of the statutes is amended to read:

895.48 **(1m)** (a) 2. The physician, naturopathic doctor, podiatrist, athletic trainer, chiropractor, dentist, dental therapist, emergency medical services practitioner, as defined in s. 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician assistant, registered nurse, massage therapist or bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 1252. 941.315 (5) of the statutes is amended to read:

941.315 **(5)** (a) Subsection (2) does not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care, if the nitrous oxide is administered by a physician ~~or~~, dentist, or dental therapist or at the direction or under the supervision of a physician ~~or~~, dentist, or dental therapist.

(b) Subsection (3) does not apply to the administration of nitrous oxide by a physician ~~or~~, dentist, or dental therapist, or by another person at the direction or under the supervision of a physician ~~or~~, dentist, or dental therapist, for the purpose of providing medical or dental care.

(c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic or other health care organization or to a physician ~~or~~, dentist, or dental therapist of any object used, designed for use or primarily intended for use in administering nitrous oxide for the purpose of providing medical or dental care.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) DENTAL THERAPIST LICENSURE.

(a) The dentistry examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m).

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

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

3. The dentistry examining board shall submit a proposed emergency rule required to implement this act to the governor for approval under s. 227.24 (1) (e) 1g. no later than the 150th day after the effective date of this subdivision. Notwithstanding s. 227.24 (1) (e) 1g., if the governor does not reject the proposed

emergency rule by the 14th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

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

SECTION 9438. Effective dates; Safety and Professional Services.

(1) DENTAL THERAPIST LICENSURE. The treatment of s. 15.405 (6) (b) takes effect on the date the notice under s. 447.02 (6) is published in the Wisconsin Administrative Register or on the first day of the 6th year beginning after publication, whichever occurs first.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1106/P1
SWB:amn

DOA:.....Bollhorst, BB0161 - Medicaid certified peer specialist services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Certified peer specialist services

This bill requires DHS to provide as a benefit and reimburse services provided by certified peer specialists under the Medical Assistance program. The bill also adds services provided by certified peer specialists to a DHS program to coordinate and continue care following a substance use overdose. A “certified peer specialist,” as defined in the bill, is an individual who has experience in the mental health and substance use services system, who is trained to provide support to others, and who has received peer specialist or parent peer specialist certification.

The bill requires DHS to reimburse under the Medical Assistance program a certified peer specialist service that meets all of the following criteria: the recipient of the certified peer specialist service is in treatment for or recovery from mental illness or a substance use disorder; the certified peer specialist provides the service under the supervision of a competent mental health professional and in coordination and accordance with the recipient’s individual treatment plan and treatment goals; and the certified peer specialist completes the training requirements specified by DHS.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1253. 46.482 (1) (a) of the statutes is renumbered 46.482 (1) (bm).

SECTION 1254. 46.482 (1) (am) of the statutes is created to read:

46.482 (1) (am) “Certified peer specialist” means an individual described under s. 49.45 (30j) (a) 1m. who has met the certification requirements established by the department.

SECTION 1255. 46.482 (1) (b) of the statutes is renumbered 46.482 (1) (c) and amended to read:

46.482 (1) (c) “Peer recovery coach” means an individual described under s. 49.45 (30j) (a) ~~2.~~ 3. who has completed the training requirements specified under s. 49.45 (30j) (b) 4.

SECTION 1256. 46.482 (2) (a) of the statutes is amended to read:

46.482 (2) (a) Use peer recovery coaches and certified peer specialists to encourage individuals to seek treatment for a substance use disorder following an overdose.

SECTION 1257. 46.482 (2) (f) of the statutes is amended to read:

46.482 (2) (f) Collect and evaluate data on the outcomes of patients receiving peer recovery coach or certified peer specialist services and coordination and continuation of care services under this section.

****NOTE: While the instructions added the defined term “certified peer specialist” to s. 46.482, the instructions did not include use of the term in any substantive portion of s. 46.482. In this version, I added reference to “certified peer specialists” in both s. 46.482 (2) (a) and (f). Please let me know if you would like any changes or if those references should be removed.

SECTION 1258. 49.45 (30j) (title) of the statutes is amended to read:

49.45 (30j) (title) REIMBURSEMENT FOR PEER RECOVERY COACH AND CERTIFIED PEER SPECIALIST SERVICES.

SECTION 1259. 49.45 (30j) (a) 1. and 2. of the statutes are renumbered 49.45 (30j) (a) 2m. and 3.

SECTION 1260. 49.45 (30j) (a) 1m. of the statutes is created to read:

49.45 (30j) (a) 1m. “Certified peer specialist” means an individual who has experience in the mental health and substance use services system, who is trained to provide support to others, and who has received peer specialist or parent peer specialist certification under the rules established by the department.

SECTION 1261. 49.45 (30j) (bm) of the statutes is created to read:

49.45 (30j) (bm) The department shall reimburse under the Medical Assistance program under this subchapter any service provided by a certified peer specialist if the service satisfies all of the following conditions:

1. The recipient of the service provided by a certified peer specialist is in treatment for or recovery from a mental illness or a substance use disorder.

2. The certified peer specialist provides the service under the supervision of a competent mental health professional.

3. The certified peer specialist provides the service in coordination with the Medical Assistance recipient’s individual treatment plan and in accordance with the recipient’s individual treatment goals.

4. The certified peer specialist providing the service has completed training requirements, as established by the department by rule, after consulting with members of the recovery community.

SECTION 1262. 49.45 (30j) (c) of the statutes is amended to read:

49.45 (30j) (c) The department shall certify under Medical Assistance peer recovery coaches and certified peer specialists to provide services in accordance with this subsection.

SECTION 1263. 49.46 (2) (b) 14p. of the statutes is amended to read:

49.46 (2) (b) 14p. Subject to s. 49.45 (30j), services provided by a peer recovery coach or a certified peer specialist.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) RULES REGARDING TRAINING OF CERTIFIED PEER SPECIALISTS. The department of health services may promulgate the rules required under s. 49.45 (30j) (bm) 4. as emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the department of health services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until January 1, 2025, or the date the permanent rules take effect, whichever is sooner.

****NOTE: Please let me know if you would like to make changes to the emergency rules language. I have included a contingency deadline for the termination of the emergency rules under this subsection in accordance with our drafting conventions. The specific date is just a placeholder, so please let me know if you would like to make changes.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1107/P1
JPC:kms

DOA:.....Bollhorst, BB0165 - Medicaid School Based Services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Payment for school medical services

Under current law, if a school district or a cooperative educational service agency elects to provide school medical services and meets certain requirements, DHS is required to reimburse the school district or cooperative educational service agency for 60 percent of the federal share of allowable charges for the school medical services that they provide. If the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets certain other requirements, DHS is also required to reimburse DPI for 60 percent of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provide. Further, under current law, DHS is required to reimburse school districts, cooperative educational service agencies, and DPI, on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, for 90 percent of the federal share of allowable school medical services administrative costs.

This bill increases the amount that DHS is required to reimburse a school district, cooperative educational service agency, and DPI, on behalf of the Wisconsin

Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, for provided school medical services to 100 percent of the federal share of allowable charges for the school medical services. The bill also increases the amount that DHS is required to reimburse a school district, cooperative educational service agency, and DPI, on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, to 100 percent of the federal share of allowable school medical services administrative costs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1264. 49.45 (39) (b) 1. of the statutes is amended to read:

49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for ~~60~~ 100 percent of the federal share of allowable charges for the school medical services that it provides and, as specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for ~~60~~ 100 percent of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for

common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

SECTION 1265. 49.45 (39) (b) 2. of the statutes is amended to read:

49.45 **(39)** (b) 2. 'Payment for school medical services administrative costs.' The department shall reimburse a school district or a cooperative educational service agency specified under subd. 1. and shall reimburse the department of public instruction on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing for ~~90~~ 100 percent of the federal share of allowable administrative costs, using time studies, ~~beginning in fiscal year 1999-2000.~~ A school district or a cooperative

educational service agency may submit, and the department of health services shall allow, claims for administrative costs incurred during the period that is up to 24 months before the date of the claim, if allowable under federal law.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1110/P2
FFK:kms/cdc/skw

DOA:.....Kretschmann, BB0154 - Milwaukee Mathematics Partnership

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Milwaukee mathematics partnership grant

Under this bill, beginning in the 2024-25 school year, DPI must award a grant to the school board of a first class city school district (currently, only Milwaukee Public Schools) to develop and implement a plan to improve mathematics instruction in the school district if the school board provides matching funds equal to at least 20 percent of the grant. The bill requires the school board to work with UW-Milwaukee to develop and implement the plan.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1266. 20.255 (2) (de) of the statutes is created to read:

20.255 (2) (de) *Mathematics partnership grant.* The amounts in the schedule for aid to a 1st class city school district under s. 119.313.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1267. 119.313 of the statutes is created to read:

119.313 Mathematics Partnership. (1) The board, in consultation with the University of Wisconsin-Milwaukee, shall develop and implement a plan to improve mathematics instruction in schools in the school district.

(2) (a) Annually, beginning in the 2024-25 school year and subject to par. (b), from the appropriation under s. 20.255 (2) (de), the department shall award a grant to the board to develop and implement the plan under sub. (1). The board may use grant proceeds for personnel costs associated with developing and implementing the plan under sub. (1).

(b) As a condition of receiving a grant under this subsection, the board shall provide matching funds in an amount equal to at least 20 percent of the amount of the grant.

(3) The department may promulgate rules to implement and administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1111/P2
FFK:emw&cde

DOA:.....Kretschmann, BB0155 - Driver Education Aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Driver education; state aid

This bill creates a new aid program for driver schools and for school boards, independent charter schools, and cooperative educational service agencies that offer a driver education program to pupils who meet the income eligibility standard for a free or reduced-price lunch in the federal school lunch program. To be eligible for this aid, a driver school, school board, independent charter school, or CESA must demonstrate to DPI that it waived its program participation fees for eligible pupils. Under the bill, DPI pays the driver school, school board, operator of the independent charter school, or CESA an amount equal to its program participation fee multiplied by the number of eligible pupils who completed the driver education program in the previous school year.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1268. 20.255 (2) (cv) of the statutes is created to read:

20.255 (2) (cv) *Driver education aid.* The amounts in the schedule for driver education aid for qualified driver education providers under s. 121.42.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1269. 121.41 of the statutes is amended to read:

121.41 Driver education programs; fees. A school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), cooperative educational service agency, or ~~the~~ technical college system board may establish and collect reasonable fees for any driver education program or part of a program which is neither required for nor credited toward graduation. The school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), cooperative educational service agency, or ~~the~~ technical college system board may waive any fee established under this subsection for any indigent pupil.

SECTION 1270. 121.42 of the statutes is created to read:

121.42 Driver education programs; state aid. (1) In this section:

(a) “Driver education program” means an instructional program in driver education approved by the department and operated by a qualified driver education provider or driver school.

(b) “Driver school” has the meaning given in s. 343.60 (1).

(c) “Eligible pupil” means a pupil who met the income eligibility standard for a free or reduced-price lunch in the federal school lunch program under 42 USC 1758

(b) (1) in the previous school year.

(d) “Qualified driver education provider” means a school board, the operator of a charter school authorized under s. 118.40 (2r) or (2x), or a cooperative educational service agency.

(2) Beginning in the 2024-25 school year, the department shall pay to each qualified driver education provider and driver school the amount determined under sub. (3) if all of the following apply:

(a) The qualified driver education provider or driver school demonstrates to the department that for eligible pupils the qualified driver education provider or driver school waived the fees the qualified driver education provider or driver school otherwise charges pupils to enroll in and complete the driver education program.

(b) By October 1, 2024, and annually thereafter, the qualified driver education provider or driver school reports to the department all of the following:

1. The number of eligible pupils who enrolled in and successfully completed a driver education program operated by the qualified driver education provider or driver school in the previous school year.

2. The amount the qualified driver education provider or driver school charged a pupil who was not an eligible pupil to enroll in and complete the driver education program in the previous school year.

(3) The department shall calculate the amount paid to a qualified driver education provider or driver school under sub. (2) by multiplying the number of eligible pupils the qualified driver education provider or driver school reported under sub. (2) (b) 1. by the amount the qualified driver education provider or driver school reported under sub. (2) (b) 2.

(4) The department may promulgate rules to implement and administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1112/P1
FFK:klm

DOA:.....Kretschmann, BB0157 - School Breakfast Reimbursement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

School breakfast program

This bill expands eligibility for reimbursement under the school breakfast program to include operators of independent charter schools, the director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the director of the Wisconsin Center for the Blind and Visually Impaired, and operators of residential care centers for children and youth. The bill also prohibits DPI from making a reimbursement for a breakfast served at a school in the previous school year if that school ceased operations during the prior school year. This prohibition does not apply to reimbursements to a school district.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1271. 115.341 of the statutes is amended to read:

115.341 School breakfast program. (1) From the appropriation under s. 20.255 (2) (cm), the state superintendent shall reimburse each school board, each operator of a charter school under s. 118.40 (2r) or (2x), each operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, and the director of the center under s. 115.525 15 cents for each breakfast served at a school, as defined in 7 CFR 220.2, that meets the requirements of 7 CFR 220.8 ~~or 220.8a, whichever is applicable~~, and shall reimburse each governing body of a private school or tribal school 15 cents for each breakfast served at the private school or tribal school that meets the requirements of 7 CFR 220.8 ~~or 220.8a, whichever is applicable~~.

(2) If the appropriation under s. 20.255 (2) (cm) in any fiscal year is insufficient to pay the full amount of aid under this section, the state superintendent shall prorate state aid payments among the school boards, operators, directors, and governing bodies of ~~private schools and tribal schools~~ entitled to the aid under sub. (1).

SECTION 1272. 115.341 (3) of the statutes is created to read:

115.341 (3) Notwithstanding sub. (1), the state superintendent may not reimburse the operator of a charter school under s. 118.40 (2r) or (2x), the operator of a residential care center for children and youth, as defined in s. 115.76 (14g), the director of the program under s. 115.52, the director of the center under s. 115.525, or the governing body of a private or tribal school for any breakfast served at a school, as defined in 7 CFR 220.2, during the prior school year if the school ceased operations during that prior school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1113/P1
FFK:emw

DOA:.....Bollhorst, BB0169 - Vapor Product Use on School Grounds

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Prohibiting vaping on school property

This bill prohibits individuals from vaping on school premises. Under the bill, “school premises” is defined as any real property owned by, rented by, or under the control of a school board, operator or governing board of an independent charter school, or governing body of a private school. “School premises” includes outdoor spaces such as playgrounds and athletic fields. The bill defines vaping as inhaling or exhaling vapor from a vapor product, regardless of whether the liquid or other substance being heated to produce the vapor contains nicotine. Under current law, a school board, operator or governing board of an independent charter school, or governing body of a private school may prohibit vaping on school premises under its respective control.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1273. 118.07 (6) of the statutes is created to read:

118.07 (6) (a) In this subsection:

1. "School premises" means all of the following:

a. Real property owned or rented by, or under the control of, a school board, including playgrounds, athletic facilities or fields, and any other property that is occupied by pupils on a regular basis.

b. Real property owned or rented by an operator or governing board of a charter school that is used for the operation of a charter school, including playgrounds, athletic facilities or fields, and any other property that is occupied on a regular basis by pupils attending the charter school.

c. Real property owned or rented by the governing body of a private school that is used for the operation of a private school, including playgrounds, athletic facilities or fields, and any other property that is occupied on a regular basis by pupils attending the private school.

2. "Vape" means to inhale or exhale vapor from a vapor product.

3. "Vapor product" has the meaning given in s. 139.75 (14).

(b) No individual may vape on school premises.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1114/P1
KP:emw

DOA:.....Bollhorst, BB0168 - Vapor product use indoors

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

Use of vapor products in indoor locations

This bill specifies that the general prohibition under current law against smoking in indoor locations includes inhaling or exhaling vapor from a vapor product. Under the bill, a “vapor product” is a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance. The prohibition applies to vapor products regardless of whether they contain nicotine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1274. 101.123 (1) (h) (intro.) of the statutes is amended to read:

101.123 (1) (h) (intro.) “Smoking” means burning any of the following:

1m. Burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

SECTION 1275. 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h)

1m. a.

SECTION 1276. 101.123 (1) (h) 2. of the statutes is renumbered 101.123 (1) (h)

1m. b.

SECTION 1277. 101.123 (1) (h) 2m. of the statutes is created to read:

101.123 (1) (h) 2m. Inhaling or exhaling vapor from a vapor product.

SECTION 1278. 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h)

1m. c.

SECTION 1279. 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h)

1m. d.

SECTION 1280. 101.123 (1) (k) of the statutes is created to read:

101.123 (1) (k) "Vapor product" has the meaning given in s. 139.75 (14).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1115/P2
MED:cjs

DOA:.....Bollhorst, BB0172 - Maternal and infant mortality prevention and response

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This bill requires the DHS to do all of the following for the prevention of and response to maternal and infant mortality, including 1) award grants to community organizations with the aim of preventing maternal and infant mortality, 2) award grants to support the expansion of fetal and infant mortality review and maternal mortality review teams statewide and expand technical assistance and support for existing fetal and infant mortality review and child death review teams, 3) provide funding and technical assistance to community-based organizations aimed at preventing infant mortality, and 4) provide funding for grief and bereavement programming for those impacted by infant loss.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1281. 20.435 (1) (ex) of the statutes is created to read:

20.435 (1) (ex) *Maternal and infant mortality prevention and response*. The amounts in the schedule for the prevention of and response to maternal and infant mortality under s. 253.143.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1282. 253.143 of the statutes is created to read:

253.143 Maternal and infant mortality prevention and response. From the appropriation under s. 20.435 (1) (ex), the department shall do all of the following:

(1) Annually award grants to community organizations whose goal is the prevention of maternal and infant mortality.

(2) Annually award grants to support the expansion of fetal and infant mortality review and maternal mortality review teams statewide and expand technical assistance and support for existing fetal and infant mortality review and child death review teams.

(3) Provide funding and technical assistance to community-based organizations aimed at preventing infant mortality.

(4) Provide funding for grief and bereavement programming for those impacted by infant loss.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1118/P2
EAW:wlj

DOA:.....Kretschmann, BB0152 - Special education aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Funding for special education and school age parents programs

This bill changes the rate at which the state reimburses school boards, operators of independent charter schools, cooperative educational service agencies (CESAs), and county children with disabilities education boards (CCDEBs) for costs incurred to provide special education and related services to children with disabilities and for school age parents programs (eligible costs). Under current law, the state reimburses the full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children. After those costs are paid, the state reimburses remaining eligible costs from the amount remaining in the appropriation account at a rate that distributes the full amount appropriated. DPI estimates that, in the 2022-23 school year, the reimbursement rate is 31.7 percent.

The bill changes the appropriation to a sum sufficient and provides that, beginning in the 2023-24 school year, after full payment of hospital and convalescent home costs, the remaining costs are reimbursed at 60 percent of eligible costs

Currently, DPI provides 1) special education aid to school districts, independent charter schools, CESAs, and CCDEBs; 2) aid to school districts, CESAs, and CCDEBs for providing physical or mental health treatment services to private school

and tribal school pupils; and 3) aid for school age parents programs to school districts only.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1283. 20.255 (2) (b) of the statutes is amended to read:

20.255 (2) (b) *Aids for special education and school age parents programs.* ~~The amounts in the schedule A sum sufficient for the payment of the full cost of special education for children in hospitals and convalescent homes under s. 115.88 (4) and for the payment of aids for special education and school age parents programs under ss. 115.88, 115.93 and 118.255 as provided under s. 115.882.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1284. 115.882 of the statutes is amended to read:

115.882 Payment of state aid; reimbursement rate. ~~Funds appropriated under s. 20.255 (2) (b) shall be used first for the purpose of s. 115.88 (4). Costs In the 2023-24 school year and in each school year thereafter, costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6), and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for the costs, not to exceed 100 percent 60 percent of eligible costs.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1119/P1
EAW:wlj

DOA:.....Kretschmann, BB0153 - High-cost special education aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

High-cost special education aid

This bill changes the rate at which the state reimburses school boards, operators of independent charter schools, cooperative educational service agencies, and county children with disabilities education boards for nonadministrative costs in excess of \$30,000 incurred for providing special education and related costs to a child (aidable costs). Under current law, 90 percent of aidable costs are paid from a sum certain appropriation. If the amount of the appropriation is insufficient to pay the full 90 percent of aidable costs, DPI prorates payments among eligible applicants. For the 2022-23 school year, DPI estimates that the reimbursement rate is 39.5 percent of aidable costs under this aid program.

The bill changes the appropriation to a sum sufficient appropriation and provides that aidable costs are reimbursed at the following rates:

1. In the 2023-24 school year, 45 percent of aidable costs.
2. In the 2024-25 school year and in each school year thereafter, 60 percent of aidable costs.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1285. 20.255 (2) (bd) of the statutes is amended to read:

20.255 (2) (bd) *Additional special education aid.* The amounts in the schedule A sum sufficient for aid under s. 115.881.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1286. 115.881 (2) of the statutes is renumbered 115.881 (2) (intro.) and amended to read:

115.881 (2) (intro.) For each child whose costs exceeded \$30,000 under sub. (1), the department shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant ~~in the current school year an amount equal to 0.90 multiplied by that portion at the following rates:~~

(a) In the 2023-34 school year, 45 percent of the cost under sub. (1) that exceeded \$30,000.

SECTION 1287. 115.881 (2) (b) of the statutes is created to read:

115.881 (2) (b) In the 2024-25 school year and each school year thereafter, 60 percent of the cost under sub. (1) that exceeded \$30,000.

SECTION 1288. 115.881 (3) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1121/P3
EAW:skw/cdc/wlj

DOA:.....Kretschmann, BB0158 - Limiting enrollment in voucher programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Parental choice program caps

This bill caps the total number of pupils who may participate in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program (parental choice program) at the number of pupils who attended a private school under the parental choice program in the 2023-24 school year. Under the bill, beginning in the 2024-25 school year, if the number of applications to participate in a parental choice program exceeds the program cap, DPI must determine which applications to accept on a random basis, subject to certain admission preferences that exist under current law.

Under current law, pupils may submit applications to attend a private school under the statewide parental choice program for the following school year from the first weekday in February to the third Thursday in April, and a private school that receives applications must, no later than the first weekday in May immediately following the application period, report the number of applicants to DPI so that DPI may determine whether a pupil participation limitation has been exceeded. The bill provides that, beginning with applications for the 2024-25 school year, DPI must establish one or more application periods during which pupils may submit

applications to attend a private school under the MPCP or RPCP. The bill provides that a private school that receives applications during an application period must, no later than 10 days after the application period ends, report the number of applicants to DPI so that DPI may determine whether a program cap has been exceeded. The bill does not change the application period for the statewide parental choice program and requires DPI to use the information required to be reported under current law to determine whether the program cap for the statewide parental choice program has been exceeded.

The bill also requires DPI to establish a waiting list for a parental choice program if the program cap for the parental choice program has been exceeded.

Special Needs Scholarship Program cap

Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship to attend a private school participating in the Special Needs Scholarship Program. This bill caps the total number of children who may receive an SNSP scholarship at the number of children who received an SNSP scholarship in the 2023-24 school year. Under the bill, beginning in the 2024-25 school year, if the number of applications for SNSP scholarships exceeds the program cap, DPI must determine which applications to accept on a random basis, subject to certain admission preferences set forth in the bill.

Under current law, a child may apply for an SNSP scholarship at any time during a school year and may begin attending the school at any time during the school year. The bill provides that, beginning with applications for the 2024-25 school year, children may submit applications for SNSP scholarships for the school year from the first weekday in April to the third Thursday in June of the prior school year, and a private school that receives applications for SNSP scholarships must, no later than the first weekday in May immediately following the application period, report the number of applicants to DPI so that DPI may determine whether the program cap has been exceeded.

The bill also requires DPI to establish a waiting list if the program cap for the SNSP has been exceeded.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1289. 115.7915 (1) (aw) of the statutes is created to read:

115.7915 (1) (aw) "Program cap" means the total number of children who attended eligible schools under the scholarship program under this section in the 2023-24 school year.

SECTION 1290. 115.7915 (2) (intro.) of the statutes is amended to read:

115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17 school year, the department shall, subject to sub. (2m), provide to a child with a disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the following apply:

SECTION 1291. 115.7915 (2) (b) of the statutes is amended to read:

115.7915 (2) (b) The governing body of the eligible school notified the department of its intent to participate in the program under this section as provided under sub. (3) (a).

SECTION 1292. 115.7915 (2) (f) of the statutes is amended to read:

115.7915 (2) (f) The child's parent or guardian on behalf of the child, or, for a child with a disability who has reached the age of 18 and has not been adjudicated incompetent, the child, submitted an application for a scholarship under this section as provided under sub. (3) (am) and on a form prepared by the department that includes the document developed by the department under sub. (4) to the eligible school that the child will attend. ~~A child's parent or guardian or a child with a disability who has reached the age of 18 may apply for a scholarship at any time during a school year and, subject to sub. (3) (b), a child may begin attending an eligible school under this section at any time during the school year.~~

SECTION 1293. 115.7915 (2) (g) of the statutes is amended to read:

115.7915 (2) (g) The Subject to sub. (3) (d), the eligible school, or the department on behalf of the eligible school, has accepted the child's application to attend the eligible school under a scholarship awarded under this section.

SECTION 1294. 115.7915 (2m) of the statutes is created to read:

115.7915 (2m) PROGRAM CAP. Beginning with the 2024-25 school year, the total number of children who may attend eligible schools under the scholarship program under this section during a school year may not exceed the program cap.

SECTION 1295. 115.7915 (3) (title) of the statutes is amended to read:

115.7915 (3) (title) PARTICIPATING SCHOOLS; ~~SELECTION OF PUPILS~~ APPLICATION PROCESS; WAITING LIST.

SECTION 1296. 115.7915 (3) (a) of the statutes is amended to read:

115.7915 (3) (a) The governing body of an eligible school that intends to participate in the program under this section shall notify the department of its intent by the 1st Monday in March of the previous school year. The governing body of the eligible school shall include in the notice under this paragraph the number of spaces the eligible school has available for children receiving a scholarship under this section.

SECTION 1297. 115.7915 (3) (am) of the statutes is created to read:

115.7915 (3) (am) The governing body of an eligible school that has submitted a notice of intent to participate under par. (a) may accept applications for scholarships under sub. (2) (f) for the following school year between the first weekday in April and the 3rd Thursday in June.

SECTION 1298. 115.7915 (3) (b) of the statutes is repealed.

SECTION 1299. 115.7915 (3) (bm) of the statutes is amended to read:

115.7915 (3) (bm) Upon receipt of an application for a scholarship under sub. (2) (f) par. (am), the governing body of the eligible school shall determine whether the application satisfies the requirements under sub. (2), other than the requirement under sub. (2) (d), and shall request verification from the local education agency that developed the child's individualized education program or services plan that the

child has an individualized education program or services plan in place that meets the requirement in sub. (2) (d). The governing body of the eligible school shall also notify the child's resident school board that, pending verification that the requirements of sub. (2) have been satisfied and subject to par. (d), the child will be awarded a scholarship under this section. The local education agency shall, within 5 business days of receiving a request under this paragraph, provide the governing body of the eligible school with a copy of the child's individualized education program or services plan.

SECTION 1300. 115.7915 (3) (c) of the statutes is amended to read:

115.7915 (3) (c) The By the first weekday in May immediately following the application period under par. (am), the governing body of a private an eligible school participating in the program under this section that received applications for scholarships under par. (am) shall notify report to the department when it verifies that a child has the names of children who applied under par. (am) to attend the eligible school for whom the governing body has verified that an individualized education program or services plan is in effect and accepts the child's application to attend the private school under a scholarship awarded under this section the names of those applicants who have siblings who are already attending the eligible school.

SECTION 1301. 115.7915 (3) (d) of the statutes is created to read:

115.7915 (3) (d) After the end of the application period described under par. (am), upon receipt of the information under par. (c), the department shall determine the sum of all applicants for scholarships under this section. In determining the sum, the department shall count a child who has applied for more than one scholarship under this section only once. If the sum of all applicants exceeds the program cap, the department shall determine which applications to accept on a random basis,

subject to the number of available spaces each eligible school specified in its notice under par. (a), except that the department shall give preference to the following in accepting applications for each eligible school, in the order of preference listed:

1. Children who attended a different eligible school under a scholarship under this section during the previous school year.

2. Siblings of pupils who are already attending the eligible school.

SECTION 1302. 115.7915 (3) (e) of the statutes is created to read:

115.7915 (3) (e) No later than 60 days after the end of the application period described under par. (am), the department shall notify each applicant and each eligible school, in writing, whether the application submitted to the eligible school has been accepted.

SECTION 1303. 115.7915 (3) (f) of the statutes is created to read:

115.7915 (3) (f) If the sum under par. (d) exceeds the program cap, the department shall establish a waiting list in accordance with the preferences required under par. (d).

SECTION 1304. 115.7915 (3) (g) of the statutes is created to read:

115.7915 (3) (g) The governing body of an eligible school that has accepted a child under par. (d) shall notify the department whenever the governing body determines that the child will not attend the eligible school under a scholarship under this section. If, upon receiving notice under this paragraph, the department determines that the number of children attending eligible schools under scholarships under this section falls below the program cap, the department shall fill any available slot with a child selected from the waiting list established under par. (f), if such a waiting list exists.

SECTION 1305. 118.60 (2) (a) (intro.) of the statutes is amended to read:

118.60 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (bh), any pupil in grades kindergarten to 12 who resides ~~within~~ in an eligible school district may attend any private school under this section and, subject to pars. (ag), (ar), (be), (bh), (bm), and (bs), any pupil in grades kindergarten to 12 who resides in a school district, other than an eligible school district or a 1st class city school district, may attend any private school under this section if all of the following apply:

SECTION 1306. 118.60 (2) (a) 2. g. of the statutes is amended to read:

118.60 (2) (a) 2. g. If the pupil resides in a school district, other than ~~an eligible school district or a 1st class city school district~~, the pupil was on a waiting list under sub. (3) (am) 4. or (ar) 4. in any previous school year.

SECTION 1307. 118.60 (2) (be) 3. of the statutes is amended to read:

118.60 (2) (be) 3. Beginning with the 2026-27 school year, ~~there is no limit on the number of pupils who may attend private schools~~ the limits under this section paragraph do not apply.

SECTION 1308. 118.60 (2) (bh) of the statutes is created to read:

118.60 (2) (bh) 1. In this paragraph, “program cap” means any of the following:

a. For an eligible school district, the total number of pupils residing in the eligible school district who attended a private school under this section in the 2023-24 school year.

b. For all school districts, other than an eligible school district or a 1st class city school district, the total number of pupils residing in those school districts who attended a private school under this section in the 2023-24 school year.

2. a. Beginning with the 2024-25 school year, the total number of pupils residing in an eligible school district who may attend a private school under this section during a school year may not exceed the program cap under subd. 1. a.

b. Beginning with the 2024-25 school year, the total number of pupils residing in school districts, other than an eligible school district or a 1st class city school district, who may attend a private school under this section during a school year may not exceed the program cap under subd. 1. b.

SECTION 1309. 118.60 (3) (a) (intro.) of the statutes is amended to read:

118.60 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. No later than 60 days after the end of the application period during which an application is received and subject to ~~par.~~ pars. (am) and (ar), the private school shall notify each applicant, in writing, whether his or her application has been accepted. If the private school rejects an application, the notice shall include the reason. Subject to ~~par.~~ pars. (am) and (ar), a private school may reject an applicant only if it the private school has reached its maximum general capacity or seating capacity. Except as provided in ~~par.~~ pars. (am) and (ar), the state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference to the following in accepting applications, in the order of preference listed:

SECTION 1310. 118.60 (3) (am) of the statutes is created to read:

118.60 (3) (am) All of the following apply to applications to attend a private school under this section submitted by pupils who reside in an eligible school district:

1. A private school that has submitted a notice of intent to participate under sub. (2) (a) 3. a. may accept applications for a school year during application periods determined by the department from pupils who reside in an eligible school district.

For each school year, the department shall establish one or more application periods under this subdivision, the first of which begins no earlier than the first weekday in February of the school year before the applicable school year, and the last of which ends no later than September 14 of the applicable school year.

2. Each private school that received applications under subd. 1. shall report to the department the number of pupils who applied under subd. 1. to attend the private school under this section and the names of those applicants who have siblings who also applied under subd. 1. to attend the private school under this section. The private school shall submit the report no later than 10 days after each application period described under subd. 1. during which the private school received applications.

3. After the end of each application period described under subd. 1., upon receipt of the information under subd. 2., the department shall determine the sum of all applicants for pupils residing in an eligible school district. In determining the sum, the department shall count a pupil who has applied to attend more than one private school under the program under this section only once. If, after the end of an application period described under subd. 1., the sum of all applicants for pupils residing in an eligible school district exceeds the program cap under sub. (2) (bh) 2. a., the department shall determine which applications submitted during the application period to accept on a random basis, except that the department shall give preference to the applications of pupils described in par. (a) 1m. to 5., in the order of preference listed in that paragraph.

4. If the sum under subd. 3. exceeds the program cap under sub. (2) (bh) 2. a., the department shall establish a waiting list in accordance with the preferences required under subd. 3.

5. A private school that has accepted a pupil who resides in an eligible school district under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below the program cap under sub. (2) (b) 2. a., the department shall fill any available slot with a pupil selected from the waiting list established under subd. 4., if such a waiting list exists.

SECTION 1311. 118.60 (3) (ar) (intro.) of the statutes is amended to read:

118.60 (3) (ar) (intro.) All of the following apply to applications to attend a private school under this section ~~only if the limitation under sub. (2) (b) applies to the school year for which the application is made~~ submitted by pupils who reside in a school district, other than an eligible school district or a 1st class city school district:

SECTION 1312. 118.60 (3) (ar) 3. of the statutes is renumbered 118.60 (3) (ar) 3. (intro.) and amended to read:

118.60 (3) (ar) 3. (intro.) ~~Annually~~ After the end of the application period described under subd. 1., upon receipt of the information under subd. 2., the department shall, for each school district, determine the sum of all applicants for pupils residing in that school district ~~under this paragraph~~ and the sum of all applicants for pupils residing in all school districts, other than an eligible school district or a 1st class city school district. In determining ~~the sum~~ those sums, the department shall count a pupil who has applied to attend more than one private school under the program only once. After determining ~~the sum of all applicants for pupils residing in a school district,~~ those sums, if any of the following applies, the department shall determine which applications to accept on a random basis, except

that the department shall give preference to the applications of pupils described in par. (a) 1m. to 5., in the order of preference listed in that paragraph.:

SECTION 1313. 118.60 (3) (ar) 3. a. and b. of the statutes are created to read:

118.60 (3) (ar) 3. a. The sum of all applicants for pupils residing in a school district, other than an eligible school district or a 1st class city school district, exceeds the school district's pupil participation limit under sub. (2) (be).

b. The sum of all applicants for pupils residing in all school districts, other than an eligible school district or a 1st class city school district, exceeds the program cap under sub. (2) (bh) 2. b.

SECTION 1314. 118.60 (3) (ar) 4. of the statutes is renumbered 118.60 (3) (ar) 4. (intro.) and amended to read:

118.60 (3) (ar) 4. (intro.) ~~For each school district in which private schools received applications under subd. 1. that exceeded the school district's pupil participation limit under sub. (2) (be), the~~ The department shall establish a waiting list in accordance with the preferences required under subd. 3. for each of the following:

SECTION 1315. 118.60 (3) (ar) 4. a. and b. of the statutes are created to read:

118.60 (3) (ar) 4. a. A school district, other than an eligible school district or a 1st class city school district, for which the sum described under subd. 3. a. exceeds the school district's pupil participation limit under sub. (2) (be).

b. All school districts, other than an eligible school district or a 1st class city school district, if the sum described under subd. 3. b. exceeds the program cap under sub. (2) (bh) 2. b.

SECTION 1316. 118.60 (3) (ar) 5. of the statutes is amended to read:

118.60 (3) (ar) 5. A private school that has accepted a pupil who resides in a school district, other than an eligible school district or a 1st class city school district, under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below a school district's pupil participation limit under sub. (2) (be), or below the program cap under sub. (2) (bh) 2. b., the department shall fill any available slot in that school district or program with a pupil selected from the school district's applicable waiting list established under subd. 4., if such a waiting list exists.

SECTION 1317. 118.60 (3) (b) of the statutes is amended to read:

118.60 (3) (b) If a participating private school rejects an applicant who resides ~~within~~ in an eligible school district because the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant who is rejected under this paragraph or an applicant who is on the waiting list under par. (am) 4. may, subject to sub. (2) (bh) 2. a., be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside ~~within~~ in an eligible school district. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 1318. 118.60 (3) (c) of the statutes is amended to read:

118.60 (3) (c) If a participating private school rejects an applicant who resides in a school district, other than an eligible school district or a 1st class city school

district, because the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant who is rejected under this paragraph or an applicant who is on ~~the~~ a waiting list under par. (ar) 4. a. or b. may, subject to sub. (2) (be) and (bh) 2. b., be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside in a school district, other than an eligible school district or a 1st class city school district. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 1319. 118.60 (4v) (b) of the statutes is amended to read:

118.60 (4v) (b) If the department considers a pupil as a resident of an eligible school district under par. (a) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a school district has exceeded its pupil participation limit under sub. (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

SECTION 1320. 118.60 (4v) (c) of the statutes is created to read:

118.60 (4v) (c) The department may consider a pupil enrolled in a private school participating in the program under this section who satisfies all of the following as a resident of a school district, other than an eligible school district or a 1st class city school district, who is enrolled in the private school under this section:

1. The pupil was a resident of an eligible school district when the pupil applied to participate in the program under this section.

2. The pupil accepted a space at a private school participating in the program under this section as a resident of an eligible school district.

3. The pupil resides in a school district, other than an eligible school district or a 1st class city school district, on the 3rd Friday in September.

4. The private school the pupil is attending under this section accepts applications under this section from pupils who reside in school districts, other than an eligible school district or a 1st class city school district.

SECTION 1321. 118.60 (4v) (d) of the statutes is created to read:

118.60 (4v) (d) If the department considers a pupil as a resident of a school district, other than an eligible school district or a 1st class city school district, under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether the school district has exceeded its pupil participation limit under sub. (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

SECTION 1322. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (b), any pupil in grades kindergarten to 12 who resides within the city may attend any private school if all of the following apply:

SECTION 1323. 119.23 (2) (b) of the statutes is created to read:

119.23 (2) (b) 1. In this paragraph, “program cap” means the total number of pupils residing in the city who attended a private school under this section in the 2023-24 school year.

2. Beginning with the 2024-25 school year, the total number of pupils residing in the city who may attend a private school under this section during a school year may not exceed the program cap.

SECTION 1324. 119.23 (3) (a) (intro.) of the statutes is amended to read:

119.23 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. No later than 60 days after the end of the application period during which an application is received and subject to par. (ar), the private school shall notify each applicant, in writing, whether his or her application has been accepted. If the private school rejects an application, the notice shall include the reason. ~~A~~ Subject to par. (ar), a private school may reject an applicant only if it the private school has reached its maximum general capacity or seating capacity. ~~The~~ Except as provided in par. (ar), the state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference to the following in accepting applications, in order of preference listed:

SECTION 1325. 119.23 (3) (ar) of the statutes is created to read:

119.23 (3) (ar) All of the following apply to applications to attend a private school under this section submitted by pupils who reside in the city:

1. A private school that has submitted a notice of intent to participate under sub. (2) (a) 3. may accept applications for a school year during application periods determined by the department from pupils who reside in the city. For each school year, the department shall establish one or more application periods under this

subdivision, the first of which begins no later than the first weekday in February of the school year before the applicable school year, and the last of which ends no later than September 14 of the applicable school year.

2. Each private school that received applications under subd. 1. shall report to the department the number of pupils who applied under subd. 1. to attend the private school under this section and the names of those applicants who have siblings who also applied under subd. 1. to attend the private school under this section. The private school shall submit the report no later than 10 days after each application period described under subd. 1. during which the private school received applications.

3. After the end of each application period described under subd. 1., upon receipt of the information under subd. 2., the department shall determine the sum of all applicants for pupils residing in the city. In determining the sum, the department shall count a pupil who has applied to attend more than one private school under the program under this section only once. If, after the end of an application period described under subd. 1., the sum of all applicants for pupils residing in the city exceeds the program cap under sub. (2) (b), the department shall determine which applications submitted during the application period to accept on a random basis, except that the department shall give preference to the applications of pupils described in par. (a) 1. to 5., in the order of preference listed in that paragraph.

4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the department shall establish a waiting list in accordance with the preferences required under subd. 3.

5. A private school that has accepted a pupil who resides in the city under this paragraph shall notify the department whenever the private school determines that a pupil will not attend the private school under this paragraph. If, upon receiving notice under this subdivision, the department determines that the number of pupils attending private schools under this section falls below the program cap under sub. (2) (b), the department shall fill any available slot with a pupil selected from the waiting list established under subd. 4., if such a waiting list exists.

SECTION 1326. 119.23 (3) (b) of the statutes is amended to read:

119.23 (3) (b) If the private school rejects an applicant because ~~it~~ the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant who is rejected under this paragraph or an applicant who is on the waiting list under par. (ar) 4. may, subject to sub. (2) (b), be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside ~~within~~ in the city. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

SECTION 1327. 119.23 (4v) (b) of the statutes is amended to read:

119.23 (4v) (b) If the department considers a pupil as a resident of the city under par. (a) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded.

SECTION 1328. 119.23 (4v) (c) of the statutes is created to read:

119.23 (4v) (c) The department may consider a pupil enrolled in a private school participating in the program under this section who satisfies all of the following as a resident of a school district, other than a 1st class city school district, who is enrolled in the private school under this section:

1. The pupil was a resident of the city when the pupil applied to participate in the program under this section.

2. The pupil accepted a space at a private school participating in the program under this section as a resident of the city.

3. The pupil resides in a school district, other than a 1st class city school district, on the 3rd Friday in September.

4. The private school at which the pupil accepted a space under this section is participating in the program under s. 118.60.

SECTION 1329. 119.23 (4v) (d) of the statutes is created to read:

119.23 (4v) (d) If the department considers a pupil as a resident of an eligible school district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. has been exceeded.

SECTION 1330. 119.23 (4v) (e) of the statutes is created to read:

119.23 (4v) (e) If the department considers a pupil as a resident of a school district, other than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city school district, under par. (c) for a school year, the department shall ensure that the pupil is not counted for that school year for purposes of determining whether the school district has exceeded its pupil participation limit under s. 118.60 (2) (be)

and that the pupil is not counted for that school year for purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

SECTION 9334. Initial applicability; Public Instruction.

(1) PARENTAL CHOICE PROGRAMS; PROGRAM CAPS. The treatment of ss. 118.60 (3) (am) and (ar) (intro.) and 5. and 119.23 (3) (ar), the renumbering and amendment of s. 118.60 (3) (ar) 3. and 4., and the creation of s. 118.60 (3) (ar) 3. a. and b. and 4. a. and b. first apply to an application to attend a private school under s. 118.60 or 119.23 in the 2024-25 school year.

(2) SPECIAL NEEDS SCHOLARSHIP PROGRAM; PROGRAM CAP. The treatment of s. 115.7915 (2) (f) and (g) and (3) (a), (am), (b), (bm), (c), (d), (e), (f), and (g) first applies to an application for a scholarship to attend an eligible school under s. 115.7915 in the 2024-25 school year.

(3) PARENTAL CHOICE PROGRAMS; TRANSFERRING APPLICANTS BETWEEN PROGRAMS. The treatment of ss. 118.60 (4v) (b), (c), and (d) and 119.23 (4v) (b), (c), (d), and (e) first applies to counting pupils for the pupil participation limits under s. 118.60 (2) (be) and the program caps under ss. 118.60 (2) (bh) 2. a. and b. and 119.23 (2) (b) for the 2024-25 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1127/P2
MED:wlj

DOA:.....Bollhorst, BB0174 - Newborn screening program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Funding for infant testing programs

Under current law, DHS and the Wisconsin State Laboratory of Hygiene operate a newborn screening program under which newborn babies are tested for certain blood disorders, in addition to hearing loss and critical congenital heart disease. Current law appropriates funding for the program from fees charged for various costs associated with the program. This bill creates an additional GPR appropriation to provide funding for the program and various costs associated with the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1331. 20.435 (1) (ew) of the statutes is created to read:

20.435 (1) (ew) *Congenital disorders; general purpose revenue.* The amounts in the schedule to provide diagnostic services, special dietary treatment, and follow-up counseling for congenital disorders and periodic evaluation of infant screening programs as specified under s. 253.13, to provide referrals under s. 253.115, to administer the programs under ss. 253.115 and 253.13, and for the costs of consulting with appropriate experts as specified in s. 253.13 (5).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1128/P3
SWB:cjs

DOA:.....Bollhorst, BB0175 - Lead poisoning definition

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Defining lead poisoning or lead exposure

This bill modifies the definition of lead poisoning or lead exposure from a level of lead in the blood of five or more micrograms per 100 milliliters of blood to 3.5 or more micrograms per 100 milliliters of blood. The bill also changes the circumstances under which DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises. Under current law, DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises when DHS is notified that an occupant of the dwelling or premises who is under the age of six has an elevated blood lead level, which current law defines as a level of lead in the blood that is either 1) 20 or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test; or 2) 15 or more micrograms per 100 milliliters of blood, as confirmed by two venous blood tests that are performed at least 90 days apart. Under the bill, DHS is required to conduct, or ensure there is conducted, a lead investigation of a dwelling or premises when DHS is notified that an occupant of the dwelling or premises who is under the age of six has lead poisoning or lead exposure. The bill also requires that when DHS receives such a notification, DHS must present official credentials to the owner or occupant of the dwelling or

premises or a representative of the owner and request admission to conduct a lead investigation of the dwelling or premises. As under current law, if an owner or occupant refuses to grant admission, DHS may seek a warrant to investigate the dwelling or premises.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1332. 254.11 (5m) of the statutes is repealed.

SECTION 1333. 254.11 (9) of the statutes is amended to read:

254.11 (9) “Lead poisoning or lead exposure” means a level of lead in the blood of ~~5~~ 3.5 or more micrograms per 100 milliliters of blood.

SECTION 1334. 254.166 (1) of the statutes is amended to read:

254.166 (1) The department ~~may~~ shall, after being notified that an occupant of a dwelling or premises who is under 6 years of age has blood lead poisoning or lead exposure, present official credentials to the owner or occupant of the dwelling or premises, or to a representative of the owner, and request admission to conduct a lead investigation of the dwelling or premises. If the department is notified that an occupant of a dwelling or premises who is a child under 6 years of age has ~~an elevated blood lead level~~ blood lead poisoning or lead exposure, the department shall conduct a lead investigation of the dwelling or premises or ensure that a lead investigation of the dwelling or premises is conducted. The lead investigation shall be conducted during business hours, unless the owner or occupant of the dwelling or premises consents to an investigation during nonbusiness hours or unless the department determines that the dwelling or premises presents an imminent lead hazard. The department shall use reasonable efforts to provide prior notice of the lead investigation to the owner of the dwelling or premises. The department may remove samples or objects necessary for laboratory analysis to determine the presence of a

lead hazard in the dwelling or premises. The department shall prepare and file written reports of all lead investigations conducted under this section and shall make the contents of these reports available for inspection by the public, except for medical information, which may be disclosed only to the extent that patient health care records may be disclosed under ss. 146.82 to 146.835. If the owner or occupant refuses admission, the department may seek a warrant to investigate the dwelling or premises. The warrant shall advise the owner or occupant of the scope of the lead investigation.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1137/P1
MIM:skw

DOA:.....Schmidt, BB0203 - Job Applicant's Conviction Record

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Employment discrimination based on conviction record

This bill provides that it is employment discrimination because of conviction record for a prospective employer to request conviction information from a job applicant before the applicant has been selected for an interview.

The bill, however, does not prohibit an employer from notifying job applicants that an individual with a particular conviction record may be disqualified by law or the employer's policies from employment in particular positions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1335. 111.335 (3) (ag) of the statutes is created to read:

111.335 (3) (ag) 1. Employment discrimination because of conviction record includes a prospective employer requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record

of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

2. Subdivision 1. does not prohibit a prospective employer from notifying applicants for employment that, subject to this section and ss. 111.321 and 111.322, an individual with a particular conviction record may be disqualified by law or under the employer's policies from employment in particular positions.

SECTION 9350. Initial applicability; Workforce Development.

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (ag) first applies to an application for employment submitted to an employer on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) EMPLOYMENT DISCRIMINATION; CONSIDERATION OF CONVICTION RECORD. The treatment of s. 111.335 (3) (ag) and SECTION 9350 (1) of this act take effect on the first day of the 6th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1138/P1
SWB:emw

DOA:.....Schmidt, BB0202 - False Claims Private Authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

GENERAL COURTS AND PROCEDURE

Qui tam actions for false claims

This bill restores a private individual's authority to bring a qui tam claim against a person who makes a false or fraudulent claim for medical assistance, which was eliminated in 2015 Wisconsin Act 55, and further expands qui tam actions to include any false or fraudulent claims to a state agency. A qui tam claim is a claim initiated by a private individual on his or her own behalf and on behalf of the state against a person who makes a false claim relating to medical assistance or other moneys from a state agency. The bill provides that a private individual may be awarded up to 30 percent of the amount of moneys recovered as a result of a qui tam claim, depending upon the extent of the individual's contribution to the prosecution of the action. The individual may also be entitled to reasonable expenses incurred in bringing the action, as well as attorney fees. The bill includes additional changes not included in the prior law to incorporate provisions enacted in the federal Deficit Reduction Act of 2005 and conform state law to the federal False Claims Act, including expanding provisions to facilitate qui tam actions and modifying the bases for liability to parallel the liability provisions under the federal False Claims Act.

In addition to qui tam claims, DOJ has independent authority to bring a claim against a person for making a false claim for medical assistance. The bill modifies

provisions relating to DOJ's authority to parallel the liability and penalty standards relating to qui tam claims and to parallel the forfeiture amounts provided under the federal False Claims Act.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1336. 20.9315 of the statutes is created to read:

20.9315 False claims; actions by or on behalf of state. (1) In this section:

(a) 1. "Claim" means any request or demand, whether under a contract or otherwise, for money or property, whether the state has title to the money or property, that is any of the following:

a. Presented to an officer, employee, agent, or other representative of the state.

b. Made to a contractor, grantee, or other person if the money or property is to be spent or used on the state's behalf or to advance a state program or interest and if the state provides any portion of the money or property that is requested or demanded or will reimburse directly or indirectly the contractor, grantee, or other person for any portion of the money or property that is requested or demanded.

2. "Claim" includes a request or demand for services from a state agency or as part of a state program.

3. "Claim" does not include requests or demands for money or property that the state has paid to an individual as compensation for state employment or as an income subsidy with no restriction on that individual's use of the money or property.

(b) "Knowingly" means, with respect to information, having actual knowledge of the information, acting in deliberate ignorance of the truth or falsity of the

information, or acting in reckless disregard of the truth or falsity of the information.

“Knowingly” does not mean specifically intending to defraud.

(c) “Material” means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property or the receipt of services.

(d) “Medical assistance” has the meaning given under s. 49.43 (8).

(e) “Obligation” has the meaning given in 31 USC 3729 (b) (3).

(f) “Original source” has the meaning given in 31 USC 3730 (e) (4) (B).

(g) “Proceeds” includes damages, civil penalties, surcharges, payments for costs of compliance, and any other economic benefit realized by this state as a result of an action or settlement of a claim.

(2) Except as provided in sub. (3), any person who does any of the following is liable to this state for 3 times the amount of the damages that were sustained by the state or would have been sustained by the state, whichever is greater, because of the actions of the person and shall forfeit, for each violation, an amount within the range specified under 31 USC 3729 (a):

(a) Knowingly presents or causes to be presented a false or fraudulent claim to a state agency, including a false or fraudulent claim for medical assistance.

(b) Knowingly makes, uses, or causes to be made or used a false record or statement material to a false or fraudulent claim to a state agency, including a false or fraudulent claim for medical assistance.

(c) Knowingly makes, uses, or causes to be made or used a false record or statement material to an obligation to pay or transmit money or property to the Medical Assistance program, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Medical Assistance program.

(d) Knowingly makes, uses, or causes to be made or used a false record or statement material to an obligation to pay or transmit money or property to a state agency or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to a state agency.

(e) Conspires to commit a violation under par. (a), (b), (c), or (d).

(3) The court may assess against a person who violates sub. (2) not less than 2 nor more than 3 times the amount of the damages sustained by the state because of the acts of the person, and shall not assess any forfeiture, if the court finds all of the following:

(a) The person who commits the acts furnished the attorney general with all information known to the person about the acts within 30 days after the date on which the person obtained the information.

(b) The person fully cooperated with any investigation by this state of the acts.

(c) At the time that the person furnished the attorney general with information concerning the acts, no criminal prosecution or civil or administrative enforcement action had been commenced with respect to any such act, and the person did not have actual knowledge of the existence of any investigation into any such act.

(5) (a) Except as provided in subs. (10) and (12), any person may bring a civil action as a qui tam plaintiff against a person who commits an act in violation of sub. (2) for the person and the state in the name of the state.

(b) The plaintiff under par. (a) shall serve upon the attorney general a copy of the complaint and documents disclosing substantially all material evidence and information that the plaintiff possesses. The plaintiff shall file a copy of the complaint with the court for inspection in camera. Except as provided in par. (c), the complaint shall remain under seal for a period of 60 days from the date of filing and

shall not be served upon the defendant until the court so orders. Within 60 days from the date of service upon the attorney general of the complaint, evidence, and information under this paragraph, the attorney general may intervene in the action.

(bm) Any complaint filed by the state in intervention, whether filed separately or as an amendment to the qui tam plaintiff's complaint, shall relate back to the filing date of the qui tam plaintiff's complaint to the extent that the state's claim arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the qui tam plaintiff's complaint.

(c) The attorney general may, for good cause shown, move the court for one or more extensions of the period during which a complaint in an action under this subsection remains under seal.

(d) Before the expiration of the period during which the complaint remains under seal, the attorney general shall do one of the following:

1. Proceed with the action or an alternate remedy under sub. (10), in which case the action or proceeding under sub. (10) shall be prosecuted by the state.

2. Notify the court that he or she declines to proceed with the action, in which case the person bringing the action may proceed with the action.

(e) If a person brings a valid action under this subsection, no person other than the state may intervene or bring a related action based upon the same facts underlying the original action while the original action is pending.

(f) In any action brought under this subsection or other proceeding under sub. (10), the plaintiff is required to prove all essential elements of the cause of action or complaint, including damages, by a preponderance of the evidence.

(6) If the state proceeds with an action under sub. (5) or an alternate remedy under sub. (10), the state has primary responsibility for prosecuting the action under

sub. (5) or proceeding under sub. (10). The state is not bound by any act of the person bringing the action, but that person has the right to continue as a party to the action.

(7) (b) With the approval of the governor, the attorney general may compromise and settle an action under sub. (5) or an administrative proceeding under sub. (10) to which the state is a party, notwithstanding objection of the person bringing the action, if the court determines, after affording to the person bringing the action the right to a hearing at which the person is afforded the opportunity to present evidence in opposition to the proposed settlement, that the proposed settlement is fair, adequate, and reasonable considering the relevant circumstances pertaining to the violation.

(c) Upon a showing by the state that unrestricted participation in the prosecution of an action under sub. (5) or an alternate proceeding under sub. (10) to which the state is a party by the person bringing the action would interfere with or unduly delay the prosecution of the action or proceeding, or would result in consideration of repetitious or irrelevant evidence or evidence presented for purposes of harassment, the court may limit the person's participation in the prosecution, such as:

1. Limiting the number of witnesses that the person may call.
2. Limiting the length of the testimony of the witnesses.
3. Limiting the cross-examination of witnesses by the person.
4. Otherwise limiting the participation by the person in the prosecution of the action or proceeding.

(d) Upon a showing by a defendant that unrestricted participation in the prosecution of an action under sub. (5) or alternate proceeding under sub. (10) to which the state is a party by the person bringing the action would result in

harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the person's participation in the prosecution.

(8) Except as provided in sub. (7), if the state elects not to participate in an action filed under sub. (5), the person bringing the action may prosecute the action. If the attorney general so requests, the attorney general shall, at the state's expense, be served with copies of all pleadings and deposition transcripts in the action. If the person bringing the action initiates prosecution of the action, the court, without limiting the status and rights of that person, may permit the state to intervene at a later date upon a showing by the state of good cause for the proposed intervention.

(9) Whether or not the state participates in an action under sub. (5), upon a showing in camera by the attorney general that discovery by the person bringing the action would interfere with the state's ongoing investigation or prosecution of a criminal or civil matter arising out of the same facts as the facts upon which the action is based, the court may stay such discovery in whole or in part for a period of not more than 60 days. The court may extend the period of any such stay upon a further showing in camera by the attorney general that the state has pursued the criminal or civil investigation of the matter with reasonable diligence and the proposed discovery in the action brought under sub. (5) will interfere with the ongoing criminal or civil investigation or prosecution.

(10) The attorney general may pursue a claim relating to an alleged violation of sub. (2) through an alternate remedy available to the state or any state agency, including an administrative proceeding to assess a civil forfeiture. If the attorney general elects any such alternate remedy, the attorney general shall serve timely notice of his or her election upon the person bringing the action under sub. (5), and that person has the same rights in the alternate venue as the person would have had

if the action had continued under sub. (5). Any finding of fact or conclusion of law made by a court or by a state agency in the alternate venue that has become final is conclusive upon all parties named in an action under sub. (5). For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal, if all time for filing an appeal or petition for review with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(11) (a) Except as provided in pars. (b) and (e), if the state proceeds with an action brought by a person under sub. (5) or the state pursues an alternate remedy relating to the same acts under sub. (10), the person who brings the action shall receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person contributed to the prosecution of the action or claim.

(b) Except as provided in par. (e), if an action or claim is one that the court or other adjudicator finds to be based primarily upon disclosures of specific information not provided by the person who brings the action or claim under sub. (5) relating to allegations or transactions specifically disclosed in a criminal, civil, or administrative hearing; legislative or administrative report, hearing, audit, or investigation; or report made by the news media, the court or other adjudicator may award an amount to the person as it considers appropriate, but not more than 10 percent of the proceeds of the action or settlement of the claim, depending upon the significance of the information and the role of the person bringing the action in advancing the prosecution of the action or claim.

(c) Except as provided in par. (e), in addition to any amount received under par. (a) or (b), a person bringing an action under sub. (5) shall be awarded his or her reasonable expenses necessarily incurred in bringing the action together with the

person's costs and reasonable actual attorney fees. The court or other adjudicator shall assess any award under this paragraph against the defendant.

(d) Except as provided in par. (e), if the state does not proceed with an action under sub. (5) or an alternate proceeding under sub. (10), the person bringing the action shall receive an amount that the court decides is reasonable for collection of the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action and shall be paid from the proceeds. In addition, the person shall be paid his or her expenses, costs, and fees under par. (c).

(e) Whether or not the state proceeds with an action under sub. (5) or an alternate proceeding under sub. (10), if the court or other adjudicator finds that an action under sub. (5) was brought by a person who planned or initiated the violation upon which the action or proceeding is based, then the court may, to the extent that the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under par. (a), (b), or (d), taking into account the role of that person in advancing the prosecution of the action or claim and any other relevant circumstance pertaining to the violation, except that if the person bringing the action is convicted of criminal conduct arising from his or her role in a violation of sub. (2), the court or other adjudicator shall dismiss the person as a party and the person shall not receive any share of the proceeds of the action or claim or any expenses, costs, or fees under par. (c).

(12) Except if the action is brought by the attorney general or the person bringing the action is an original source of the information, the court shall dismiss an action or claim under this section, unless opposed by the state, if substantially the

same allegations or transactions as alleged in the action or claim were publicly disclosed in any of the following ways:

(a) In a federal criminal, civil, or administrative hearing in which the state or its agent is a party.

(b) In a congressional, government accountability office, or other federal report, hearing, audit, or investigation.

(c) From the news media.

(13) The state is not liable for any expenses incurred by a private person in bringing an action under sub. (5).

(14) Any employee, contractor, or agent who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful actions taken by the employee, contractor, or agent or by others in furtherance of an action or claim filed under this section or on behalf of the employee, contractor, or agent, including investigation for, initiation of, testimony for, or assistance in an action or claim filed or to be filed under sub. (5), is entitled to all necessary relief to make the employee, contractor, or agent whole. Such relief shall in each case include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay at the legal rate, and compensation for any special damages sustained as a result of the discrimination, including costs and reasonable attorney fees. An employee, contractor, or agent may bring an action to obtain the relief to which the employee, contractor, or agent is entitled under this subsection within 3 years after the date the retaliation occurred.

(15) A civil action may be brought under sub. (5) based upon acts occurring prior to the effective date of this subsection [LRB inserts date], if the action is brought within the period specified in s. 893.9815.

(16) A judgment of guilty entered against a defendant in a criminal action in which the defendant is charged with fraud or making false statements estops the defendant from denying the essential elements of the offense in any action under sub. (5) that involves the same elements as in the criminal action.

(17) The remedies provided for under this section are in addition to any other remedies provided for under any other law or available under the common law.

(18) This section shall be liberally construed and applied to promote the public interest and to effect the congressional intent in enacting 31 USC 3729 to 3733, as reflected in the federal False Claims Act and the legislative history of the act.

SECTION 1337. 49.485 of the statutes is renumbered 20.9315 (19) and amended to read:

~~20.9315 (19) Whoever knowingly presents or causes to be presented to any officer, employee, or agent of this state a false claim for medical assistance shall forfeit not less than \$5,000 nor more than \$10,000, plus 3 times the amount of the damages that were sustained by the state or would have been sustained by the state, whichever is greater, as a result of the false claim. The attorney general may bring an action on behalf of the state to recover any forfeiture incurred under this section.~~

SECTION 1338. 165.25 (11m) of the statutes is created to read:

165.25 (11m) FALSE CLAIMS. Diligently investigate possible violations of s. 20.9315 and, if the department determines that a person has committed an act that is punishable under s. 20.9315, may bring a civil action against that person.

SECTION 1339. 801.02 (1) of the statutes is amended to read:

801.02 (1) ~~A~~ Except as provided in s. 20.9315 (5) (b), a civil action in which a personal judgment is sought is commenced as to any defendant when a summons and a complaint naming the person as defendant are filed with the court, provided service of an authenticated copy of the summons and of the complaint is made upon the defendant under this chapter within 90 days after filing.

SECTION 1340. 803.09 (1) of the statutes is amended to read:

803.09 (1) ~~Upon~~ Except as provided in s. 20.9315, upon timely motion anyone shall be permitted to intervene in an action when the movant claims an interest relating to the property or transaction which is the subject of the action and the movant is so situated that the disposition of the action may as a practical matter impair or impede the movant's ability to protect that interest, unless the movant's interest is adequately represented by existing parties.

SECTION 1341. 803.09 (2) of the statutes is amended to read:

803.09 (2) ~~Upon~~ Except as provided in s. 20.9315, upon timely motion anyone may be permitted to intervene in an action when a movant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order or rule administered by a federal or state governmental officer or agency or upon any regulation, order, rule, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely motion may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

SECTION 1342. 804.01 (2) (intro.) of the statutes is amended to read:

804.01 (2) SCOPE OF DISCOVERY. (intro.) ~~Unless~~ Except as provided in s. 20.9315 (9), and unless otherwise limited by order of the court in accordance with the provisions of this chapter, the scope of discovery is as follows:

SECTION 1343. 805.04 (1) of the statutes is amended to read:

805.04 (1) BY PLAINTIFF; BY STIPULATION. ~~An~~ Except as provided in sub. (2p), an action may be dismissed by the plaintiff without order of court by serving and filing a notice of dismissal at any time before service by an adverse party of responsive pleading or motion or by the filing of a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is not on the merits, except that a notice of dismissal operates as an adjudication on the merits when filed by a plaintiff who has once dismissed in any court an action based on or including the same claim.

SECTION 1344. 805.04 (2p) of the statutes is created to read:

805.04 (2p) FALSE CLAIMS. An action filed under s. 20.9315 may be dismissed only by order of the court. In determining whether to dismiss the action filed under s. 20.9315, the court shall take into account the best interests of the parties and the purposes of s. 20.9315.

SECTION 1345. 893.9815 of the statutes is created to read:

893.9815 False claims. An action or claim under s. 20.9315 shall be commenced within 10 years after the cause of the action or claim accrues or be barred.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1145/P2
KRP:emw

DOA:.....Lessner, BB0177 - WIHSP Spending Limit Adjustment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Wisconsin Healthcare Stability Plan spending limit

This bill directs the commissioner of insurance to index for inflation the annual maximum expenditure amount under the Wisconsin Healthcare Stability Plan (WIHSP). Under current law, WIHSP makes a reinsurance payment to a health insurance carrier if the claims for an individual who is enrolled in a health benefit plan with that carrier exceed a threshold amount, known as the attachment point, in a benefit year. WIHSP is administered by OCI and operates under specific terms and conditions of a waiver agreement between OCI and the federal Department of Health and Human Services, which was dated July 29, 2018. Currently, the commissioner is limited to spending \$230,000,000 for WIHSP from all revenue sources in a year, unless JCF increases the amount.

Beginning in 2025, the bill directs the commissioner to annually adjust the annual expenditure limit based on the increase, if any, in the medical care index of the consumer price index. The bill also specifies that OCI's authority includes the authority to operate WIHSP under any waiver extension approvals.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1346. 601.83 (1) (h) of the statutes is renumbered 601.83 (1) (h) (intro.) and amended to read:

601.83 (1) (h) (intro.) ~~In 2019 and in each subsequent year~~ Unless the joint committee on finance under s. 13.10 increases the amount upon request by the commissioner, the commissioner may expend no more than \$200,000,000 ~~the following amounts~~ from all revenue sources for the healthcare stability plan under this section, ~~unless the joint committee on finance under s. 13.10 has increased this amount upon request by the commissioner.:~~

~~(he)~~ The commissioner shall ensure that sufficient funds are available for the healthcare stability plan under this section to operate as described in the approval of the federal department of health and human services dated July 29, 2018, and in any waiver extension approvals.

SECTION 1347. 601.83 (1) (h) 1. and 3. of the statutes are created to read:

601.83 (1) (h) 1. In 2019, 2020, and 2021, \$200,000,000.

3. In 2025 and in each year thereafter, the maximum expenditure amount for the previous year, adjusted to reflect the percentage increase, if any, in the consumer price index for all urban consumers, U.S. city average, for the medical care group, as determined by the U.S. department of labor, for the 12-month period ending on December 31 of the year before the year in which the amount is determined. The commissioner shall determine the annual adjustment amount for a particular year in January of the previous year. The commissioner shall publish the new maximum

expenditure amount under this subdivision each year in the Wisconsin Administrative Register.

SECTION 1348. 601.83 (1) (hm) of the statutes is renumbered 601.83 (1) (h) 2. and amended to read:

601.83 (1) (h) 2. ~~Notwithstanding par. (h), in In 2022 and in each year thereafter, the commissioner may expend from all revenue sources, 2023, and 2024, \$230,000,000 or less for the healthcare stability plan under this section.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1146/P2
KRP:cjs&amn

DOA:.....Lessner, BB0181 - Insulin Safety Net Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Insulin safety net programs

This bill requires insulin manufacturers to establish a program under which qualifying Wisconsin residents who are in urgent need of insulin and are uninsured or have limited insurance coverage can be dispensed insulin at a pharmacy. Under the program, if a qualifying individual in urgent need of insulin provides a pharmacy with a form attesting that the individual meets the program's eligibility requirements, specified proof of residency, and a valid insulin prescription, the pharmacy must dispense a 30-day supply of insulin to the individual and may charge the individual a copayment of no more than \$35. The pharmacy may submit an electronic payment claim for the insulin's acquisition cost to the manufacturer or agree to receive a replacement of the same insulin in the amount dispensed.

The bill also requires that each insulin manufacturer establish a patient assistance program to make insulin available to any qualifying Wisconsin resident who, among other requirements, is uninsured or has limited insurance coverage and whose family income does not exceed 400 percent of the federal poverty line. Under the bill, an individual must apply to participate in a manufacturer's program. If the manufacturer determines that the individual meets the program's eligibility requirements, the manufacturer must issue the individual a statement of eligibility, which is valid for 12 months and may be renewed. Under the bill, if an individual

with a statement of eligibility and valid insulin prescription requests insulin from a pharmacy, the pharmacy must submit an order to the manufacturer, who must then provide a 90-day supply of insulin at no charge to the individual or pharmacy. The pharmacy may charge the individual a copayment of no more than \$50. Under the bill, a manufacturer is not required to issue a statement of eligibility if the individual has prescription drug coverage through an individual or group health plan and the manufacturer determines that the individual's insulin needs are better addressed through the manufacturer's copayment assistance program. In such case, the manufacturer must provide the individual with the necessary drug coupons, and the individual may not be required to pay more than a \$50 copayment for a 90-day supply of insulin.

Under the bill, if the manufacturer determines that an individual is not eligible for the patient assistance program, the individual may file an appeal with OCI. The bill directs OCI to establish procedures for deciding appeals. Under the bill, OCI must issue a decision within 10 days, and that decision is final.

The bill requires that insulin manufacturers annually report to OCI certain information, including the number of individuals served and the cost of insulin dispensed under the programs and that OCI annually report to the governor and the legislature on the programs. The bill also directs OCI to conduct public outreach and develop an information sheet about the programs, conduct satisfaction surveys of individuals and pharmacies that participate in the programs, and report to the governor and the legislature on the surveys by July 1, 2026. Additionally, the bill requires that OCI develop a training program for health care navigators to assist individuals in accessing appropriate long-term insulin options and maintain a list of trained navigators.

The bill provides that a manufacturer that violates the bill's provisions may be required to forfeit not more than \$200,000 per month of violation, which increases to \$400,000 per month if the manufacturer continues to be in violation after six months and to \$600,000 per month if the manufacturer continues to be in violation after one year. The bill's requirements do not apply to manufacturers with annual insulin sales revenue in Wisconsin of no more than \$2,000,000 or to insulin that costs less than a specified dollar amount.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1349. 632.868 of the statutes is created to read:

632.868 Insulin safety net programs. (1) DEFINITIONS. In this section:

(a) "Manufacturer" means a person engaged in the manufacturing of insulin that is self-administered on an outpatient basis.

(b) “Navigator” has the meaning given in s. 628.90 (3).

(c) “Patient assistance program” means a program established by a manufacturer under sub. (3) (a).

(d) “Pharmacy” means an entity licensed under s. 450.06 or 450.065.

(e) “Urgent need of insulin” means having less than a 7-day supply of insulin readily available for use and needing insulin in order to avoid the likelihood of suffering a significant health consequence.

(f) “Urgent need safety net program” means a program established by a manufacturer under sub. (2) (a).

(2) URGENT NEED SAFETY NET PROGRAM. (a) *Establishment of program.* No later than July 1, 2024, each manufacturer shall establish an urgent need safety net program to make insulin available in accordance with this subsection to individuals who meet the eligibility requirements under par. (b).

(b) *Eligible individual.* An individual shall be eligible to receive insulin under an urgent need safety net program if all of the following conditions are met:

1. The individual is in urgent need of insulin.
2. The individual is a resident of this state.
3. The individual is not receiving public assistance under ch. 49.

4. The individual is not enrolled in prescription drug coverage through an individual or group health plan that limits the total cost sharing amount, including copayments, deductibles, and coinsurance, that an enrollee is required to pay for a 30-day supply of insulin to no more than \$75, regardless of the type or amount of insulin prescribed.

5. The individual has not received insulin under an urgent need safety net program within the previous 12 months, except as allowed under par. (d).

(c) *Provision of insulin under an urgent need safety net program.* 1. In order to receive insulin under an urgent need safety net program, an individual who meets the eligibility requirements under par. (b) shall provide a pharmacy with all of the following:

a. A completed application, on a form prescribed by the commissioner that shall include an attestation by the individual, or the individual's parent or legal guardian if the individual is under the age of 18, that the individual meets all of the eligibility requirements under par. (b).

b. A valid insulin prescription.

c. A valid Wisconsin driver's license or state identification card. If the individual is under the age of 18, the individual's parent or legal guardian shall meet this requirement.

2. Upon receipt of the information described in subd. 1. a. to c., the pharmacist shall dispense a 30-day supply of the prescribed insulin to the individual. The pharmacy shall also provide the individual with the information sheet described in sub. (8) (b) 2. and the list of navigators described in sub. (8) (c). The pharmacy may collect a copayment, not to exceed \$35, from the individual to cover the pharmacy's costs of processing and dispensing the insulin. The pharmacy shall notify the health care practitioner who issued the prescription no later than 72 hours after the insulin is dispensed.

3. A pharmacy that dispenses insulin under subd. 2. may submit to the manufacturer, or the manufacturer's vendor, a claim for payment that is in accordance with the national council for prescription drug programs' standards for electronic claims processing, except that no claim may be submitted if the manufacturer agrees to send the pharmacy a replacement of the same insulin in the

amount dispensed. If the pharmacy submits an electronic claim, the manufacturer or vendor shall reimburse the pharmacy in an amount that covers the pharmacy's acquisition cost.

4. A pharmacy that dispenses insulin under subd. 2. shall retain a copy of the application form described in subd. 1. a.

(d) *Eligibility of certain individuals.* An individual who has applied for public assistance under ch. 49 but for whom a determination of eligibility has not been made or whose coverage has not become effective or an individual who has an appeal pending under sub. (3) (c) 4. may access insulin under this subsection if the individual is in urgent need of insulin. To access a 30-day supply of insulin, the individual shall attest to the pharmacy that the individual is described in this paragraph and comply with par. (c) 1.

(3) PATIENT ASSISTANCE PROGRAM. (a) *Establishment of program.* No later than July 1, 2024, each manufacturer shall establish a patient assistance program to make insulin available in accordance with this subsection to individuals who meet the eligibility requirements under par. (b). Under the patient assistance program, the manufacturer shall do all of the following:

1. Provide the commissioner with information regarding the patient assistance program, including contact information for individuals to call for assistance in accessing the patient assistance program.

2. Provide a hotline for individuals to call or access between 8 a.m. and 10 p.m. on weekdays and between 10 a.m. and 6 p.m. on Saturdays.

3. List the eligibility requirements under par. (b) on the manufacturer's website.

4. Maintain the privacy of all information received from an individual applying for or participating in the patient assistance program and not sell, share, or disseminate the information unless required under this section or authorized, in writing, by the individual.

(b) *Eligible individual.* An individual shall be eligible to receive insulin under a patient assistance program if all of the following conditions are met:

1. The individual is a resident of this state.
2. The individual, or the individual's parent or legal guardian if the individual is under the age of 18, has a valid Wisconsin driver's license or state identification card.
3. The individual has a valid insulin prescription.
4. The family income of the individual does not exceed 400 percent of the poverty line as defined and revised annually under 42 USC 9902 (2) for a family the size of the individual's family.
5. The individual is not receiving public assistance under ch. 49.
6. The individual is not eligible to receive health care through a federally funded program or receive prescription drug benefits through the U.S. department of veterans affairs, except that this subdivision does not apply to an individual who is enrolled in a policy under Part D of Medicare under 42 USC 1395w-101 et seq. if the individual has spent at least \$1,000 on prescription drugs in the current calendar year.
7. The individual is not enrolled in prescription drug coverage through an individual or group health plan that limits the total cost sharing amount, including copayments, deductibles, and coinsurance, that an enrollee is required to pay for a

30-day supply of insulin to no more than \$75, regardless of the type or amount of insulin needed.

(c) *Application for patient assistance program.* 1. An individual may apply to participate in a patient assistance program by filing an application with the manufacturer that established the patient assistance program, the individual's health care practitioner if the practitioner participates in the patient assistance program, or a navigator included on the list under sub. (8) (c). A health care practitioner or navigator shall immediately submit the application to the manufacturer. Upon receipt of an application, the manufacturer shall determine the individual's eligibility under par. (b) and, except as provided in subd. 2., notify the individual of the determination no later than 10 days after receipt of the application.

2. If necessary to determine the individual's eligibility under par. (b), the manufacturer may request additional information from an individual who has filed an application under subd. 1. no later than 5 days after receipt of the application. Upon receipt of the additional information, the manufacturer shall determine the individual's eligibility under par. (b) and notify the individual of the determination no later than 3 days after receipt of the requested information.

3. Except as provided in subd. 5., if the manufacturer determines under subd. 1. or 2. that the individual is eligible for the patient assistance program, the manufacturer shall provide the individual with a statement of eligibility. The statement of eligibility shall be valid for 12 months and may be renewed upon a determination by the manufacturer that the individual continues to meet the eligibility requirements under par. (b).

4. If the manufacturer determines under subd. 1. or 2. that the individual is not eligible for the patient assistance program, the manufacturer shall provide the

reason for the determination in the notification under subd. 1. or 2. The individual may appeal the determination by filing an appeal with the commissioner that shall include all of the information provided to the manufacturer under subds. 1. and 2. The commissioner shall establish procedures for deciding appeals under this subdivision. The commissioner shall issue a decision no later than 10 days after the appeal is filed, and the commissioner's decision shall be final. If the commissioner determines that the individual meets the eligibility requirements under par. (b), the manufacturer shall provide the individual with the statement of eligibility described in subd. 3.

5. In the case of an individual who has prescription drug coverage through an individual or group health plan, if the manufacturer determines under subd. 1. or 2. that the individual is eligible for the patient assistance program but also determines that the individual's insulin needs are better addressed through the use of the manufacturer's copayment assistance program rather than the patient assistance program, the manufacturer shall inform the individual of the determination and provide the individual with the necessary coupons to submit to a pharmacy. The individual may not be required to pay more than the copayment amount specified in par. (d) 2.

(d) *Provision of insulin under a patient assistance program.* 1. Upon receipt from an individual of the eligibility statement described in par. (c) 3. and a valid insulin prescription, a pharmacy shall submit an order containing the name of the insulin and daily dosage amount to the manufacturer. The pharmacy shall include with the order the pharmacy's name, shipping address, office telephone number, fax number, email address, and contact name, as well as any days or times when deliveries are not accepted by the pharmacy.

2. Upon receipt of an order meeting the requirements under subd. 1., the manufacturer shall send the pharmacy a 90-day supply of insulin, or lesser amount if requested in the order, at no charge to the individual or pharmacy. The pharmacy shall dispense the insulin to the individual associated with the order. The insulin shall be dispensed at no charge to the individual, except that the pharmacy may collect a copayment from the individual to cover the pharmacy's costs for processing and dispensing in an amount not to exceed \$50 for each 90-day supply of insulin. The pharmacy may not seek reimbursement from the manufacturer or a 3rd-party payer.

3. The pharmacy may submit a reorder to the manufacturer if the individual's eligibility statement described in par. (c) 3. has not expired. The reorder shall be treated as an order for purposes of subd. 2.

4. Notwithstanding subs. 2. and 3., a manufacturer may send the insulin directly to the individual if the manufacturer provides a mail-order service option, in which case the pharmacy may not collect a copayment from the individual.

(4) EXCEPTIONS. (a) This section does not apply to a manufacturer that shows to the commissioner's satisfaction that the manufacturer's annual gross revenue from insulin sales in this state does not exceed \$2,000,000.

(b) A manufacturer may not be required to make an insulin product available under sub. (2) or (3) if the wholesale acquisition cost of the insulin product does not exceed \$8, as adjusted annually based on the U.S. consumer price index for all urban consumers, U.S. city average, per milliliter or the applicable national council for prescription drug programs' plan billing unit.

(5) **CONFIDENTIALITY.** All medical information solicited or obtained by any person under this section shall be subject to the applicable provisions of state law relating to confidentiality of medical information, including s. 610.70.

(6) **REIMBURSEMENT PROHIBITION.** No person, including a manufacturer, pharmacy, pharmacist, or 3rd-party administrator, as part of participating in an urgent need safety net program or patient assistance program may request or seek, or cause another person to request or seek, any reimbursement or other compensation for which payment may be made in whole or in part under a federal health care program, as defined in 42 USC 1320a-7b (f).

(7) **REPORTS.** (a) Annually, no later than March 1, each manufacturer shall report to the commissioner all of the following information for the previous calendar year:

1. The number of individuals who received insulin under the manufacturer's urgent need safety net program.

2. The number of individuals who sought assistance under the manufacturer's patient assistance program and the number of individuals who were determined to be ineligible under sub. (3) (c) 4.

3. The wholesale acquisition cost of the insulin provided by the manufacturer through the urgent need safety net program and patient assistance program.

(b) Annually, no later than April 1, the commissioner shall submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the urgent need safety net programs and patient assistance programs that includes all of the following:

1. The information provided to the commissioner under par. (a).

2. The penalties assessed under sub. (9) during the previous calendar year, including the name of the manufacturer and amount of the penalty.

(8) ADDITIONAL RESPONSIBILITIES OF COMMISSIONER. (a) *Application form.* The commissioner shall make the application form described in sub. (2) (c) 1. a. available on the office's website and shall make the form available to pharmacies and health care providers who prescribe or dispense insulin, hospital emergency departments, urgent care clinics, and community health clinics.

(b) *Public outreach.* 1. The commissioner shall conduct public outreach to create awareness of the urgent need safety net programs and patient assistance programs.

2. The commissioner shall develop and make available on the office's website an information sheet that contains all of the following information:

a. A description of how to access insulin through an urgent need safety net program.

b. A description of how to access insulin through a patient assistance program.

c. Information on how to contact a navigator for assistance in accessing insulin through an urgent need safety net program or patient assistance program.

d. Information on how to contact the commissioner if a manufacturer determines that an individual is not eligible for a patient assistance program.

e. A notification that an individual may contact the commissioner for more information or assistance in accessing ongoing affordable insulin options.

(c) *Navigators.* The commissioner shall develop a training program to provide navigators with information and the resources necessary to assist individuals in accessing appropriate long-term insulin options. The commissioner shall compile a list of navigators that have completed the training program and are available to

assist individuals in accessing affordable insulin coverage options. The list shall be made available on the office's website and to pharmacies and health care practitioners who dispense and prescribe insulin.

(d) *Satisfaction surveys.* 1. The commissioner shall develop and conduct a satisfaction survey of individuals who have accessed insulin through urgent need safety net programs and patient assistance programs. The survey shall ask whether the individual is still in need of a long-term solution for affordable insulin and shall include questions about the individual's satisfaction with all of the following, if applicable:

- a. Accessibility to urgent-need insulin.
- b. Adequacy of the information sheet and list of navigators received from the pharmacy.
- c. Helpfulness of a navigator.
- d. Ease of access in applying for a patient assistance program and receiving insulin from the pharmacy under the patient assistance program.

2. The commissioner shall develop and conduct a satisfaction survey of pharmacies that have dispensed insulin through urgent need safety net programs and patient assistance programs. The survey shall include questions about the pharmacy's satisfaction with all of the following, if applicable:

- a. Timeliness of reimbursement from manufacturers for insulin dispensed by the pharmacy under urgent need safety net programs.
- b. Ease in submitting insulin orders to manufacturers.
- c. Timeliness of receiving insulin orders from manufacturers.

3. The commissioner may contract with a nonprofit entity to develop and conduct the surveys under subds. 1. and 2. and to evaluate the survey results.

4. No later than July 1, 2026, the commissioner shall submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the results of the surveys under subsds. 1. and 2.

(9) PENALTY. A manufacturer that violates this section may be required to forfeit not more than \$200,000 per month of violation, with the maximum forfeiture increasing to \$400,000 per month if the manufacturer continues to be in violation after 6 months and increasing to \$600,000 per month if the manufacturer continues to be in violation after one year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1147/P2
KRP:cdc

DOA:.....Lessner, BB0184 - Telehealth Parity

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
INSURANCE

Telehealth parity

This bill requires health insurance policies and self-insured governmental health plans to cover a treatment or service that is provided through telehealth if the treatment or service is covered by the policy or plan when provided in person. A policy or plan may limit its coverage to those treatments or services that are medically necessary. "Telehealth" is defined in the bill as a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or consultation or are used to transfer medically relevant data about a patient. Health insurance policies are referred to as disability insurance policies in the bill, and a self-insured governmental health plan is a self-funded health plan of the state or a county, city, village, town, or school district.

The bill also sets parameters on the coverage of telehealth treatments and services that is required in the bill. A policy or plan may not subject a telehealth treatment or service to a greater deductible, copayment, or coinsurance than if provided in person. Similarly, a policy or plan may not impose a policy or calendar year or lifetime benefit limit or other maximum limitation or a prior authorization requirement on a telehealth treatment or service that is not imposed on treatments or services provided through manners other than telehealth. A policy or plan also

may not place unique location requirements on a telehealth treatment or service. If a policy or plan covers a telehealth treatment or service that has no in-person equivalent, the policy or plan must disclose this in the policy or plan materials.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1350. 609.719 of the statutes is created to read:

609.719 Coverage for telehealth services. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.871.

SECTION 1351. 632.871 of the statutes is created to read:

632.871 Telehealth services. (1) DEFINITIONS. In this section:

- (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).
- (b) “Self-insured health plan” means a self-insured health plan of the state or a county, city, village, town, or school district.
- (c) “Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are used to transfer medically relevant data about a patient. “Telehealth” does not include communications delivered solely by audio-only telephone, facsimile machine, or email unless specified otherwise by rule.

(2) COVERAGE DENIAL PROHIBITED. No disability insurance policy or self-insured health plan may deny coverage for a treatment or service provided through telehealth on the basis that the treatment or service is provided through telehealth if that treatment or service is covered by the disability insurance policy or self-insured health plan when provided in person. A disability insurance policy or

self-insured health plan may limit coverage of treatments or services provided through telehealth to those treatments or services that are medically necessary.

(3) CERTAIN LIMITATIONS ON TELEHEALTH PROHIBITED. A disability insurance policy or self-insured health plan may not subject a treatment or service provided through telehealth for which coverage is required under sub. (2) to any of the following:

(a) Any greater deductible, copayment, or coinsurance amount than would be applicable if the treatment or service is provided in person.

(b) Any policy or calendar year or lifetime benefit limit or other maximum limitation that is not imposed on other treatments or services covered by the disability insurance policy or self-insured health plan that are not provided through telehealth.

(c) Prior authorization requirements that are not required for the same treatment or service when provided in person.

(d) Unique location requirements.

(4) DISCLOSURE OF COVERAGE OF CERTAIN TELEHEALTH SERVICES. A disability insurance policy or self-insured health plan that covers a telehealth treatment or service that has no equivalent in-person treatment or service, such as remote patient monitoring, shall specify in policy or plan materials the coverage of that telehealth treatment or service.

SECTION 9323. Initial applicability; Insurance.

(1) TELEHEALTH PARITY.

(a) For policies and plans containing provisions inconsistent with the treatment of s. 632.871, the treatment of s. 632.871 first applies to policy or plan

years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with the treatment of s. 632.871, the treatment of s. 632.871 first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1148/P2
JPC:cde

DOA:.....Lessner, BB0178 - Office of Prescription Drug Affordability

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Moneys from pharmacy benefit manager regulation used for general program operations

This bill credits to the appropriation account for OCI's general program operations all moneys received from the regulation of pharmacy benefit managers, pharmacy benefit management brokers, pharmacy benefit management consultants, pharmacy services administration organizations, and pharmaceutical representatives.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1352. 20.145 (1) (g) 5. of the statutes is created to read:

20.145 (1) (g) 5. All moneys received from the regulation of pharmacy benefit managers, pharmacy benefit management brokers, pharmacy benefit management

consultants, pharmacy services administration organizations, and pharmaceutical representatives.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1149/P2
JPC:skw

DOA:.....Lessner, BB0179 - Prescription Drug Affordability Review Board
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Prescription drug affordability review board

This bill creates a prescription drug affordability review board, whose purpose is to protect Wisconsin residents and other stakeholders from the high costs of prescription drugs. The board consists of the commissioner of insurance and the following members, all of whom are appointed by the governor for four-year terms:

1. Two members who represent the pharmaceutical drug industry, at least one of whom is a licensed pharmacist.
2. Two members who represent the health insurance industry.
3. Two members who represent the health care industry, at least one of whom is a licensed practitioner.
4. Two members who represent the interests of the public.

The bill requires the board to meet in open session at least four times per year to review prescription drug pricing information. The board must provide at least two weeks' public notice of its meetings, make the meeting's materials publicly available at least one week prior to meeting, and provide the opportunity for public comment. The bill imposes conflict of interest requirements for the board relating to recusal and public disclosure of certain conflicts. The bill directs the board to access and assess drug pricing information, to the extent practicable, by accessing and assessing information from other states, by assessing spending for the drug in Wisconsin, and by accessing other available pricing information.

Under the bill, the board must conduct drug cost affordability reviews. The first step in the reviews is for the board to identify prescription drugs whose launch wholesale acquisition cost exceeds specified thresholds, prescription drugs whose increase in wholesale acquisition cost exceeds specified thresholds, and other prescription drugs that may create affordability challenges for the health care system in Wisconsin. For each identified prescription drug, the board must determine whether to conduct an affordability review by seeking stakeholder input and considering the average patient cost share for the drug. During an affordability review, the board must determine whether use of the prescription drug that is fully consistent with the labeling approved by the federal Food and Drug Administration or standard medical practice has led or will lead to an affordability challenge for the health care system in Wisconsin. In making this determination, the bill requires the board to consider a variety of factors, which include the following:

1. The drug's wholesale acquisition cost.
2. The average monetary price concession, discount, or rebate the manufacturer provides, or is expected to provide, for the drug to health plans.
3. The total amount of price concessions, discounts, and rebates the manufacturer provides to each pharmacy benefit manager for the drug.
4. The price at which therapeutic alternatives have been sold and the average monetary concession, discount, or rebate the manufacturer provides, or is expected to provide, to health plan payors and pharmacy benefit managers for therapeutic alternatives.
5. The costs to health plans based on patient access consistent with federal labeled indications and recognized standard medical practice.
6. The impact on patient access resulting from the drug's cost relative to insurance benefit design.
7. The current or expected dollar value of drug-specific patient access programs that are supported by the manufacturer.
8. The relative financial impacts to health, medical, or social services costs that can be quantified and compared to baseline effects of existing therapeutic alternatives.
9. The average patient copay or other cost sharing for the drug.

If the board determines that a prescription drug will lead to an affordability challenge, the bill directs the board to establish an upper payment limit for that drug that applies to all purchases and payor reimbursements of the drug dispensed or administered to individuals in Wisconsin. In establishing the upper payment limit, the board must consider the cost of administering the drug, the cost of delivering it to consumers, and other relevant administrative costs. For certain drugs, the board must solicit information from the manufacturer regarding the price increase and, if the board determines that the price increase is not a result of the need for increased manufacturing capacity or other effort to improve patient access during a public health emergency, the board must establish an upper payment limit equal to the drug's cost prior to the price increase.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1353. 15.07 (3) (bm) 7. of the statutes is created to read:

15.07 (3) (bm) 7. The prescription drug affordability review board shall meet at least 4 times each year.

SECTION 1354. 15.735 of the statutes is created to read:

15.735 Same; attached board. (1) There is created a prescription drug affordability review board attached to the office of the commissioner of insurance under s. 15.03. The board shall consist of the following members:

(a) The commissioner of insurance or his or her designee.

(b) Two members appointed for 4-year terms who represent the pharmaceutical drug industry, including pharmaceutical drug manufacturers and wholesalers. At least one of the members appointed under this paragraph shall be a licensed pharmacist.

(c) Two members appointed for 4-year terms who represent the health insurance industry, including insurers and pharmacy benefit managers.

(d) Two members appointed for 4-year terms who represent the health care industry, including hospitals, physicians, pharmacies, and pharmacists. At least one of the members appointed under this paragraph shall be a licensed practitioner.

(e) Two members appointed for 4-year terms who represent the interests of the public.

(2) A member appointed under sub. (1), except for a member appointed under sub. (1) (b), may not be an employee of, a board member of, or a consultant to a drug manufacturer or trade association for drug manufacturers.

(3) Any conflict of interest, including any financial or personal association, that has the potential to bias or has the appearance of biasing an individual's decision in matters related to the board or the conduct of the board's activities shall be considered and disclosed when appointing that individual to the board under sub. (1).

SECTION 1355. Subchapter VI (title) of chapter 601 [precedes 601.78] of the statutes is created to read:

CHAPTER 601

SUBCHAPTER VI

PRESCRIPTION DRUG

AFFORDABILITY REVIEW BOARD

SECTION 1356. 601.78 of the statutes is created to read:

601.78 Definitions. In this subchapter:

(1) "Biologic" means a drug that is produced or distributed in accordance with a biologics license application approved under 21 CFR 601.20.

(2) "Biosimilar" means a drug that is produced or distributed in accordance with a biologics license application approved under 42 USC 262 (k) (3).

(3) "Board" means the prescription drug affordability review board established under s. 15.735 (1).

(4) "Brand name drug" means a drug that is produced or distributed in accordance with an original new drug application approved under 21 USC 355 (c), other than an authorized generic drug, as defined in 42 CFR 447.502.

(5) “Financial benefit” includes an honorarium, fee, stock, the value of the stock holdings of a member of the board or any immediate family member, and any direct financial benefit deriving from the finding of a review conducted under s. 601.79.

(6) “Generic drug” means any of the following:

(a) A retail drug that is marketed or distributed in accordance with an abbreviated new drug application approved under 21 USC 355 (j).

(b) An authorized generic drug, as defined in 42 CFR 447.502.

(c) A drug that entered the market prior to 1962 and was not originally marketed under a new drug application.

(7) “Immediate family member” means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild.

(8) “Manufacturer” means an entity that does all of the following:

(a) Engages in the manufacture of a prescription drug product or enters into a lease with another manufacturer to market and distribute a prescription drug product under the entity’s own name.

(b) Sets or changes the wholesale acquisition cost of the prescription drug product described in par. (a).

(9) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

(10) “Prescription drug product” means a brand name drug, a generic drug, a biologic, or a biosimilar.

SECTION 1357. 601.785 of the statutes is created to read:

601.785 Prescription drug affordability review board. (1) MISSION. The purpose of the board is to protect state residents, the state, local governments, health plans, health care providers, pharmacies licensed in this state, and other

stakeholders of the health care system in this state from the high costs of prescription drug products.

(2) POWERS AND DUTIES. (a) The board shall do all of the following:

1. Meet in open session at least 4 times per year to review prescription drug product pricing information, except that the chair may cancel or postpone a meeting if there is no business to transact.

2. To the extent practicable, access and assess pricing information for prescription drug products by doing all of the following:

a. Accessing and assessing information from other states by entering into memoranda of understanding with other states to which manufacturers report pricing information.

b. Assessing spending for specific prescription drug products in this state.

c. Accessing other available pricing information.

(b) The board may do any of the following:

1. Promulgate rules for the administration of this subchapter.

2. Enter into a contract with an independent 3rd party for any service necessary to carry out the powers and duties of the board. Unless written permission is granted by the board, any person with whom the board contracts may not release, publish, or otherwise use any information to which the person has access under the contract.

(c) The board shall establish and maintain a website to provide public notices and make meeting materials available under sub. (3) (a) and to disclose conflicts of interest under sub. (4) (d).

(3) MEETING REQUIREMENTS. (a) Pursuant to s. 19.84, the board shall provide public notice of each board meeting at least 2 weeks prior to the meeting and shall

make the materials for each meeting publicly available at least one week prior to the meeting.

(b) Notwithstanding s. 19.84 (2), the board shall provide an opportunity for public comment at each open meeting and shall provide the public with the opportunity to provide written comments on pending decisions of the board.

(c) Notwithstanding subch. V of ch. 19, any portion of a meeting of the board concerning proprietary data and information shall be conducted in closed session and shall in all respects remain confidential.

(d) The board may allow expert testimony at any meeting, including when the board meets in closed session.

(4) CONFLICTS OF INTEREST. (a) A member of the board shall recuse himself or herself from a decision by the board relating to a prescription drug product if the member or an immediate family member has received or could receive any of the following:

1. A direct financial benefit deriving from a determination, or a finding of a study or review, by the board relating to the prescription drug product.

2. A financial benefit in excess of \$5,000 in a calendar year from any person who owns, manufactures, or provides a prescription drug product to be studied or reviewed by the board.

(b) A conflict of interest under this subsection shall be disclosed by the board when hiring board staff, by the appointing authority when appointing members to the board, and by the board when a member of the board is recused from any decision relating to a review of a prescription drug product.

(c) A conflict of interest under this subsection shall be disclosed no later than 5 days after the conflict is identified, except that, if the conflict is identified within

5 days of an open meeting of the board, the conflict shall be disclosed prior to the meeting.

(d) The board shall disclose a conflict of interest under this subsection on the board's website unless the chair of the board recuses the member from a final decision relating to a review of the prescription drug product. The disclosure shall include the type, nature, and magnitude of the interests of the member involved.

(e) A member of the board or a 3rd-party contractor may not accept any gift or donation of services or property that indicates a potential conflict of interest or has the appearance of biasing the work of the board.

SECTION 1358. 601.79 of the statutes is created to read:

601.79 Drug cost affordability review. (1) IDENTIFICATION OF DRUGS. The board shall identify prescription drug products that are any of the following:

(a) A brand name drug or biologic that, as adjusted annually to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, has a launch wholesale acquisition cost of at least \$30,000 per year or course of treatment.

(b) A brand name drug or biologic that, as adjusted annually to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, has a wholesale acquisition cost that has increased at least \$3,000 during a 12-month period.

(c) A biosimilar that has a launch wholesale acquisition cost that is not at least 15 percent lower than the referenced brand biologic at the time the biosimilar is launched.

(d) A generic drug that has a wholesale acquisition cost, as adjusted annually to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S.

city average, as determined by the U.S. department of labor, that meets all of the following conditions:

1. Is at least \$100 for a supply lasting a patient for a period of 30 consecutive days based on the recommended dosage approved for labeling by the federal food and drug administration, a supply lasting a patient for a period of fewer than 30 days based on the recommended dosage approved for labeling by the federal food and drug administration, or one unit of the drug if the labeling approved by the federal food and drug administration does not recommend a finite dosage.

2. Increased by at least 200 percent during the preceding 12-month period, as determined by the difference between the resulting wholesale acquisition cost and the average of the wholesale acquisition cost reported over the preceding 12 months.

(e) Other prescription drug products, including drugs to address public health emergencies, that may create affordability challenges for the health care system and patients in this state.

(2) AFFORDABILITY REVIEW. (a) After identifying prescription drug products under sub. (1), the board shall determine whether to conduct an affordability review for each identified prescription drug product by seeking stakeholder input about the prescription drug product and considering the average patient cost share of the prescription drug product.

(b) The information used to conduct an affordability review under par. (a) may include any document and research related to the manufacturer's selection of the introductory price or price increase of the prescription drug product, including life cycle management, net average price in this state, market competition and context, projected revenue, and the estimated value or cost-effectiveness of the prescription drug product.

(c) The failure of a manufacturer to provide the board with information for an affordability review under par. (b) does not affect the authority of the board to conduct the review.

(3) AFFORDABILITY CHALLENGE. When conducting an affordability review of a prescription drug product under sub. (2), the board shall determine whether use of the prescription drug product that is fully consistent with the labeling approved by the federal food and drug administration or standard medical practice has led or will lead to an affordability challenge for the health care system in this state, including high out-of-pocket costs for patients. To the extent practicable, in determining whether a prescription drug product has led or will lead to an affordability challenge, the board shall consider all of the following factors:

(a) The wholesale acquisition cost for the prescription drug product sold in this state.

(b) The average monetary price concession, discount, or rebate the manufacturer provides, or is expected to provide, to health plans in this state as reported by manufacturers and health plans, expressed as a percent of the wholesale acquisition cost for the prescription drug product under review.

(c) The total amount of the price concessions, discounts, and rebates the manufacturer provides to each pharmacy benefit manager for the prescription drug product under review, as reported by the manufacturer and pharmacy benefit manager and expressed as a percent of the wholesale acquisition cost.

(d) The price at which therapeutic alternatives to the prescription drug product have been sold in this state.

(e) The average monetary concession, discount, or rebate the manufacturer provides or is expected to provide to health plan payors and pharmacy benefit managers in this state for therapeutic alternatives to the prescription drug product.

(f) The costs to health plans based on patient access consistent with labeled indications by the federal food and drug administration and recognized standard medical practice.

(g) The impact on patient access resulting from the cost of the prescription drug product relative to insurance benefit design.

(h) The current or expected dollar value of drug-specific patient access programs that are supported by the manufacturer.

(i) The relative financial impacts to health, medical, or social services costs that can be quantified and compared to baseline effects of existing therapeutic alternatives to the prescription drug product.

(j) The average patient copay or other cost sharing for the prescription drug product in this state.

(k) Any information a manufacturer chooses to provide.

(L) Any other factors as determined by the board by rule.

(4) UPPER PAYMENT LIMIT. (a) If the board determines under sub. (3) that use of a prescription drug product has led or will lead to an affordability challenge, the board shall establish an upper payment limit for the prescription drug product after considering all of the following:

1. The cost of administering the drug.
2. The cost of delivering the drug to consumers.
3. Other relevant administrative costs related to the drug.

(b) For a prescription drug product identified in sub. (1) (b) or (d) 2., the board shall solicit information from the manufacturer regarding the price increase. To the extent that the price increase is not a result of the need for increased manufacturing capacity or other effort to improve patient access during a public health emergency, the board shall establish an upper payment limit under par. (a) that is equal to the cost to consumers prior to the price increase.

(c) 1. The upper payment limit established under this subsection shall apply to all purchases and payor reimbursements of the prescription drug product dispensed or administered to individuals in this state in person, by mail, or by other means.

2. Notwithstanding subd. 1., while state-sponsored and state-regulated health plans and health programs shall limit drug reimbursements and drug payment to no more than the upper payment limit established under this subsection, a plan subject to the Employee Retirement Income Security Act of 1974 or Part D of Medicare under 42 USC 1395w-101 et seq. may choose to reimburse more than the upper payment limit. A provider who dispenses and administers a prescription drug product in this state to an individual in this state may not bill a payor more than the upper payment limit to the patient regardless of whether a plan subject to the Employee Retirement Income Security Act of 1974 or Part D of Medicare under 42 USC 1395w-101 et seq. chooses to reimburse the provider above the upper payment limit.

(5) PUBLIC INSPECTION. Information submitted to the board under this section shall be open to public inspection only as provided under ss. 19.31 to 19.39.

(6) NO PROHIBITION ON MARKETING. Nothing in this section may be construed to prevent a manufacturer from marketing a prescription drug product approved by the

federal food and drug administration while the prescription drug product is under review by the board.

(7) APPEALS. A person aggrieved by a decision of the board may request an appeal of the decision no later than 30 days after the board makes the determination. The board shall hear the appeal and make a final decision no later than 60 days after the appeal is requested. A person aggrieved by a final decision of the board may petition for judicial review in a court of competent jurisdiction.

SECTION 9123. Nonstatutory provisions; Insurance.

(1) STAGGERED TERMS FOR BOARD. Notwithstanding the length of terms specified for the members of the board under s. 15.735 (1) (b) to (e), 2 of the initial members shall be appointed for terms expiring on May 1, 2025; 2 of the initial members shall be appointed for terms expiring on May 1, 2026; 2 of the initial members shall be appointed for terms expiring on May 1, 2027; and 2 of the initial members shall be appointed for terms expiring on May 1, 2028.

SECTION 9423. Effective dates; Insurance.

(1) PRESCRIPTION DRUG AFFORDABILITY REVIEW BOARD. The treatment of ss. 15.07 (3) (bm) 7., 15.735, 601.78, 601.785, and 601.79 and subch. VI (title) of ch. 601 and SECTION 9123 (1) of this act take effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1150/P1
JPC:cjs

DOA:.....Lessner, BB0180 - 340B Program Reimbursement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Reimbursement to federal drug pricing program participants

This bill prohibits any person from reimbursing certain entities that participate in the federal drug pricing program, known as the 340B program, for a drug subject to an agreement under the program at a rate lower than that paid for the same drug to pharmacies that have a similar prescription volume. The bill also prohibits a person from imposing any fee, charge back, or other adjustment on the basis of the entity's participation in the 340B program. The entities covered by the prohibitions under the bill are federally qualified health centers, critical access hospitals, and grantees under the federal Ryan White HIV/AIDS program, as well as these entities' pharmacies and any pharmacy with which any of the entities have contracted to dispense drugs through the 340B program. The bill allows the commissioner to promulgate rules to establish a minimum reimbursement rate for entities that participate in the 340B program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1359. 632.869 of the statutes is created to read:

632.869 Reimbursement to federal drug pricing program participants.

(1) In this section:

(a) “Covered entity” means an entity described in 42 USC 256b (a) (4) (A), (D), (E), (J), or (N) that participates in the federal drug pricing program under 42 USC 256b, a pharmacy of the entity, or a pharmacy contracted with the entity to dispense drugs purchased through the federal drug pricing program under 42 USC 256b.

(b) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

(2) No person, including a pharmacy benefit manager and 3rd-party payer, may do any of the following:

(a) Reimburse a covered entity for a drug that is subject to an agreement under 42 USC 256b at a rate lower than that paid for the same drug to pharmacies that are not covered entities and have a similar prescription volume to that of the covered entity.

(b) Assess a covered entity any fee, charge back, or other adjustment on the basis of the covered entity’s participation in the federal drug pricing program under 42 USC 256b.

(3) The commissioner may promulgate rules to implement this section and to establish a minimum reimbursement rate for covered entities and any other entity described under 42 USC 256b (a) (4).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1151/P3
KRP:emw

DOA:.....Lessner, BB0187 - Substance Use Disorder Counselor Coverage Requirement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Coverage of treatment or services provided by substance abuse counselors

This bill prohibits any health insurance plan from excluding coverage for alcoholism or other drug abuse treatment or services provided by a certified substance abuse counselor within the scope of the substance abuse counselor's education and training if the health insurance plan covers the alcoholism or other drug abuse treatment or services when provided by another health care provider. Substance abuse counselor is defined under current law to mean a substance abuse counselor-in-training, a substance abuse counselor, or a clinical substance abuse counselor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1360. 609.714 of the statutes is created to read:

609.714 Substance abuse counselor coverage. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.87 (8).

SECTION 1361. 632.87 (8) of the statutes is created to read:

632.87 (8) (a) In this subsection:

1. "Health care provider" has the meaning given in s. 146.81 (1) (a) to (hp).
2. "Substance abuse counselor" means a substance abuse counselor certified under s. 440.88.

(b) No policy, plan, or contract may exclude coverage for alcoholism or other drug abuse treatment or services provided by a substance abuse counselor within the scope of the substance abuse counselor's education and training if the policy, plan, or contract covers the alcoholism or other drug abuse treatment or services when provided by another health care provider.

SECTION 9323. Initial applicability; Insurance.

(1) SUBSTANCE ABUSE COUNSELOR COVERAGE.

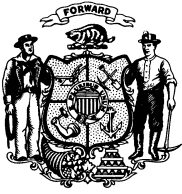
(a) For policies and plans containing provisions inconsistent with the treatment of s. 632.87 (8), the treatment of s. 632.87 (8) first applies to policy or plan years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with the treatment of s. 632.87 (8), the treatment of s. 632.87 (8) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

SECTION 9423. Effective dates; Insurance.

(1) SUBSTANCE ABUSE COUNSELOR COVERAGE. The treatment of s. 632.87 (8) and SECTION 9323 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1152/P2
JPC:cde

DOA:.....Lessner, BB0182 - Insulin copay cap

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Cost-sharing cap on insulin

This bill prohibits every health insurance policy and governmental self-insured health plan that cover insulin and impose cost sharing on prescription drugs from imposing cost sharing on insulin in an amount that exceeds \$35 for a one-month supply. Current law requires every health insurance policy that provides coverage of expenses incurred for treatment of diabetes to provide coverage for specified expenses and items, including insulin. The required coverage under current law for certain diabetes treatments other than insulin infusion pumps is subject to the same exclusions, limitations, deductibles, and coinsurance provisions of the policy as other covered expenses. The bill's cost-sharing limitation on insulin supersedes the specification that the exclusions, limitations, deductibles, and coinsurance are the same as for other coverage.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1362. 632.895 (6) (title) of the statutes is amended to read:

632.895 (6) (title) EQUIPMENT AND SUPPLIES FOR TREATMENT OF DIABETES; INSULIN.

SECTION 1363. 632.895 (6) of the statutes is renumbered 632.895 (6) (a) and amended to read:

632.895 (6) (a) Every disability insurance policy ~~which~~ that provides coverage of expenses incurred for treatment of diabetes shall provide coverage for expenses incurred by the installation and use of an insulin infusion pump, coverage for all other equipment and supplies, including insulin or any other prescription medication, used in the treatment of diabetes, and coverage of diabetic self-management education programs. Coverage Except as provided in par. (b), coverage required under this subsection shall be subject to the same exclusions, limitations, deductibles, and coinsurance provisions of the policy as other covered expenses, except that insulin infusion pump coverage may be limited to the purchase of one pump per year and the insurer may require the insured to use a pump for 30 days before purchase.

SECTION 1364. 632.895 (6) (b) of the statutes is created to read:

632.895 (6) (b) 1. In this paragraph:

a. “Cost sharing” means the total of any deductible, copayment, or coinsurance amounts imposed on a person covered under a policy or plan.

b. “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

2. Every disability insurance policy and self-insured health plan that cover insulin and impose cost sharing on prescription drugs may not impose cost sharing on insulin in an amount that exceeds \$35 for a one-month supply of insulin.

3. Nothing in this paragraph prohibits a disability insurance policy or self-insured health plan from imposing cost sharing on insulin in an amount less

than the amount specified under subd. 2. Nothing in this paragraph requires a disability insurance policy or self-insured health plan to impose any cost sharing on insulin.

SECTION 9423. Effective dates; Insurance.

(1) COST-SHARING CAP ON INSULIN. The treatment of s. 632.895 (6) (title), the renumbering and amendment of s. 632.895 (6), and the creation of s. 632.895 (6) (b) take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1153/P2
JPC:cjs

DOA:.....Lessner, BB0183 - ACA issuance and coverage requirements

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Coverage of individuals with preexisting conditions and other insurance market regulations

This bill requires certain health plans to guarantee access to coverage; prohibits plans from imposing preexisting condition exclusions; prohibits plans from setting premiums or cost-sharing amounts based on health status-related factors; prohibits plans from setting lifetime or annual limits on benefits; requires plans to cover certain essential health benefits; requires coverage of certain preventive services by plans without a cost-sharing contribution by an enrollee; sets a maximum annual amount of cost sharing for enrollees; and designates risk pool, medical loss ratio, and actuarial value requirements.

This bill requires every individual health insurance policy, known in the bill as a health benefit plan, to accept every individual who, and every group health insurance policy to accept every employer that, applies for coverage, regardless of sexual orientation, gender identity, or whether an employee or individual has a preexisting condition. The bill allows health benefit plans to restrict enrollment in coverage to open or special enrollment periods and requires the commissioner of insurance to establish a statewide open enrollment period of no shorter than 30 days for every individual health benefit plan. The bill prohibits a group health insurance policy, including a self-insured governmental health plan, from imposing a

preexisting condition exclusion. The bill also prohibits an individual health insurance policy from reducing or denying a claim or loss incurred or disability commencing under the policy on the ground that a disease or physical condition existed prior to the effective date of coverage.

A health benefit plan offered on the individual or small employer market or a self-insured governmental health plan may not vary premium rates for a specific plan except on the basis of whether the plan covers an individual or family, area in the state, age, and tobacco use as specified in the bill. An individual health benefit plan or self-insured health plan is prohibited under the bill from establishing rules for the eligibility of any individual to enroll based on health-status related factors, which are specified in the bill. A self-insured health plan or an insurer offering an individual health benefit plan is also prohibited from requiring an enrollee to pay a greater premium, contribution, deductible, copayment, or coinsurance amount than is required of a similarly situated enrollee based on a health-status related factor. Current state law prohibits group health benefit plans from establishing rules of eligibility or requiring greater premium or contribution amounts based on a health-status related factor. The bill adds to these current law requirements for group health benefit plans that the plan may not require a greater deductible, copayment, or coinsurance amount based on a health-status related factor.

Under the bill, an individual or group health benefit plan or a self-insured governmental health plan may not establish lifetime or annual limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan. The bill specifies a maximum amount of cost sharing that a plan may impose as the amount calculated under the federal Patient Protection and Affordable Care Act (ACA).

The bill requires individual and small employer plans to have either a single statewide risk pool for the individual market and a single pool for the small employer market or a single statewide risk pool for a combination of the individual and small employer markets. The bill requires individual and small employer plans to have a medical loss ratio of at least 80 percent and larger group plans to have a medical loss ratio of at least 85 percent. The medical loss ratio is the proportion of premium revenues that the plan spends on clinical services and quality improvement. The bill also requires individual and small employer plans to provide a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 60 percent of the full actuarial value of the benefits provided under the plan. An actuarial value of 60 percent corresponds to a bronze tier plan under the ACA.

This bill requires certain health insurance policies, known in the bill as disability insurance policies, and governmental self-insured health plans to cover essential health benefits that will be specified by the commissioner of insurance by rule. The bill specifies a list of requirements that the commissioner must follow when establishing the essential health benefits including certain limitations on cost sharing and the following general categories of benefits, items, or services in which the commissioner must require coverage: ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services, prescription drugs, rehabilitative and habilitative services

and devices, laboratory services, preventive and wellness services and chronic disease management, and pediatric services. If an essential health benefit specified by the commissioner is also subject to its own mandated coverage requirement, the bill requires the disability insurance policy or self-insured health plan to provide coverage under whichever requirement provides the insured or plan participant with more comprehensive coverage.

This bill requires health insurance policies and governmental self-insured health plans to cover certain preventive services and to provide coverage of those preventive services without subjecting that coverage to deductibles, copayments, or coinsurance. The preventive services for which coverage is required are specified in the bill. The bill also specifies certain instances when cost-sharing amounts may be charged for an office visit associated with a preventive service.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1365. 609.712 of the statutes is created to read:

609.712 Essential health benefits; preventive services. Defined network plans and preferred provider plans are subject to s. 632.895 (13m) and (14m).

SECTION 1366. 609.847 of the statutes is created to read:

609.847 Preexisting condition discrimination and certain benefit limits prohibited. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.728.

SECTION 1367. 625.12 (1) (a) of the statutes is amended to read:

625.12 (1) (a) Past and prospective loss and expense experience within and outside of this state, except as provided in s. 632.728.

SECTION 1368. 625.12 (1) (e) of the statutes is amended to read:

625.12 (1) (e) Subject to ~~s. ss.~~ ss. 632.365 and 632.728, all other relevant factors, including the judgment of technical personnel.

SECTION 1369. 625.12 (2) of the statutes is amended to read:

625.12 (2) CLASSIFICATION. Except as provided in s. ~~ss. 632.728 and~~ 632.729, risks may be classified in any reasonable way for the establishment of rates and minimum premiums, except that no classifications may be based on race, color, creed or national origin, and classifications in automobile insurance may not be based on physical condition or developmental disability as defined in s. 51.01 (5). Subject to ss. 632.365, 632.728, and 632.729, rates thus produced may be modified for individual risks in accordance with rating plans or schedules that establish reasonable standards for measuring probable variations in hazards, expenses, or both. Rates may also be modified for individual risks under s. 625.13 (2).

SECTION 1370. 625.15 (1) of the statutes is amended to read:

625.15 (1) RATE MAKING. ~~An~~ Except as provided in s. 632.728, an insurer may itself establish rates and supplementary rate information for one or more market segments based on the factors in s. 625.12 and, if the rates are for motor vehicle liability insurance, subject to s. 632.365, or the insurer may use rates and supplementary rate information prepared by a rate service organization, with average expense factors determined by the rate service organization or with such modification for its own expense and loss experience as the credibility of that experience allows.

SECTION 1371. 628.34 (3) (a) of the statutes is amended to read:

628.34 (3) (a) No insurer may unfairly discriminate among policyholders by charging different premiums or by offering different terms of coverage except on the basis of classifications related to the nature and the degree of the risk covered or the expenses involved, subject to ss. 632.365, 632.728, 632.729, 632.746 ~~and~~, 632.748, and 632.7496. Rates are not unfairly discriminatory if they are averaged broadly among persons insured under a group, blanket or franchise policy, and terms are not

unfairly discriminatory merely because they are more favorable than in a similar individual policy.

****NOTE: This is reconciled s. 628.34 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -1153/P1 and -1154/P1.

SECTION 1372. 632.728 of the statutes is created to read:

632.728 Coverage of persons with preexisting conditions; guaranteed issue; benefit limits. (1) DEFINITIONS. In this section:

(a) “Cost sharing” includes deductibles, coinsurance, copayments, or similar charges.

(b) “Health benefit plan” has the meaning given in s. 632.745 (11).

(c) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

(2) GUARANTEED ISSUE. (a) Every individual health benefit plan shall accept every individual in this state who, and every group health benefit plan shall accept every employer in this state that, applies for coverage, regardless of sexual orientation, gender identity, or whether or not any employee or individual has a preexisting condition. A health benefit plan may restrict enrollment in coverage described in this paragraph to open or special enrollment periods.

(b) The commissioner shall establish a statewide open enrollment period of no shorter than 30 days for every individual health benefit plan to allow individuals, including individuals who do not have coverage, to enroll in coverage.

(3) PROHIBITING DISCRIMINATION BASED ON HEALTH STATUS. (a) An individual health benefit plan or a self-insured health plan may not establish rules for the eligibility of any individual to enroll, or for the continued eligibility of any individual to remain enrolled, under the plan based on any of the following health status-related factors in relation to the individual or a dependent of the individual:

1. Health status.
2. Medical condition, including both physical and mental illnesses.
3. Claims experience.
4. Receipt of health care.
5. Medical history.
6. Genetic information.
7. Evidence of insurability, including conditions arising out of acts of domestic violence.
8. Disability.

(b) An insurer offering an individual health benefit plan or a self-insured health plan may not require any individual, as a condition of enrollment or continued enrollment under the plan, to pay, on the basis of any health status-related factor under par. (a) with respect to the individual or a dependent of the individual, a premium or contribution or a deductible, copayment, or coinsurance amount that is greater than the premium or contribution or deductible, copayment, or coinsurance amount respectively for a similarly situated individual enrolled under the plan.

(c) Nothing in this subsection prevents an insurer offering an individual health benefit plan or a self-insured health plan from establishing premium discounts or rebates or modifying otherwise applicable cost sharing in return for adherence to programs of health promotion and disease prevention.

(4) PREMIUM RATE VARIATION. A health benefit plan offered on the individual or small employer market or a self-insured health plan may vary premium rates for a specific plan based only on the following considerations:

- (a) Whether the policy or plan covers an individual or a family.
- (b) Rating area in the state, as established by the commissioner.

(c) Age, except that the rate may not vary by more than 3 to 1 for adults over the age groups and the age bands shall be consistent with recommendations of the National Association of Insurance Commissioners.

(d) Tobacco use, except that the rate may not vary by more than 1.5 to 1.

(5) STATEWIDE RISK POOL. An insurer offering a health benefit plan may not segregate enrollees into risk pools other than a single statewide risk pool for the individual market and a single statewide risk pool for the small employer market or a single statewide risk pool that combines the individual and small employer markets.

(6) ANNUAL AND LIFETIME LIMITS. An individual or group health benefit plan or a self-insured health plan may not establish any of the following:

(a) Lifetime limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

(b) Annual limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

(7) COST SHARING MAXIMUM. A health benefit plan offered on the individual or small employer market may not require an enrollee under the plan to pay more in cost sharing than the maximum amount calculated under 42 USC 18022 (c), including the annual indexing of the limits.

(8) MEDICAL LOSS RATIO. (a) In this subsection, “medical loss ratio” means the proportion, expressed as a percentage, of premium revenues spent by a health benefit plan on clinical services and quality improvement.

(b) A health benefit plan on the individual or small employer market shall have a medical loss ratio of at least 80 percent.

(c) A group health benefit plan other than one described under par. (b) shall have a medical loss ratio of at least 85 percent.

(9) ACTUARIAL VALUES OF PLAN TIERS. Any health benefit plan offered on the individual or small employer market shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 60 percent of the full actuarial value of the benefits provided under the plan.

SECTION 1373. 632.746 (1) (a) of the statutes is renumbered 632.746 (1) and amended to read:

632.746 (1) ~~Subject to subs. (2) and (3), an An insurer that offers a group health benefit plan may, with respect to a participant or beneficiary under the plan, not impose a preexisting condition exclusion only if the exclusion relates to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received within the 6-month period ending on the participant's or beneficiary's enrollment date under the plan on a participant or beneficiary under the plan.~~

SECTION 1374. 632.746 (1) (b) of the statutes is repealed.

SECTION 1375. 632.746 (2) (a) of the statutes is amended to read:

632.746 (2) (a) An insurer offering a group health benefit plan may not ~~treat~~ impose a preexisting condition exclusion based on genetic information ~~as a preexisting condition under sub. (1) without a diagnosis of a condition related to the information.~~

SECTION 1376. 632.746 (2) (c), (d) and (e) of the statutes are repealed.

SECTION 1377. 632.746 (3) (a) of the statutes is repealed.

SECTION 1378. 632.746 (3) (d) 1. of the statutes is renumbered 632.746 (3) (d).

SECTION 1379. 632.746 (3) (d) 2. and 3. of the statutes are repealed.

SECTION 1380. 632.746 (5) of the statutes is repealed.

SECTION 1381. 632.746 (8) (a) (intro.) of the statutes is amended to read:

632.746 (8) (a) (intro.) A health maintenance organization that offers a group health benefit plan ~~and that does not impose any preexisting condition exclusion under sub. (1)~~ with respect to a particular coverage option may impose an affiliation period for that coverage option, but only if all of the following apply:

SECTION 1382. 632.748 (2) of the statutes is amended to read:

632.748 (2) An insurer offering a group health benefit plan may not require any individual, as a condition of enrollment or continued enrollment under the plan, to pay, on the basis of any health status-related factor with respect to the individual or a dependent of the individual, a premium or contribution or a deductible, copayment, or coinsurance amount that is greater than the premium or contribution or deductible, copayment, or coinsurance amount respectively for a similarly situated individual enrolled under the plan.

SECTION 1383. 632.76 (2) (a) and (ac) 1. and 2. of the statutes are amended to read:

632.76 (2) (a) No claim for loss incurred or disability commencing after 2 years from the date of issue of the policy may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage, unless the condition was excluded from coverage by name or specific description by a provision effective on the date of loss. This paragraph does not apply to a group health benefit plan, as defined in s. 632.745 (9), which is subject to s. 632.746, a disability insurance policy, as defined in s. 632.895 (1) (a), or a self-insured health plan, as defined in s. 632.85 (1) (c).

(ac) 1. ~~Notwithstanding par. (a), no~~ No claim or loss incurred or disability commencing after ~~12 months from the date of issue of~~ under an individual disability insurance policy, as defined in s. 632.895 (1) (a), may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage, ~~unless the condition was excluded from coverage by name or specific description by a provision effective on the date of the loss.~~

2. ~~Except as provided in subd. 3., an~~ An individual disability insurance policy, as defined in s. 632.895 (1) (a), other than a short-term policy subject to s. 632.7495 (4) and (5), may not define a preexisting condition more restrictively than a condition that was present before the date of enrollment for the coverage, whether physical or mental, regardless of the cause of the condition, ~~for which~~ and regardless of whether medical advice, diagnosis, care, or treatment was recommended or received ~~within 12 months before the effective date of coverage.~~

SECTION 1384. 632.795 (4) (a) of the statutes is amended to read:

632.795 (4) (a) An insurer subject to sub. (2) shall provide coverage under the same policy form and for the same premium as it originally offered in the most recent enrollment period, subject only to the medical underwriting used in that enrollment period. Unless otherwise prescribed by rule, the insurer may apply deductibles, ~~preexisting condition limitations,~~ waiting periods, or other limits only to the extent that they would have been applicable had coverage been extended at the time of the most recent enrollment period and with credit for the satisfaction or partial satisfaction of similar provisions under the liquidated insurer's policy or plan. The insurer may exclude coverage of claims that are payable by a solvent insurer under insolvency coverage required by the commissioner or by the insurance regulator of

another jurisdiction. Coverage shall be effective on the date that the liquidated insurer's coverage terminates.

SECTION 1385. 632.895 (8) (d) of the statutes is amended to read:

632.895 (8) (d) Coverage is required under this subsection despite whether the woman shows any symptoms of breast cancer. Except as provided in pars. (b), (c), and (e), coverage under this subsection may only be subject to exclusions and limitations, including deductibles, copayments and restrictions on excessive charges, that are applied to other radiological examinations covered under the disability insurance policy. Coverage under this subsection may not be subject to any deductibles, copayments, or coinsurance.

SECTION 1386. 632.895 (13m) of the statutes is created to read:

632.895 (13m) PREVENTIVE SERVICES. (a) In this section, "self-insured health plan" has the meaning given in s. 632.85 (1) (c).

(b) Every disability insurance policy, except any disability insurance policy that is described in s. 632.745 (11) (b) 1. to 12., and every self-insured health plan shall provide coverage for all of the following preventive services:

1. Mammography in accordance with sub. (8).
2. Genetic breast cancer screening and counseling and preventive medication for adult women at high risk for breast cancer.
3. Papanicolaou test for cancer screening for women 21 years of age or older with an intact cervix.
4. Human papillomavirus testing for women who have attained the age of 30 years but have not attained the age of 66 years.
5. Colorectal cancer screening in accordance with sub. (16m).

6. Annual tomography for lung cancer screening for adults who have attained the age of 55 years but have not attained the age of 80 years and who have health histories demonstrating a risk for lung cancer.

7. Skin cancer screening for individuals who have attained the age of 10 years but have not attained the age of 22 years.

8. Counseling for skin cancer prevention for adults who have attained the age of 18 years but have not attained the age of 25 years.

9. Abdominal aortic aneurysm screening for men who have attained the age of 65 years but have not attained the age of 75 years and who have ever smoked.

10. Hypertension screening for adults and blood pressure testing for adults, for children under the age of 3 years who are at high risk for hypertension, and for children 3 years of age or older.

11. Lipid disorder screening for minors 2 years of age or older, adults 20 years of age or older at high risk for lipid disorders, and all men 35 years of age or older.

12. Aspirin therapy for cardiovascular health for adults who have attained the age of 55 years but have not attained the age of 80 years and for men who have attained the age of 45 years but have not attained the age of 55 years.

13. Behavioral counseling for cardiovascular health for adults who are overweight or obese and who have risk factors for cardiovascular disease.

14. Type II diabetes screening for adults with elevated blood pressure.

15. Depression screening for minors 11 years of age or older and for adults when follow-up supports are available.

16. Hepatitis B screening for minors at high risk for infection and adults at high risk for infection.

17. Hepatitis C screening for adults at high risk for infection and onetime hepatitis C screening for adults born in any year from 1945 to 1965.

18. Obesity screening and management for all minors and adults with a body mass index indicating obesity, counseling and behavioral interventions for obese minors who are 6 years of age or older, and referral for intervention for obesity for adults with a body mass index of 30 kilograms per square meter or higher.

19. Osteoporosis screening for all women 65 years of age or older and for women at high risk for osteoporosis under the age of 65 years.

20. Immunizations in accordance with sub. (14).

21. Anemia screening for individuals 6 months of age or older and iron supplements for individuals at high risk for anemia and who have attained the age of 6 months but have not attained the age of 12 months.

22. Fluoride varnish for prevention of tooth decay for minors at the age of eruption of their primary teeth.

23. Fluoride supplements for prevention of tooth decay for minors 6 months of age or older who do not have fluoride in their water source.

24. Gonorrhea prophylaxis treatment for newborns.

25. Health history and physical exams for prenatal visits and for minors.

26. Length and weight measurements for newborns and height and weight measurements for minors.

27. Head circumference and weight-for-length measurements for newborns and minors who have not attained the age of 3 years.

28. Body mass index for minors 2 years of age or older.

29. Blood pressure measurements for minors 3 years of age or older and a blood pressure risk assessment at birth.

30. Risk assessment and referral for oral health issues for minors who have attained the age of 6 months but have not attained the age of 7 years.

31. Blood screening for newborns and minors who have not attained the age of 2 months.

32. Screening for critical congenital health defects for newborns.

33. Lead screenings in accordance with sub. (10).

34. Metabolic and hemoglobin screening and screening for phenylketonuria, sickle cell anemia, and congenital hypothyroidism for minors including newborns.

35. Tuberculin skin test based on risk assessment for minors one month of age or older.

36. Tobacco counseling and cessation interventions for individuals who are 5 years of age or older.

37. Vision and hearing screening and assessment for minors including newborns.

38. Sexually transmitted infection and human immunodeficiency virus counseling for sexually active minors.

39. Risk assessment for sexually transmitted infection for minors who are 10 years of age or older and screening for sexually transmitted infection for minors who are 16 years of age or older.

40. Alcohol misuse screening and counseling for minors 11 years of age or older.

41. Autism screening for minors who have attained the age of 18 months but have not attained the age of 25 months.

42. Developmental screening and surveillance for minors including newborns.

43. Psychosocial and behavioral assessment for minors including newborns.

44. Alcohol misuse screening and counseling for pregnant adults and a risk assessment for all adults.

45. Fall prevention and counseling and preventive medication for fall prevention for community-dwelling adults 65 years of age or older.

46. Screening and counseling for intimate partner violence for adult women.

47. Well-woman visits for women who have attained the age of 18 years but have not attained the age of 65 years and well-woman visits for recommended preventive services, preconception care, and prenatal care.

48. Counseling on, consultations with a trained provider on, and equipment rental for breastfeeding for pregnant and lactating women.

49. Folic acid supplement for adult women with reproductive capacity.

50. Iron deficiency anemia screening for pregnant and lactating women.

51. Preeclampsia preventive medicine for pregnant adult women at high risk for preeclampsia.

52. Low-dose aspirin after 12 weeks of gestation for pregnant women at high risk for miscarriage, preeclampsia, or clotting disorders.

53. Screenings for hepatitis B and bacteriuria for pregnant women.

54. Screening for gonorrhea for pregnant and sexually active females 24 years of age or younger and females older than 24 years of age who are at risk for infection.

55. Screening for chlamydia for pregnant and sexually active females 24 years of age and younger and females older than 24 years of age who are at risk for infection.

56. Screening for syphilis for pregnant women and adults who are at high risk for infection.

57. Human immunodeficiency virus screening for adults who have attained the age of 15 years but have not attained the age of 66 years and individuals at high risk of infection who are younger than 15 years of age or older than 65 years of age.

58. All contraceptives and services in accordance with sub. (17).

59. Any services not already specified under this paragraph having an A or B rating in current recommendations from the U.S. preventive services task force.

60. Any preventive services not already specified under this paragraph that are recommended by the federal health resources and services administration's Bright Futures project.

61. Any immunizations, not already specified under sub. (14), that are recommended and determined to be for routine use by the federal advisory committee on immunization practices.

(c) Subject to par. (d), no disability insurance policy and no self-insured health plan may subject the coverage of any of the preventive services under par. (b) to any deductibles, copayments, or coinsurance under the policy or plan.

(d) 1. If an office visit and a preventive service specified under par. (b) are billed separately by the health care provider, the disability insurance policy or self-insured health plan may apply deductibles to and impose copayments or coinsurance on the office visit but not on the preventive service.

2. If the primary reason for an office visit is not to obtain a preventive service, the disability insurance policy or self-insured health plan may apply deductibles to and impose copayments or coinsurance on the office visit.

3. Except as otherwise provided in this subdivision, if a preventive service specified under par. (b) is provided by a health care provider that is outside the disability insurance policy's or self-insured health plan's network of providers, the

policy or plan may apply deductibles to and impose copayments or coinsurance on the office visit and the preventive service. If a preventive service specified under par. (b) is provided by a health care provider that is outside the disability insurance policy's or self-insured health plan's network of providers because there is no available health care provider in the policy's or plan's network of providers that provides the preventive service, the policy or plan may not apply deductibles to or impose copayments or coinsurance on the preventive service.

4. If multiple well-woman visits described under par. (b) 47. are required to fulfill all necessary preventive services and are in accordance with clinical recommendations, the disability insurance policy or self-insured health plan may not apply a deductible to or impose a copayment or coinsurance on any of those well-woman visits.

SECTION 1387. 632.895 (14) (a) 1. i. and j. of the statutes are amended to read:

632.895 (14) (a) 1. i. Hepatitis A and B.

j. Varicella and herpes zoster.

SECTION 1388. 632.895 (14) (a) 1. k. to o. of the statutes are created to read:

632.895 (14) (a) 1. k. Human papillomavirus.

L. Meningococcal meningitis.

m. Pneumococcal pneumonia.

n. Influenza.

o. Rotavirus.

SECTION 1389. 632.895 (14) (b) of the statutes is amended to read:

632.895 (14) (b) Except as provided in par. (d), every disability insurance policy, and every self-insured health plan of the state or a county, city, town, village, or school district, ~~that provides coverage for a dependent of the insured shall provide~~

coverage of appropriate and necessary immunizations, ~~from birth to the age of 6 years, for an insured or plan participant, including a dependent who is a child of the insured or plan participant.~~

SECTION 1390. 632.895 (14) (c) of the statutes is amended to read:

632.895 (14) (c) The coverage required under par. (b) may not be subject to any deductibles, copayments, or coinsurance under the policy or plan. ~~This paragraph applies to a defined network plan, as defined in s. 609.01 (1b), only with respect to appropriate and necessary immunizations provided by providers participating, as defined in s. 609.01 (3m), in the plan.~~

SECTION 1391. 632.895 (14) (d) 3. of the statutes is amended to read:

632.895 (14) (d) 3. A health care plan offered by a limited service health organization, as defined in s. 609.01 (3), ~~or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).~~

SECTION 1392. 632.895 (14m) of the statutes is created to read:

632.895 (14m) ESSENTIAL HEALTH BENEFITS. (a) In this subsection, “self-insured health plan” has the meaning given in s. 632.85 (1) (c).

(b) On a date specified by the commissioner, by rule, every disability insurance policy, except as provided in par. (g), and every self-insured health plan shall provide coverage for essential health benefits as determined by the commissioner, by rule, subject to par. (c).

(c) In determining the essential health benefits for which coverage is required under par. (b), the commissioner shall do all of the following:

1. Include benefits, items, and services in, at least, all of the following categories:

a. Ambulatory patient services.

- b. Emergency services.
 - c. Hospitalization.
 - d. Maternity and newborn care.
 - e. Mental health and substance use disorder services, including behavioral health treatment.
 - f. Prescription drugs.
 - g. Rehabilitative and habilitative services and devices.
 - h. Laboratory services.
 - i. Preventive and wellness services and chronic disease management.
 - j. Pediatric services, including oral and vision care.
2. Conduct a survey of employer-sponsored coverage to determine benefits typically covered by employers and ensure that the scope of essential health benefits for which coverage is required under this subsection is equal to the scope of benefits covered under a typical disability insurance policy offered by an employer to its employees.
 3. Ensure that essential health benefits reflect a balance among the categories described in subd. 1. such that benefits are not unduly weighted toward one category.
 4. Ensure that essential health benefit coverage is provided with no or limited cost-sharing requirements.
 5. Require that disability insurance policies and self-insured health plans do not make coverage decisions, determine reimbursement rates, establish incentive programs, or design benefits in ways that discriminate against individuals because of their age, disability, or expected length of life.

6. Establish essential health benefits in a way that takes into account the health care needs of diverse segments of the population, including women, children, persons with disabilities, and other groups.

7. Ensure that essential health benefits established under this subsection are not subject to a coverage denial based on an insured's or plan participant's age, expected length of life, present or predicted disability, degree of dependency on medical care, or quality of life.

8. Require that disability insurance policies and self-insured health plans cover emergency department services that are essential health benefits without imposing any requirement to obtain prior authorization for those services and without limiting coverage for services provided by an emergency services provider that is not in the provider network of a policy or plan in a way that is more restrictive than requirements or limitations that apply to emergency services provided by a provider that is in the provider network of the policy or plan.

9. Require a disability insurance policy or self-insured health plan to apply to emergency department services that are essential health benefits provided by an emergency department provider that is not in the provider network of the policy or plan the same copayment amount or coinsurance rate that applies if those services are provided by a provider that is in the provider network of the policy or plan.

(d) The commissioner shall periodically update, by rule, the essential health benefits under this subsection to address any gaps in access to coverage.

(e) If an essential health benefit is also subject to mandated coverage elsewhere under this section and the coverage requirements are not identical, the disability insurance policy or self-insured health plan shall provide coverage under whichever

subsection provides the insured or plan participant with more comprehensive coverage of the medical condition, item, or service.

(f) Nothing in this subsection or rules promulgated under this subsection prohibits a disability insurance policy or a self-insured health plan from providing benefits in excess of the essential health benefit coverage required under this subsection.

(g) This subsection does not apply to any disability insurance policy that is described in s. 632.745 (11) (b) 1. to 12.

SECTION 1393. 632.895 (16m) (b) of the statutes is amended to read:

632.895 (16m) (b) The coverage required under this subsection may be subject to any limitations, or exclusions,~~or cost-sharing provisions~~ that apply generally under the disability insurance policy or self-insured health plan. The coverage required under this subsection may not be subject to any deductibles, copayments, or coinsurance.

SECTION 1394. 632.895 (17) (b) 2. of the statutes is amended to read:

632.895 (17) (b) 2. Outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive, ~~if covered for any other drug benefits under the policy or plan sterilization procedures, and patient education and counseling for all females with reproductive capacity.~~

SECTION 1395. 632.895 (17) (c) of the statutes is amended to read:

632.895 (17) (c) Coverage under par. (b) may be subject only to the exclusions, and limitations,~~or cost-sharing provisions~~ that apply generally to the coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices that is provided under the policy or self-insured health plan. A

disability insurance policy or self-insured health plan may not apply a deductible or impose a copayment or coinsurance to at least one of each type of contraceptive method approved by the federal food and drug administration for which coverage is required under this subsection. The disability insurance policy or self-insured health plan may apply reasonable medical management to a method of contraception to limit coverage under this subsection that is provided without being subject to a deductible, copayment, or coinsurance to prescription drugs without a brand name. The disability insurance policy or self-insured health plan may apply a deductible or impose a copayment or coinsurance for coverage of a contraceptive that is prescribed for a medical need if the services for the medical need would otherwise be subject to a deductible, copayment, or coinsurance.

SECTION 1396. 632.897 (11) (a) of the statutes is amended to read:

632.897 (11) (a) Notwithstanding subs. (2) to (10), the commissioner may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a terminated insured or an eligible individual under any federal program that provides for a federal premium subsidy for individuals covered under continuation of coverage under a group policy, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, ~~application of preexisting condition exclusions~~, election of alternative coverage, and status as an eligible individual, as defined in s. 149.10 (2t), 2011 stats.

SECTION 9323. Initial applicability; Insurance.

(1) COVERAGE OF INDIVIDUALS WITH PREEXISTING CONDITIONS, ESSENTIAL HEALTH BENEFITS, AND PREVENTIVE SERVICES.

(a) For policies and plans containing provisions inconsistent with these sections, the treatment of ss. 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1. and 2., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c), and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11) (a) first applies to policy or plan years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with these sections, the treatment of ss. 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1. and 2., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c), and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11) (a) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is entered into, extended, modified, or renewed, whichever is later.

SECTION 9423. Effective dates; Insurance.

(1) COVERAGE OF INDIVIDUALS WITH PREEXISTING CONDITIONS, ESSENTIAL HEALTH BENEFITS, AND PREVENTIVE SERVICES. The treatment of ss. 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2., and 3., (5), and (8) (a) (intro.), 632.748 (2), 632.76 (2) (a) and (ac) 1. and 2., 632.795 (4) (a), 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c), and (d) 3., (14m), (16m) (b), and (17) (b) 2. and (c), and 632.897 (11) (a) and SECTION 9323 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1154/P2
KRP:cde

DOA:.....Lessner, BB0188 - Short-Term, Limited Duration Plan Regulation
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
INSURANCE

Short-term, limited duration plan coverage requirements

This bill sets certain coverage requirements on individual health plans that are short-term, limited duration plans. Under current law, a short-term, limited duration plan is individual health benefit plan coverage that is marketed and designed to provide short-term coverage as a bridge between other coverages and that has a term of not more than 12 months and an aggregate term of all consecutive periods of coverage that does not exceed 18 months. Under current law, an insurer generally must renew individual health coverage at the option of the insured, but an insurer is not required to renew a short-term, limited duration plan.

The bill requires an insurer that offers a short-term, limited duration plan to accept every individual who applies for coverage, regardless of whether the individual has a preexisting condition. The bill also prohibits a short-term, limited duration plan from imposing a preexisting condition exclusion. Under current law, a short-term, limited duration plan may impose a preexisting condition exclusion, but the plan must reduce the length of time of the exclusion by the aggregate duration of the insured's consecutive periods of coverage. Under current law, a preexisting condition exclusion is a period of time during which a plan will not cover a medical condition for which the insured received some medical attention before the effective date of coverage.

Under the bill, an insurer that offers a short-term, limited duration plan may not vary premium rates for a specific plan except on the basis of 1) whether the plan covers an individual or a family; 2) area in the state; 3) age; and 4) tobacco use, as specified in the bill. An insurer that offers a short-term, limited duration plan is prohibited under the bill from establishing rules for the eligibility of any individual to enroll based on certain health status-related factors, which are specified in the bill, and from requiring an enrollee to pay a greater premium, contribution, deductible, copayment, or coinsurance amount than is required of a similarly situated enrollee based on a health status-related factor. Under the bill, a short-term, limited duration plan may not establish lifetime limits or limits for the duration of the coverage on the dollar value of benefits for an enrollee or a dependent of an enrollee under the plan.

Finally, the bill reduces the maximum allowable term of a short-term, limited duration plan from 12 months to three months and reduces the maximum aggregate duration from 18 months to six months.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1397. 632.7495 (4) (b) of the statutes is amended to read:

632.7495 (4) (b) The coverage has a term of not more than ~~12~~ 3 months.

SECTION 1398. 632.7495 (4) (c) of the statutes is amended to read:

632.7495 (4) (c) The coverage term aggregated with all consecutive periods of the insurer's coverage of the insured by individual health benefit plan coverage not required to be renewed under this subsection does not exceed ~~18~~ 6 months. For purposes of this paragraph, coverage periods are consecutive if there are no more than 63 days between the coverage periods.

SECTION 1399. 632.7496 of the statutes is created to read:

632.7496 Coverage requirements for short-term plans. (1) DEFINITION.

In this section, "short-term, limited duration plan" means an individual health benefit plan described in s. 632.7495 (4).

(2) **GUARANTEED ISSUE.** An insurer that offers a short-term, limited duration plan shall accept every individual in this state who applies for coverage regardless of whether the individual has a preexisting condition.

(3) **PROHIBITING DISCRIMINATION BASED ON HEALTH STATUS.** (a) An insurer that offers a short-term, limited duration plan may not establish rules for the eligibility of any individual to enroll, or for the continued eligibility of any individual to remain enrolled, under a short-term, limited duration plan based on any of the following health status-related factors with respect to the individual or a dependent of the individual:

1. Health status.
2. Medical condition, including both physical and mental illnesses.
3. Claims experience.
4. Receipt of health care.
5. Medical history.
6. Genetic information.
7. Evidence of insurability, including conditions arising out of acts of domestic violence.
8. Disability.

(b) An insurer that offers a short-term, limited duration plan may not require any individual, as a condition of enrollment or continued enrollment under the short-term, limited duration plan, to pay, on the basis of any health status-related factor described under par. (a) with respect to the individual or a dependent of the individual, a premium or contribution or a deductible, copayment, or coinsurance amount that is greater than the premium or contribution or deductible, copayment,

or coinsurance amount respectively for a similarly situated individual enrolled under the short-term, limited duration plan.

(4) PREMIUM RATE VARIATION. An insurer that offers a short-term, limited duration plan may vary premium rates for a specific short-term, limited duration plan based only on the following considerations:

(a) Whether the short-term, limited duration plan covers an individual or a family.

(b) Rating area in the state, as established by the commissioner.

(c) Age, except that the rate may not vary by more than 3 to 1 for adults over the age groups and the age bands shall be consistent with recommendations of the National Association of Insurance Commissioners.

(d) Tobacco use, except that the rate may not vary by more than 1.5 to 1.

(5) ANNUAL AND LIFETIME LIMITS. A short-term, limited duration plan may not establish any of the following:

(a) Lifetime limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the short-term, limited duration plan.

(b) Limits on the dollar value of benefits for an enrollee or a dependent of an enrollee under the short-term, limited duration plan for a term of coverage or for the aggregate duration of the short-term, limited duration plan.

SECTION 1400. 632.76 (2) (ac) 3. (intro.) of the statutes is amended to read:

632.76 (2) (ac) 3. (intro.) Except as the commissioner provides by rule under s. 632.7495 (5), all of the following apply to an individual disability insurance policy that is a short-term ~~policy~~, limited duration plan subject to s. 632.7495 (4) and (5):

SECTION 1401. 632.76 (2) (ac) 3. b. of the statutes is amended to read:

~~632.76 (2) (ac) 3. b. The policy shall reduce the length of time during which a~~
~~may not impose any~~ preexisting condition exclusion may be imposed by the
~~aggregate of the insured's consecutive periods of coverage under the insurer's~~
~~individual disability insurance policies that are short-term policies subject to s.~~
~~632.7495 (4) and (5). For purposes of this subd. 3. b., coverage periods are consecutive~~
~~if there are no more than 63 days between the coverage periods.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1155/P3
JPC:wlj

DOA:.....Lessner, BB0185 - Surprise billing regulations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Balance billing for emergency medical services and other items and services

This bill requires defined network plans, such as health maintenance organizations, and certain preferred provider plans and self-insured governmental plans that cover benefits or services provided in either an emergency department of a hospital or independent freestanding emergency department to cover emergency medical services without requiring a prior authorization determination and without regard to whether the health care provider providing the emergency medical services is a participating provider or facility. If the emergency medical services for which coverage is required are provided by a nonparticipating provider, the plan must 1) not impose a prior authorization requirement or other limitation that is more restrictive than if the service was provided by a participating provider; 2) not impose cost sharing on an enrollee that is greater than the cost sharing required if the service was provided by a participating provider; 3) calculate the cost-sharing amount to be equal to the recognized amount specified under federal law; 4) provide, within 30 days of the provider's or facility's bill, an initial payment or denial notice to the provider or facility and then pay a total amount to the provider or facility that is equal to the amount by which an out-of-network rate exceeds the amount it received in cost sharing from the enrollee; and 5) count any cost-sharing payment made by the enrollee for the emergency medical services toward any in-network

deductible or out-of-pocket maximum as if the cost-sharing payment was made for services provided by a participating provider or facility.

For coverage of an item or service that is provided by a nonparticipating provider in a participating facility, a plan must 1) not impose a cost-sharing requirement for the item or service that is greater than the cost-sharing requirement that would have been imposed if the item or service was provided by a participating provider; 2) calculate the cost-sharing amount to be equal to the recognized amount specified under federal law; 3) provide, within 30 days of the provider's bill, an initial payment or denial notice to the provider and then pay a total amount to the provider that is equal to the amount by which the out-of-network rate exceeds the amount it received in cost sharing from the enrollee; and 4) count any cost-sharing payment made by the enrollee for the items or services toward any in-network deductible or out-of-pocket maximum as if the cost-sharing payment was made for items or services provided by a participating provider. A nonparticipating provider providing an item or service in a participating facility may not bill or hold liable an enrollee for more than the cost-sharing amount unless the provider provides notice and obtains consent as described in the bill. However, if the nonparticipating provider is providing an ancillary item or service that is specified in the bill, and the commissioner of insurance has not specifically allowed balance billing for that item or service by rule, the nonparticipating provider providing the ancillary item or service in a participating facility may not bill or hold liable an enrollee for more than the cost-sharing amount.

Under the bill, a provider or facility that is entitled to a payment for an emergency medical service or other item or service may initiate open negotiations with the defined network plan, preferred provider plan, or self-insured governmental health plan to determine the amount of payment. If the open negotiation period terminates without determination of the payment amount, the provider, facility, or plan may initiate the independent dispute resolution process as specified by the commissioner of insurance. If an enrollee of a plan is a continuing care patient, as defined in the bill, and is obtaining services from a participating provider or facility, and the contract is terminated because of a change in the terms of the participation of the provider or facility in the plan or the contract is terminated, resulting in a loss of benefits under the plan, the plan must notify the enrollee of the enrollee's right to elect to continue transitional care, provide the enrollee an opportunity to notify the plan of the need for transitional care, and allow the enrollee to continue to have the benefits provided under the plan under the same terms and conditions as would have applied without the termination until either 90 days after the termination notice date or the date on which the enrollee is no longer a continuing care patient, whichever is earlier.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1402. 609.045 of the statutes is created to read:

609.045 Balance billing; emergency medical services. (1) DEFINITIONS.

In this section:

(a) “Emergency medical condition” means all of the following:

1. A medical condition, including a mental health condition or substance use disorder condition, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

a. Placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

b. Serious impairment of bodily function.

c. Serious dysfunction of any bodily organ or part.

2. With respect to a pregnant woman who is having contractions, a medical condition for which there is inadequate time to safely transfer the pregnant woman to another hospital before delivery or for which the transfer may pose a threat to the health or safety of the pregnant woman or the unborn child.

(b) “Emergency medical services,” with respect to an emergency medical condition, has the meaning given for “emergency services” in 42 USC 300gg-111 (a) (3) (C).

(c) “Independent freestanding emergency department” has the meaning given in 42 USC 300gg-111 (a) (3) (D).

(d) “Out-of-network rate” has the meaning given by the commissioner by rule or, in the absence of such rule, the meaning given in 42 USC 300gg-111 (a) (3) (K).

(e) “Preferred provider plan,” notwithstanding s. 609.01 (4), includes only any preferred provider plan, as defined in s. 609.01 (4), that has a network of

participating providers and imposes on enrollees different requirements for using providers that are not participating providers.

(f) “Recognized amount” has the meaning given by the commissioner by rule or, in the absence of such rule, the meaning given in 42 USC 300gg-111 (a) (3) (H).

(g) “Self-insured governmental plan” means a self-insured health plan of the state or a county, city, village, town, or school district that has a network of participating providers and imposes on enrollees in the self-insured health plan different requirements for using providers that are not participating providers.

(h) “Terminated” means the expiration or nonrenewal of a contract. “Terminated” does not include a termination of a contract for failure to meet applicable quality standards or for fraud.

(2) EMERGENCY MEDICAL SERVICES. A defined network plan, preferred provider plan, or self-insured governmental plan that covers any benefits or services provided in an emergency department of a hospital or emergency medical services provided in an independent freestanding emergency department shall cover emergency medical services in accordance with all of the following:

(a) The plan may not require a prior authorization determination.

(b) The plan may not deny coverage on the basis of whether or not the health care provider providing the services is a participating provider or participating emergency facility.

(c) If the emergency medical services are provided to an enrollee by a provider or in a facility that is not a participating provider or participating facility, the plan complies with all of the following:

1. The emergency medical services are covered without imposing on an enrollee a requirement for prior authorization or any coverage limitation that is more

restrictive than requirements or limitations that apply to emergency medical services provided by participating providers or in participating facilities.

2. Any cost-sharing requirement imposed on an enrollee for the emergency medical services is no greater than the requirements that would apply if the emergency medical services were provided by a participating provider or in a participating facility.

3. Any cost-sharing amount imposed on an enrollee for the emergency medical services is calculated as if the total amount that would have been charged for the emergency medical services if provided by a participating provider or in a participating facility is equal to the recognized amount for such services, plan or coverage, and year.

4. The plan does all of the following:

a. No later than 30 days after the participating provider or participating facility transmits to the plan the bill for emergency medical services, sends to the provider or facility an initial payment or a notice of denial of payment.

b. Pays to the participating provider or participating facility a total amount that, incorporating any initial payment under subd. 4. a., is equal to the amount by which the out-of-network rate exceeds the cost-sharing amount.

5. The plan counts any cost-sharing payment made by the enrollee for the emergency medical services toward any in-network deductible or out-of-pocket maximum applied by the plan in the same manner as if the cost-sharing payment was made for emergency medical services provided by a participating provider or in a participating facility.

(3) NONPARTICIPATING PROVIDER IN PARTICIPATING FACILITY. For items or services other than emergency medical services that are provided to an enrollee of a defined

network plan, preferred provider plan, or self-insured governmental plan by a provider who is not a participating provider but who is providing services at a participating facility, the plan shall provide coverage for the item or service in accordance with all of the following:

(a) The plan may not impose on an enrollee a cost-sharing requirement for the item or service that is greater than the cost-sharing requirement that would have been imposed if the item or service was provided by a participating provider.

(b) Any cost-sharing amount imposed on an enrollee for the item or service is calculated as if the total amount that would have been charged for the item or service if provided by a participating provider is equal to the recognized amount for such item or service, plan or coverage, and year.

(c) No later than 30 days after the provider transmits the bill for services, the plan shall send to the provider an initial payment or a notice of denial of payment.

(d) The plan shall make a total payment directly to the provider who provided the item or service to the enrollee that, added to any initial payment described under par. (c), is equal to the amount by which the out-of-network rate for the item or service exceeds the cost-sharing amount.

(e) The plan counts any cost-sharing payment made by the enrollee for the item or service toward any in-network deductible or out-of-pocket maximum applied by the plan in the same manner as if the cost-sharing payment was made for the item or service when provided by a participating provider.

(4) CHARGING FOR SERVICES BY NONPARTICIPATING PROVIDER; NOTICE AND CONSENT.

(a) Except as provided in par. (c), a provider of an item or service who is entitled to payment under sub. (3) may not bill or hold liable an enrollee for any amount for the item or service that is more than the cost-sharing amount calculated under sub. (3)

(b) for the item or service unless the nonparticipating provider provides notice and obtains consent in accordance with all of the following:

1. The notice states that the provider is not a participating provider in the enrollee's defined network plan, preferred provider plan, or self-insured governmental plan.

2. The notice provides a good faith estimate of the amount that the nonparticipating provider may charge the enrollee for the item or service involved, including notification that the estimate does not constitute a contract with respect to the charges estimated for the item or service.

3. The notice includes a list of the participating providers at the participating facility who would be able to provide the item or service and notification that the enrollee may be referred to one of those participating providers.

4. The notice includes information about whether or not prior authorization or other care management limitations may be required before receiving an item or service at the participating facility.

5. The notice clearly states that consent is optional and that the patient may elect to seek care from an in-network provider.

6. The notice is worded in plain language.

7. The notice is available in languages other than English. The commissioner shall identify languages for which the notice should be available.

8. The enrollee provides consent to the nonparticipating provider to be treated by the nonparticipating provider, and the consent acknowledges that the enrollee has been informed that the charge paid by the enrollee may not meet a limitation that the enrollee's defined network plan, preferred provider plan, or self-insured governmental plan places on cost sharing, such as an in-network deductible.

9. A signed copy of the consent described under subd. 8. is provided to the enrollee.

(b) To be considered adequate, the notice and consent under par. (a) shall meet one of the following requirements, as applicable:

1. If the enrollee makes an appointment for the item or service at least 72 hours before the day on which the item or service is to be provided, any notice under par. (a) shall be provided to the enrollee at least 72 hours before the day of the appointment at which the item or service is to be provided.

2. If the enrollee makes an appointment for the item or service less than 72 hours before the day on which the item or service is to be provided, any notice under par. (a) shall be provided to the enrollee on the day that the appointment is made.

(c) A provider of an item or service who is entitled to payment under sub. (3) may not bill or hold liable an enrollee for any amount for an ancillary item or service that is more than the cost-sharing amount calculated under sub. (3) (b) for the item or service, whether or not provided by a physician or non-physician practitioner, unless the commissioner specifies by rule that the provider may balance bill for the ancillary item or service, if the item or service is any of the following:

1. Related to an emergency medical service.
2. Anesthesiology.
3. Pathology.
4. Radiology.
5. Neonatology.
6. An item or service provided by an assistant surgeon, hospitalist, or intensivist.
7. A diagnostic service, including a radiology or laboratory service.

8. An item or service provided by a specialty practitioner that the commissioner specifies by rule.

9. An item or service provided by a nonparticipating provider when there is no participating provider who can furnish the item or service at the participating facility.

(d) Any notice and consent provided under par. (a) may not extend to items or services furnished as a result of unforeseen, urgent medical needs that arise at the time the item or service is provided.

(e) Any consent provided under par. (a) shall be retained by the provider for no less than 7 years.

(5) NOTICE BY PROVIDER OR FACILITY. Beginning no later than January 1, 2024, a health care provider or health care facility shall make available, including posting on a website, to enrollees in defined network plans, preferred provider plans, and self-insured governmental plans notice of the requirements on a provider or facility under sub. (4), of any other applicable state law requirements on the provider or facility with respect to charging an enrollee for an item or service if the provider or facility does not have a contractual relationship with the plan, and of information on contacting appropriate state or federal agencies in the event the enrollee believes the provider or facility violates any of the requirements under this section or other applicable law.

(6) NEGOTIATION; DISPUTE RESOLUTION. A provider or facility that is entitled to receive an initial payment or notice of denial under sub. (2) (c) 4. a. or (3) (c) may initiate, within 30 days of receiving the initial payment or notice of denial, open negotiations with the defined network plan, preferred provider plan, or self-insured governmental plan to determine a payment amount for an emergency medical

service or other item or service for a period that terminates 30 days after initiating open negotiations. If the open negotiation period under this subsection terminates without determination of a payment amount, the provider, facility, defined network plan, preferred provider plan, or self-insured governmental plan may initiate, within the 4 days beginning on the day after the open negotiation period ends, the independent dispute resolution process as specified by the commissioner. If the independent dispute resolution decision-maker determines the payment amount, the party to the independent dispute resolution process whose amount was not selected shall pay the fees for the independent dispute resolution. If the parties to the independent dispute resolution reach a settlement on the payment amount, the parties to the independent dispute resolution shall equally divide the payment for the fees for the independent dispute resolution.

(7) CONTINUITY OF CARE. (a) In this subsection:

1. "Continuing care patient" means an individual who is any of the following:

a. Undergoing a course of treatment for a serious and complex condition from a provider or facility.

b. Undergoing a course of institutional or inpatient care from a provider or facility.

c. Scheduled to undergo nonelective surgery, including receipt of postoperative care, from a provider or facility.

d. Pregnant and undergoing a course of treatment for the pregnancy from a provider or facility.

e. Terminally ill and receiving treatment for the illness from a provider or facility.

2. "Serious and complex condition" means any of the following:

a. In the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm.

b. In the case of a chronic illness or condition, a condition that is life-threatening, degenerative, potentially disabling, or congenital and requires specialized medical care over a prolonged period.

(b) If an enrollee is a continuing care patient and is obtaining items or services from a participating provider or participating facility and the contract between the defined network plan, preferred provider plan, or self-insured governmental plan and the provider or facility is terminated because of a change in the terms of the participation of the provider or facility in the plan or the contract between the defined network plan, preferred provider plan, or self-insured governmental plan and the provider or facility is terminated, resulting in a loss of benefits provided under the plan, the plan shall do all of the following:

1. Notify each enrollee of the termination of the contract or benefits and of the right for the enrollee to elect to continue transitional care from the participating provider or participating facility under this subsection.

2. Provide the enrollee an opportunity to notify the plan of the need for transitional care.

3. Allow the enrollee to elect to continue to have the benefits provided under the plan under the same terms and conditions as would have applied to the item or service if the termination had not occurred for the course of treatment related to the enrollee's status as a continuing care patient beginning on the date on which the notice under subd. 1. is provided and ending 90 days after the date on which the

notice under subd. 1. is provided or the date on which the enrollee is no longer a continuing care patient, whichever is earlier.

(c) The provisions of s. 609.24 apply to a continuing care patient to the extent that s. 609.24 does not conflict with this subsection so as to limit the enrollee's rights under this subsection.

(8) RULE MAKING. The commissioner may promulgate any rules necessary to implement this section, including specifying the independent dispute resolution process under sub. (6). The commissioner may promulgate rules to modify the list of those items and services for which a provider may not balance bill under sub. (4) (c). In promulgating rules under this subsection, the commissioner may consider any rules promulgated by the federal department of health and human services pursuant to the federal No Surprises Act, 42 USC 300gg-111, et seq.

SECTION 1403. 609.24 (5) of the statutes is created to read:

609.24 **(5)** If an enrollee is a continuing care patient, as defined in s. 609.045 (7) (a), and if any of the situations described under s. 609.045 (7) (b) (intro.) applies, all of the following apply to the enrollee's defined network plan:

(a) Subsection (1) (c) shall apply to any of the participating providers providing the enrollee's course of treatment under s. 609.045 (7), including the enrollee's primary care physician.

(b) Subsection (1) (c) shall apply to lengthen the period in which benefits are provided under s. 609.045 (7) (b) 3., but shall not be applied to shorten the period in which benefits are provided under s. 609.045 (7) (b) 3.

(c) Subsection (1) (d) shall not be applied in a manner that limits the enrollee's rights under s. 609.045 (7) (b) 3.

(d) No plan may contract or arrange with a participating provider to provide notice of the termination of the participating provider's participation, pursuant to sub. (4).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1156/P2
JPC:cde

DOA:.....Lessner, BB0186 - Qualified treatment trainee coverage requirement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Coverage of treatment or services provided by qualified treatment trainees

This bill prohibits any health insurance plan from excluding coverage for mental health or behavioral health treatment or services provided by a qualified treatment trainee within the scope of the qualified treatment trainee's education and training if the health insurance plan covers the mental health or behavioral health treatment or services when provided by another health care provider. Qualified treatment trainee is defined under current law to mean either a graduate student who is enrolled in an accredited institution in psychology, counseling, marriage and family therapy, social work, nursing or a closely related field, or a person with a graduate degree from an accredited institution and course work in psychology, counseling, marriage and family therapy, social work, nursing or a closely related field who has not yet completed the applicable supervised practice requirements described under the administrative code.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1404. 609.713 of the statutes is created to read:

609.713 Qualified treatment trainee coverage. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.87 (7).

SECTION 1405. 632.87 (7) of the statutes is created to read:

632.87 (7) (a) In this subsection:

1. "Health care provider" has the meaning given in s. 146.81 (1) (a) to (hp).
2. "Qualified treatment trainee" has the meaning given in s. DHS 35.03 (17m).

(b) No policy, plan, or contract may exclude coverage for mental health or behavioral health treatment or services provided by a qualified treatment trainee within the scope of the qualified treatment trainee's education and training if the policy, plan, or contract covers the mental health or behavioral health treatment or services when provided by another health care provider.

SECTION 9323. Initial applicability; Insurance.

(1) **QUALIFIED TREATMENT TRAINEE COVERAGE.**

(a) For policies and plans containing provisions inconsistent with this section, the treatment of s. 632.87 (7) first applies to policy or plan years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with this section, the treatment of s. 632.87 (7) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is entered into, extended, modified, or renewed, whichever is later.

SECTION 9423. Effective dates; Insurance.

(1) **QUALIFIED TREATMENT TRAINEE COVERAGE.** The treatment of s. 632.87 (7) and SECTION 9323 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1157/P2
KRP:amn&kms

DOA:.....Lessner, BB0190 - Drug Manufacturer Discount Application

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Application of manufacturer discounts

Health insurance policies and plans often apply deductibles and out-of-pocket maximum amounts to the benefits covered by the policy or plan. A deductible is an amount that an enrollee in a policy or plan must pay out of pocket before attaining the full benefits of the policy or plan. An out-of-pocket maximum amount is a limit specified by a policy or plan on the amount that an enrollee pays, and, once that limit is reached, the policy or plan covers the benefit entirely. This bill requires health insurance policies that offer prescription drug benefits and self-insured health plans to apply the amount of any discounts that a manufacturer of a brand name drug provides to reduce the amount of cost sharing that is charged to an enrollee for those brand name drugs to the enrollee's deductible and out-of-pocket maximum amount. That requirement applies for brand name drugs that have no generic equivalent and for brand name drugs that have a generic equivalent but that the enrollee has prior authorization or physician approval to obtain. Health insurance policies are referred to in the bill as disability insurance policies.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1406. 40.51 (8) of the statutes is amended to read:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.728, 632.729, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.861, 632.862, 632.867, 632.87 (3) to ~~(6)~~ (8), 632.871, 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

****NOTE: This is reconciled s. 40.51 (8). This SECTION has been affected by drafts with the following LRB numbers: -1147/P1, -1151/P2, -1153/P1, -1156/P1, and -1157/P1.

SECTION 1407. 40.51 (8m) of the statutes is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.728, 632.729, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.861, 632.862, 632.867, 632.87 (7) and (8), 632.871, 632.885, 632.89, and 632.895 ~~(11)~~ (8) and (10) to (17).

****NOTE: This is reconciled s. 40.51 (8m). This SECTION has been affected by drafts with the following LRB numbers: -1147/P1, -1151/P2, -1153/P1, -1156/P1, and -1157/P1.

SECTION 1408. 66.0137 (4) of the statutes is amended to read:

66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.729, 632.746 (1) and (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85,

632.853, 632.855, 632.861, 632.862, 632.867, 632.87 (4) to ~~(6)~~ (8), 632.871, 632.885, 632.89, 632.895 ~~(9)~~ (8) to (17), 632.896, and 767.513 (4).

***NOTE: This is reconciled s. 66.0137 (4). This SECTION has been affected by drafts with the following LRB numbers: -1147/P1, -1151/P2, -1153/P1, -1156/P1, and -1157/P1.

SECTION 1409. 120.13 (2) (g) of the statutes is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.729, 632.746 (1) and (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.861, 632.862, 632.867, 632.87 (4) to ~~(6)~~ (8), 632.871, 632.885, 632.89, 632.895 ~~(9)~~ (8) to (17), 632.896, and 767.513 (4).

***NOTE: This is reconciled s. 120.13 (2) (g). This SECTION has been affected by drafts with the following LRB numbers: -1147/P1, -1151/P2, -1153/P1, -1156/P1, and -1157/P1.

SECTION 1410. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a cooperative association organized under s. 185.981 shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.728, 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85, 632.853, 632.855, 632.861, 632.862, 632.867, 632.87 (2) to ~~(6)~~ (8), 632.871, 632.885, 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but the sponsoring association shall:

***NOTE: This is reconciled s. 185.983 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1147/P1, -1151/P2, -1153/P1, -1156/P1, and -1157/P1.

SECTION 1411. 609.83 of the statutes is amended to read:

609.83 Coverage of drugs and devices; application of payments.

Limited service health organizations, preferred provider plans, and defined network

plans are subject to ss. 632.853, 632.861, 632.862, and 632.895 (6) (b), (16t), and (16v).

****NOTE: This is reconciled s. 609.83. This SECTION has been affected by drafts with the following LRB numbers: -1152/P1 and -1157/P1.

SECTION 1412. 632.862 of the statutes is created to read:

632.862 Application of prescription drug payments. (1) DEFINITIONS. In this section:

(a) “Brand name” has the meaning given in s. 450.12 (1) (a).

(b) “Brand name drug” means any of the following:

1. A prescription drug that contains a brand name and that has no generic equivalent.

2. A prescription drug that contains a brand name and has a generic equivalent but for which the enrollee has received prior authorization from the insurer offering the disability insurance policy or self-insured health plan or authorization from a physician to obtain the prescription drug under the disability insurance policy or self-insured health plan.

(c) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

(d) “Prescription drug” has the meaning given in s. 450.01 (20).

(e) “Self-insured health plan” means a self-insured health plan of the state or a county, city, village, town, or school district.

(2) APPLICATION OF DISCOUNTS. A disability insurance policy that offers a prescription drug benefit or a self-insured health plan shall apply to any calculation of an out-of-pocket maximum amount and to any deductible of the disability insurance policy or self-insured health plan for an enrollee the amount that any

discount provided by the manufacturer of a brand name drug reduces the cost sharing amount charged to the enrollee for that brand name drug.

SECTION 9323. Initial applicability; Insurance.

(1) APPLICATION OF MANUFACTURER DISCOUNTS.

(a) For policies and plans containing provisions inconsistent with the treatment of s. 632.862, the treatment of s. 632.862 first applies to policy or plan years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies or plans that are affected by a collective bargaining agreement containing provisions inconsistent with the treatment of s. 632.862, the treatment of s. 632.862 first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1158/P2
JPC:cjs

DOA:.....Lessner, BB0189 - Insurer network adequacy standards
rulemaking authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Insurer network adequacy standards

This bill allows OCI to promulgate rules to establish minimum network time and distance standards and minimum network wait-time standards for defined network plans and preferred provider plans. The bill specifies that OCI, in promulgating rules under the bill, must consider standards adopted by the federal Centers for Medicare and Medicaid Services for qualified health plans offered on the federally-facilitated health insurance marketplace established pursuant to the federal Patient Protection and Affordable Care Act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1413. 609.20 (3) of the statutes is created to read:

609.20 (3) The commissioner may promulgate rules to establish minimum network time and distance standards and minimum network wait-time standards

for defined network plans and preferred provider plans. In promulgating rules under this subsection, the commissioner shall consider standards adopted by the federal centers for medicare and medicaid services for qualified health plans, as defined in 42 USC 18021 (a), that are offered through the federal health insurance exchange established pursuant to 42 USC 18041 (c).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1159/P1
KRP:klm&amn

DOA:.....Lessner, BB0191 - Prescription Drug Importation Plan

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Prescription drug importation program

This bill requires the commissioner of insurance, in consultation with persons interested in the sale and pricing of prescription drugs and federal officials and agencies, to design and implement a prescription drug importation program for the benefit of and that generates savings for Wisconsin residents. The bill establishes requirements for the program, including all of the following: 1) the commissioner must designate a state agency to become a licensed wholesale distributor or contract with a licensed wholesale distributor and to seek federal certification and approval to import prescription drugs; 2) the program must comply with certain federal regulations and import from Canadian suppliers only prescription drugs that are not brand-name drugs, have fewer than four competitor drugs in this country, and for which importation creates substantial savings; 3) the commissioner must ensure that prescription drugs imported under the program are not distributed, dispensed, or sold outside of Wisconsin; and 4) the program must have an audit procedure to ensure the program complies with certain requirements specified in the bill. Before submitting the proposed program to the federal government for certification, the commissioner must submit the proposed program to JCF for its approval.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1414. 601.575 of the statutes is created to read:

601.575 Prescription drug importation program. (1) IMPORTATION PROGRAM REQUIREMENTS. The commissioner, in consultation with persons interested in the sale and pricing of prescription drugs and appropriate officials and agencies of the federal government, shall design and implement a prescription drug importation program for the benefit of residents of this state, that generates savings for residents, and that satisfies all of the following:

(a) The commissioner shall designate a state agency to become a licensed wholesale distributor or to contract with a licensed wholesale distributor and shall seek federal certification and approval to import prescription drugs.

(b) The program shall comply with relevant requirements of 21 USC 384, including safety and cost savings requirements.

(c) The program shall import prescription drugs from Canadian suppliers regulated under any appropriate Canadian or provincial laws.

(d) The program shall have a process to sample the purity, chemical composition, and potency of imported prescription drugs.

(e) The program shall import only those prescription drugs for which importation creates substantial savings for residents of this state and only those prescription drugs that are not brand-name drugs and that have fewer than 4 competitor prescription drugs in the United States.

(f) The commissioner shall ensure that prescription drugs imported under the program are not distributed, dispensed, or sold outside of this state.

(g) The program shall ensure all of the following:

1. Participation by any pharmacy or health care provider in the program is voluntary.

2. Any pharmacy or health care provider participating in the program has the appropriate license or other credential in this state.

3. Any pharmacy or health care provider participating in the program charges a consumer or health plan the actual acquisition cost of the imported prescription drug that is dispensed.

(h) The program shall ensure that a payment by a health plan or health insurance policy for a prescription drug imported under the program reimburses no more than the actual acquisition cost of the imported prescription drug that is dispensed.

(i) The program shall ensure that any health plan or health insurance policy participating in the program does all of the following:

1. Maintains a formulary and claims payment system with current information on prescription drugs imported under the program.

2. Bases cost-sharing amounts for participants or insureds under the plan or policy on no more than the actual acquisition cost of the prescription drug imported under the program that is dispensed to the participant or insured.

3. Demonstrates to the commissioner or a state agency designated by the commissioner how premiums under the plan or policy are affected by savings on prescription drugs imported under the program.

(j) Any wholesale distributor importing prescription drugs under the program shall limit its profit margin to the amount established by the commissioner or a state agency designated by the commissioner.

(k) The program may not import any generic prescription drug that would violate federal patent laws on branded products in the United States.

(L) The program shall comply with tracking and tracing requirements of 21 USC 360eee and 360eee-1, to the extent practical and feasible, before the prescription drug to be imported comes into the possession of this state's wholesale distributor and fully after the prescription drug to be imported is in the possession of this state's wholesale distributor.

(m) The program shall establish a fee or other mechanism to finance the program that does not jeopardize significant savings to residents of this state.

(n) The program shall have an audit function that ensures all of the following:

1. The commissioner has a sound methodology to determine the most cost-effective prescription drugs to include in the program.

2. The commissioner has a process in place to select Canadian suppliers that are high quality, high performing, and in full compliance with Canadian laws.

3. Prescription drugs imported under the program are pure, unadulterated, potent, and safe.

4. The program is complying with the requirements of this subsection.

5. The program is adequately financed to support administrative functions of the program while generating significant cost savings to residents of this state.

6. The program does not put residents of this state at a higher risk than if the program did not exist.

7. The program provides and is projected to continue to provide substantial cost savings to residents of this state.

(2) ANTICOMPETITIVE BEHAVIOR. The commissioner, in consultation with the attorney general, shall identify the potential for and monitor anticompetitive behavior in industries affected by a prescription drug importation program.

(3) APPROVAL OF PROGRAM DESIGN; CERTIFICATION. No later than the first day of the 7th month beginning after the effective date of this subsection [LRB inserts date], the commissioner shall submit to the joint committee on finance a report that includes the design of the prescription drug importation program in accordance with this section. The commissioner may not submit the proposed program to the federal department of health and human services unless the joint committee on finance approves the proposed program. Within 14 days of the date of approval by the joint committee on finance of the proposed program, the commissioner shall submit to the federal department of health and human services a request for certification of the approved program.

(4) IMPLEMENTATION OF CERTIFIED PROGRAM. After the federal department of health and human services certifies the prescription drug importation program submitted under sub. (3), the commissioner shall begin implementation of the program, and the program shall be fully operational by 180 days after the date of certification by the federal department of health and human services. The commissioner shall do all of the following to implement the program to the extent the action is in accordance with other state laws and the certification by the federal department of health and human services:

(a) Become a licensed wholesale distributor, designate another state agency to become a licensed wholesale distributor, or contract with a licensed wholesale distributor.

(b) Contract with one or more Canadian suppliers that meet the criteria in sub. (1) (c) and (n).

(c) Create an outreach and marketing plan to communicate with and provide information to health plans and health insurance policies, employers, pharmacies, health care providers, and residents of this state on participating in the program.

(d) Develop and implement a registration process for health plans and health insurance policies, pharmacies, and health care providers interested in participating in the program.

(e) Create a publicly accessible source for listing prices of prescription drugs imported under the program.

(f) Create, publicize, and implement a method of communication to promptly answer questions from and address the needs of persons affected by the implementation of the program before the program is fully operational.

(g) Establish the audit functions under sub. (1) (n) with a timeline to complete each audit function every 2 years.

(h) Conduct any other activities determined by the commissioner to be important to successful implementation of the program.

(5) REPORT. By January 1 and July 1 of each year, the commissioner shall submit to the joint committee on finance a report including all of the following:

(a) A list of prescription drugs included in the prescription drug importation program under this section.

(b) The number of pharmacies, health care providers, and health plans and health insurance policies participating in the prescription drug importation program under this section.

(c) The estimated amount of savings to residents of this state, health plans and health insurance policies, and employers resulting from the implementation of the prescription drug importation program under this section reported from the date of the previous report under this subsection and from the date the program was fully operational.

(d) Findings of any audit functions under sub. (1) (n) completed since the date of the previous report under this subsection.

(6) RULEMAKING. The commissioner may promulgate any rules necessary to implement this section.

SECTION 9123. Nonstatutory provisions; Insurance.

(1) PRESCRIPTION DRUG IMPORTATION PROGRAM. The commissioner of insurance shall submit the first report required under s. 601.575 (5) by the next January 1 or July 1, whichever is earliest, that is at least 180 days after the date the prescription drug importation program is fully operational under s. 601.575 (4). The commissioner of insurance shall include in the first 3 reports submitted under s. 601.575 (5) information on the implementation of the audit functions under s. 601.575 (1) (n).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1160/P1
JPC:cjs

DOA:.....Lessner, BB0193 - Pharmacy benefit manager fiduciary duty

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Fiduciary duty of pharmacy benefit managers

This bill imposes fiduciary and disclosure requirements on pharmacy benefit managers. Pharmacy benefit managers contract with health plans that provide prescription drug benefits to administer those benefits for the plans. They also have contracts with pharmacies and pay the pharmacies for providing the drugs to the plan beneficiaries.

The bill provides that a pharmacy benefit manager owes a fiduciary duty to a plan sponsor. The bill also requires that a pharmacy benefit manager annually disclose all of the following information to the plan sponsor:

1. The indirect profit received by the pharmacy benefit manager from owning a pharmacy or service provider.
2. Any payments made to a consultant or broker who works on behalf of the plan sponsor.
3. From the amounts received from drug manufacturers, the amounts retained by the pharmacy benefit manager that are related to the plan sponsor's claims or bona fide service fees.

4. The amounts received from network pharmacies and the amount retained by the pharmacy benefit manager.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1415. 632.865 (2m) of the statutes is created to read:

632.865 (2m) FIDUCIARY DUTY AND DISCLOSURES TO HEALTH BENEFIT PLAN SPONSORS. (a) A pharmacy benefit manager owes a fiduciary duty to the health benefit plan sponsor to act according to the health benefit plan sponsor's instructions and in the best interests of the health benefit plan sponsor.

(b) A pharmacy benefit manager shall annually provide, no later than the date and using the method prescribed by the commissioner by rule, the health benefit plan sponsor all of the following information from the previous calendar year:

1. The indirect profit received by the pharmacy benefit manager from owning any interest in a pharmacy or service provider.

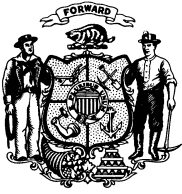
2. Any payment made by the pharmacy benefit manager to a consultant or broker who works on behalf of the health benefit plan sponsor.

3. From the amounts received from all drug manufacturers, the amounts retained by the pharmacy benefit manager, and not passed through to the health benefit plan sponsor, that are related to the health benefit plan sponsor's claims or bona fide service fees.

4. The amounts, including pharmacy access and audit recovery fees, received from all pharmacies that are in the pharmacy benefit manager's network or have a contract to be in the network and, from these amounts, the amount retained by the

pharmacy benefit manager and not passed through to the health benefit plan sponsor.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1161/P1
JPC:cjs

DOA:.....Lessner, BB0198 - Value-based diabetes medication pilot program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Value-based diabetes medication pilot project

This bill directs OCI to develop a pilot project under which a pharmacy benefit manager and a pharmaceutical manufacturer are directed to create a value-based, sole-source arrangement to reduce the costs of prescription diabetes medication. The bill allows OCI to promulgate rules to implement the pilot project.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1416. 601.41 (13) of the statutes is created to read:

601.41 (13) VALUE-BASED DIABETES MEDICATION PILOT PROJECT. The commissioner shall develop a pilot project to direct a pharmacy benefit manager, as defined in s. 632.865 (1) (c), and a pharmaceutical manufacturer to create a

value-based, sole-source arrangement to reduce the costs of prescription medication used to treat diabetes. The commissioner may promulgate rules to implement this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1162/P3
KRP:wlj

DOA:.....Lessner, BB0192 - State-Based Marketplace and Public Option
Plan Study

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

State-based exchange

This bill directs OCI to establish and operate a state-based health insurance exchange. Under current law, the federal Affordable Care Act (ACA) requires that an exchange be established in each state to facilitate the purchase of qualified health insurance coverage by individuals and small employers. Under the ACA, a state must operate its own state-based exchange, use the federally facilitated exchange operated by the U.S. Department of Health and Human Services, or adopt a hybrid approach under which the state operates a state-based exchange but uses the federal platform, known as HealthCare.gov, to handle eligibility and enrollment functions. Wisconsin currently uses the federally facilitated exchange. The bill directs OCI to establish and operate a state-based exchange, first by using the federal platform and then transitioning to a fully state-run exchange. The bill authorizes OCI to enter into any agreement with the federal government necessary to implement those provisions. The bill also requires that OCI impose a user fee on insurers offering plans through the state-based exchange. Under current law, the ACA imposes user fees on insurers offering plans through federally facilitated exchanges and state-based exchanges using the federal platform, which are

currently 2.75 percent and 2.25 percent of total monthly premiums, respectively. The bill authorizes OCI to impose a user fee at the following rates:

1. For any plan year that OCI operates the state-based exchange using the federal platform, the rate is 0.5 percent.

2. For the first two plan years that OCI operates the fully state-run exchange, the rate is equal to the user fee for the federally facilitated exchanges. For later plan years, the rate is set by OCI by rule.

The bill also creates an annual general purpose revenue appropriation for OCI's general program operations and allows OCI to spend up to \$1,000,000 from that appropriation in fiscal year 2023-24 for the development of a public option health insurance plan.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1417. 20.145 (1) (a) of the statutes is created to read:

20.145 (1) (a) *State operations.* The amounts in the schedule for general program operations.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1418. 20.145 (1) (g) (intro.) of the statutes is amended to read:

20.145 (1) (g) *General program operations.* (intro.) The amounts in the schedule for general program operations, including organizational support services and, oversight of care management organizations, development of a public option health insurance plan, and operation of a state-based exchange under s. 601.59, and for transferring to the appropriation account under s. 20.435 (4) (kv) the amount allocated by the commissioner of insurance. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year, the unencumbered balance in this appropriation account that exceeds 10 percent of that fiscal year's expenditure under this appropriation shall lapse to the general fund. All of the following shall be credited to this appropriation account:

SECTION 1419. 20.145 (1) (g) 4. of the statutes is created to read:

20.145 (1) (g) 4. All moneys received under s. 601.59.

SECTION 1420. 601.59 of the statutes is created to read:

601.59 State-based exchange. (1) DEFINITIONS. In this section:

(a) “Exchange” has the meaning given in 45 CFR 155.20.

(b) “State-based exchange on the federal platform” means an exchange that is described in and meets the requirements of 45 CFR 155.200 (f) and is approved by the federal secretary of health and human services under 45 CFR 155.106.

(c) “State-based exchange without the federal platform” means an exchange, other than one described in 45 CFR 155.200 (f), that performs all the functions described in 45 CFR 155.200 (a) and is approved by the federal secretary of health and human services under 45 CFR 155.106.

(2) ESTABLISHMENT AND OPERATION OF STATE-BASED EXCHANGE. The commissioner shall establish and operate an exchange that at first is a state-based exchange on the federal platform and then subsequently transitions to a state-based exchange without the federal platform. The commissioner shall develop procedures to address the transition from the state-based exchange on the federal platform to the state-based exchange without the federal platform, including the circumstances that shall be met in order for the transition to occur.

(3) AGREEMENT WITH FEDERAL GOVERNMENT. The commissioner may enter into any agreement with the federal government necessary to facilitate the implementation of this section.

(4) USER FEES. The commissioner shall impose a user fee, as authorized under 45 CFR 155.160 (b) (1), on each insurer that offers a health plan through the state-based exchange on the federal platform or the state-based exchange without

the federal platform. The user fee shall be applied at one of the following rates on the total monthly premiums charged by an insurer for each policy under the plan for which enrollment is through the exchange:

(a) For any plan year for which the commissioner operates a state-based exchange on the federal platform, the rate is 0.5 percent.

(b) For the first 2 plan years for which the commissioner operates a state-based exchange without the federal platform, the rate is equal to the user fee rate the federal department of health and human services specifies under 45 CFR 156.50 (c) (1) for the federally facilitated exchanges for the applicable plan year.

(c) Beginning with the 3rd plan year for which the commissioner operates a state-based exchange without the federal platform and for each plan year thereafter, the rate shall be set by the commissioner by rule.

(5) RULES. The commissioner may promulgate rules necessary to implement this section.

SECTION 9123. Nonstatutory provisions; Insurance.

(1) PUBLIC OPTION HEALTH INSURANCE PLAN. The office of the commissioner of insurance may expend from the appropriation under s. 20.145 (1) (a) in fiscal year 2023-24 not more than \$1,000,000 for the development of a public option health insurance plan.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1163/P3
KRP:emw&skw

DOA:.....Lessner, BB0194 - Licensure of PBM Brokers and Consultants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Licensure of pharmacy benefit management brokers and consultants

This bill requires an individual who is acting as a pharmacy benefit management broker or consultant or any other individual who procures the services of a pharmacy benefit manager on behalf of a client to be licensed by OCI. The bill allows OCI to promulgate rules to establish criteria, procedures, and fees for licensure. A pharmacy benefit manager, as defined under current law, is an entity that contracts to administer or manage prescription drug benefits on behalf of an insurer or other entity that provides prescription drug benefits.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1421. 601.31 (1) (mv) of the statutes is created to read:

601.31 (1) (mv) For initial issuance or renewal of a license as a pharmacy benefit management broker or consultant under s. 628.495, amounts to be set by the commissioner by rule.

SECTION 1422. 628.495 of the statutes is created to read:

628.495 Pharmacy benefit management broker and consultant licenses. (1) DEFINITION. In this section, “pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

(2) LICENSE REQUIRED. Beginning on the first day of the 12th month beginning after the effective date of this subsection ... [LRB inserts date], no individual may act as a pharmacy benefit management broker or consultant or any other individual who procures the services of a pharmacy benefit manager on behalf of a client without being licensed by the commissioner under this section.

(3) RULES. The commissioner may promulgate rules to establish criteria and procedures for initial licensure and renewal of licensure and to implement licensure under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1164/P3
KRP:cde

DOA:.....Lessner, BB0195 - Licensure of Pharmacy Services Administrative Organizations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Pharmacy services administrative organizations

This bill requires that a pharmacy services administrative organization (PSAO) be licensed by OCI. Under the bill, a PSAO is an entity operating in Wisconsin that does all of the following:

1. Contracts with an independent pharmacy to conduct business on the pharmacy's behalf with a third-party payer.
2. Provides at least one administrative service to an independent pharmacy and negotiates and enters into a contract with a third-party payer or pharmacy benefit manager on the pharmacy's behalf.

The bill defines "independent pharmacy" to mean a licensed pharmacy operating in Wisconsin that is under common ownership with no more than two other pharmacies. "Administrative service" is defined to mean assisting with claims or audits, providing centralized payment, performing certification in a specialized care program, providing compliance support, setting flat fees for generic drugs, assisting with store layout, managing inventory, providing marketing support, providing management and analysis of payment and drug dispensing data, or providing resources for retail cash cards. The bill defines "third-party payer" to mean an entity

operating in Wisconsin that pays or insures health, medical, or prescription drug expenses on behalf of beneficiaries. The bill uses the current law definition of “pharmacy benefit manager,” which is an entity doing business in Wisconsin that contracts to administer or manage prescription drug benefits on behalf of an insurer or other entity that provides prescription drug benefits to Wisconsin residents.

To obtain the license required by the bill, a person must apply to OCI and provide the contact information for the applicant and a contact person, evidence of financial responsibility of at least \$1,000,000, and any other information required by the commissioner. Under the bill, the license fee is set by the commissioner, and the term of a license is two years.

The bill also requires that a PSAO disclose to OCI the extent of any ownership or control by an entity that provides pharmacy services; provides prescription drug or device services; or manufactures, sells, or distributes prescription drugs, biologicals, or medical devices. The PSAO must notify OCI within five days of any material change in its ownership or control related to such an entity.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1423. 601.31 (1) (nw) of the statutes is created to read:

601.31 (1) (nw) For issuing or renewing a license as a pharmacy services administrative organization under s. 632.864, an amount to be set by the commissioner by rule.

SECTION 1424. 632.864 of the statutes is created to read:

632.864 Pharmacy services administrative organizations. (1)

DEFINITIONS. In this section:

(a) “Administrative service” means any of the following:

1. Assisting with claims.
2. Assisting with audits.
3. Providing centralized payment.
4. Performing certification in a specialized care program.
5. Providing compliance support.

6. Setting flat fees for generic drugs.
7. Assisting with store layout.
8. Managing inventory.
9. Providing marketing support.
10. Providing management and analysis of payment and drug dispensing data.
11. Providing resources for retail cash cards.

(b) “Independent pharmacy” means a pharmacy operating in this state that is licensed under s. 450.06 or 450.065 and is under common ownership with no more than 2 other pharmacies.

(c) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

(d) “Pharmacy services administrative organization” means an entity operating in this state that does all of the following:

1. Contracts with an independent pharmacy to conduct business on the independent pharmacy’s behalf with a 3rd-party payer.

2. Provides at least one administrative service to an independent pharmacy and negotiates and enters into a contract with a 3rd-party payer or pharmacy benefit manager on behalf of the independent pharmacy.

(e) “Third-party payer” means an entity, including a plan sponsor, health maintenance organization, or insurer, operating in this state that pays or insures health, medical, or prescription drug expenses on behalf of beneficiaries.

(2) LICENSURE. (a) Beginning on the first day of the 12th month beginning after the effective date of this paragraph [LRB inserts date], no person may operate as a pharmacy services administrative organization in this state without being licensed by the commissioner as a pharmacy services administrative organization under this section. In order to obtain a license, the person shall apply to the commissioner in

the form and manner prescribed by the commissioner. The application shall include all of the following:

1. The name, address, telephone number, and federal employer identification number of the applicant.

2. The name, business address, and telephone number of a contact person for the applicant.

3. The fee under s. 601.31 (1) (nw).

4. Evidence of financial responsibility of at least \$1,000,000.

5. Any other information required by the commissioner.

(b) The term of a license issued under par. (a) shall be 2 years from the date of issuance.

(3) DISCLOSURE TO THE COMMISSIONER. (a) A pharmacy services administrative organization licensed under sub. (2) shall disclose to the commissioner the extent of any ownership or control of the pharmacy services administrative organization by an entity that does any of the following:

1. Provides pharmacy services.

2. Provides prescription drug or device services.

3. Manufactures, sells, or distributes prescription drugs, biologicals, or medical devices.

(b) A pharmacy services administrative organization licensed under sub. (2) shall notify the commissioner in writing within 5 days of any material change in its ownership or control relating to an entity described in par. (a).

(4) RULES. The commissioner may promulgate rules to implement this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1165/P3
KRP:wlj

DOA:.....Lessner, BB0196 - Licensure of Pharmaceutical Sales
Representatives

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Licensure of pharmaceutical representatives

This bill requires a pharmaceutical representative to be licensed by OCI and to display the pharmaceutical representative's license during each visit with a health care professional. The bill defines "pharmaceutical representative" to mean an individual who markets or promotes pharmaceuticals to health care professionals on behalf of a pharmaceutical manufacturer for compensation. The term of a license issued under the bill is one year, and the license is renewable. Under the bill, the license fee is set by the commissioner of insurance. The bill directs the commissioner to promulgate rules to implement the bill's requirements, including rules that require pharmaceutical representatives to complete continuing educational coursework as a condition of licensure. An individual who violates any of the requirements under the bill is subject to a fine, and the individual's license may be suspended or revoked.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1425. 601.31 (1) (nv) of the statutes is created to read:

601.31 (1) (nv) For issuing or renewing a license as a pharmaceutical representative under s. 632.863, an amount to be set by the commissioner by rule.

SECTION 1426. 632.863 of the statutes is created to read:

632.863 Pharmaceutical representatives. (1) DEFINITIONS. In this section:

(a) “Health care professional” means a physician or other health care practitioner who is licensed to provide health care services or to prescribe pharmaceutical or biologic products.

(b) “Pharmaceutical” means a medication that may legally be dispensed only with a valid prescription from a health care professional.

(c) “Pharmaceutical representative” means an individual who markets or promotes pharmaceuticals to health care professionals on behalf of a pharmaceutical manufacturer for compensation.

(2) LICENSURE. Beginning on the first day of the 12th month beginning after the effective date of this subsection [LRB inserts date], no individual may act as a pharmaceutical representative in this state without being licensed by the commissioner as a pharmaceutical representative under this section. In order to obtain a license, the individual shall apply to the commissioner in the form and manner prescribed by the commissioner. The term of a license issued under this subsection is one year and is renewable.

(3) DISPLAY OF LICENSE. A pharmaceutical representative licensed under sub. (2) shall display the pharmaceutical representative's license during each visit with a health care professional.

(4) ENFORCEMENT. (a) Any individual who violates this section shall be fined not less than \$1,000 nor more than \$3,000 for each offense. Each day of continued violation constitutes a separate offense.

(b) The commissioner may suspend or revoke the license of a pharmaceutical representative who violates this section. A suspended or revoked license may not be reinstated until the pharmaceutical representative remedies all violations related to the suspension or revocation and pays all assessed penalties and fees.

(5) RULES. The commissioner shall promulgate rules to implement this section, including rules that require pharmaceutical representatives to complete continuing educational coursework as a condition of licensure.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1167/P1
KRP:amn

DOA:.....Lessner, BB0197 - Prescription Drug Purchasing Entity Study

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

State prescription drug purchasing entity

This bill requires OCI to conduct a study on the viability of creating or implementing a state prescription drug purchasing entity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9123. Nonstatutory provisions; Insurance.

(1) PRESCRIPTION DRUG PURCHASING ENTITY. During the 2023-2025 fiscal biennium, the office of the commissioner of insurance shall conduct a study on the viability of creating or implementing a state prescription drug purchasing entity.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1169/P4
KP:amn

DOA:.....Sherwin, BB0210 - Broadband line extension program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Broadband line extension grants

The bill requires PSC to make grants to residents of properties that are not served by a broadband service provider to assist in paying the customer costs associated with line extension necessary to connect broadband service to the properties. The maximum size of a broadband line extension grant is \$4,000. The bill also requires PSC to give priority to primary residences and to establish other criteria for awarding the grants.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1427. 20.155 (3) (b) of the statutes is created to read:

20.155 (3) (b) *Broadband line extension grants.* The amounts in the schedule for financial assistance grants for broadband line extension under s. 196.504 (2r).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1428. 20.155 (3) (r) of the statutes is amended to read:

20.155 (3) (r) *Broadband expansion grants; transfers.* From the universal service fund, all moneys transferred under s. 196.218 (3) (a) 2s. a., 2015 Wisconsin Act 55, section 9236 (1v), 2017 Wisconsin Act 59, section 9237 (1) and (2) (a), and 2019 Wisconsin Act 9, section 9201 (1), for broadband expansion grants under s. 196.504 (2).

SECTION 1429. 20.155 (3) (rm) of the statutes is amended to read:

20.155 (3) (rm) *Broadband grants; other funding.* From the universal service fund, as a continuing appropriation, all moneys transferred under s. 196.218 (3) (a) 2s. b., for broadband expansion grants under s. 196.504 (2).

SECTION 1430. 196.504 (2) (b) of the statutes is amended to read:

196.504 (2) (b) To prescribe the form, nature, and extent of the information that shall be contained in an application for a grant under this ~~section~~ subsection. The application shall require the applicant to identify the area of the state that will be affected by the proposed project and explain how the proposed project will increase broadband access.

SECTION 1431. 196.504 (2r) of the statutes is created to read:

196.504 (2r) The commission shall administer the line extension assistance program and shall have the following powers:

(a) To make financial assistance grants to residents of properties that are not served by a broadband service provider to assist in paying the customer costs associated with line extension necessary to connect broadband service to the properties. The amount of a financial assistance grant under this subsection may

not exceed \$4,000. Grants awarded under this subsection shall be paid from the appropriation under s. 20.155 (3) (b).

(b) To establish criteria for evaluating applications and awarding financial assistance grants under this subsection. The criteria shall give priority to properties that serve as a primary residence.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1170/P2
EHS:kms&amn

DOA:.....Rice, BB0212 - Civil legal assistance

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Civil legal services grants

Under current law, DCF is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant, for various public assistance programs. Under current law, DCF provides funding to the Wisconsin Trust Account Foundation, Inc. (the Foundation), to provide civil legal services to TANF-eligible individuals in two ways:

1. DCF provides up to \$100,000 in each fiscal year in matching funds to the Foundation for the provision of civil legal services to eligible individuals. This grant does not specify what types of civil legal services may be provided.

2. DCF provides a \$500,000 grant in each fiscal year to the Foundation to provide grants to programs, up to \$75,000 each, that provide certain legal services to eligible individuals. The legal services provided through this grant are limited to legal services in civil matters related to domestic abuse or sexual abuse or to restraining orders or injunctions for individuals at risk.

This bill removes the grant that requires matching funds and increases the grant to provide certain legal services to eligible individuals to \$1,000,000 per fiscal

year. Under the bill, the Foundation may additionally use this funding to provide to eligible individuals civil legal services related to eviction. The bill removes the \$75,000 cap on grants provided by the Foundation to individual programs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1432. 49.1635 (1) of the statutes is repealed.

SECTION 1433. 49.1635 (2) of the statutes is repealed.

SECTION 1434. 49.1635 (3) of the statutes is repealed.

SECTION 1435. 49.1635 (4) of the statutes is repealed.

SECTION 1436. 49.1635 (5) (a) of the statutes is renumbered 49.1635 (1m) and amended to read:

49.1635 (1m) From the allocation under s. 49.175 (1) (j), the department shall make a grant of ~~\$500,000~~ \$1,000,000 in each fiscal year to Wisconsin Trust Account Foundation, Inc., for distribution of annual awards of ~~not more than \$75,000 per year per program~~ to programs that provide legal services to persons who are eligible under ~~par. (b) 2.~~ sub. (2m) (b) if all of the following apply:

(a) Wisconsin Trust Account Foundation, Inc., submits a plan to the department detailing the proposed use of the grant; the proposed use of the grant conforms to the requirements under ~~par. (b)~~ sub. (2m); and the secretary of the department, or his or her designee, approves the plan.

(b) Wisconsin Trust Account Foundation, Inc., enters into an agreement with the department that specifies the conditions for the use of the grant proceeds, and the conditions conform to the requirements under ~~par. (b)~~ sub. (2m) and include training, reporting, and auditing requirements.

(c) Wisconsin Trust Account Foundation, Inc., agrees in writing to submit to the department the reports required under ~~par. (e) sub. (3m)~~ by the times required under ~~par. (e) sub. (3m)~~.

SECTION 1437. 49.1635 (5) (b) of the statutes is renumbered 49.1635 (2m), and 49.1635 (2m) (a), as renumbered, is amended to read:

49.1635 (2m) (a) Subject to ~~subd. 3. par. (c)~~, the grant may be used only to provide legal services in civil matters related to eviction, domestic abuse, or sexual abuse, or to restraining orders or injunctions for individuals at risk under s. 813.123.

SECTION 1438. 49.1635 (5) (c) of the statutes is renumbered 49.1635 (3m) and amended to read:

49.1635 (3m) For each fiscal year in which the department makes a grant under this ~~subsection~~ section, Wisconsin Trust Account Foundation, Inc., shall submit to the department, within 3 months after spending the full amount of that grant, a report detailing how the grant proceeds were used. The department may not make a grant in a subsequent fiscal year unless Wisconsin Trust Account Foundation, Inc., submits the report under this ~~paragraph~~ subsection within the time required and the department determines that the grant proceeds were used in accordance with the approved plan under ~~par. (a) 1. sub. (1m) (a)~~, the agreement under ~~par. (a) 2. sub. (1m) (b)~~, and the requirements under ~~par. (b) sub. (2m)~~.

SECTION 1439. 49.175 (1) (j) of the statutes is amended to read:

49.175 (1) (j) *Grants for providing civil legal services.* For the grants under s. 49.1635 (5) to Wisconsin Trust Account Foundation, Inc., for distribution to programs that provide civil legal services to low-income families, ~~\$500,000~~ \$1,000,000 in each fiscal year.

***NOTE: This is reconciled s. 49.175 (1) (j). This SECTION has been affected by drafts with the following LRB numbers: -1600/P4 and -1170/P1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1175/P1
JAM&SWB:skw

DOA:.....Rice, BB0216 - Landlord-tenant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

LANDLORD-TENANT

Notification of building code violations

Under current law, before entering into a lease with or accepting any earnest money or a security deposit from a prospective tenant, a landlord must disclose to the prospective tenant any building code or housing code violations of which the landlord has actual knowledge if the violation presents a significant threat to the prospective tenant's health or safety. The bill eliminates the condition that the landlord have actual knowledge of such a violation and that the threat to the prospective tenant's health or safety be "significant"; under the bill, the landlord must disclose to a prospective tenant a building code or housing code violation, regardless of whether the landlord has actual knowledge of the violation, if the violation presents a threat to the prospective tenant's health or safety.

LOCAL GOVERNMENT

Local landlord-tenant ordinances

Current law prohibits cities, villages, towns, and counties (local governments) from enacting certain ordinances relating to landlords and tenants. Local governments may not do any of the following:

1. Prohibit or limit landlords from obtaining or using certain information relating to a tenant or prospective tenant, including monthly household income, occupation, rental history, credit information, court records, and social security numbers.

2. Limit how far back in time a landlord may look at a prospective tenant's credit information, conviction record, or previous housing.

3. Prohibit or limit a landlord from entering into a rental agreement with a prospective tenant while the premises are occupied by a current tenant.

4. Prohibit or limit a landlord from showing a premises to a prospective tenant during a current tenant's tenancy.

5. Place requirements on a landlord with respect to security deposits or earnest money or inspections that are in addition to what is required under administrative rules.

6. Limit a tenant's responsibility for any damage to or neglect of the premises.

7. Require a landlord to provide any information to tenants or to the local government any information that is not required to be provided under federal or state law.

8. Require a residential property to be inspected except under certain circumstances.

9. Impose an occupancy or transfer of tenancy fee on a rental unit.

Current law also prohibits local governments from regulating rent abatement in a way that permits abatement for conditions other than those that materially affect the health or safety of the tenant or that substantially affect the use and occupancy of the premises. The bill eliminates all of these prohibitions.

Local moratorium on evictions

Current law prohibits local governments from imposing a moratorium on landlords from pursuing evictions actions against a tenant. The bill eliminates that prohibition.

Rental property inspection requirements

The bill makes various changes to the requirements relating to inspections of rental properties. The bill eliminates existing limitations on inspection fees that municipalities and counties may charge for rental property inspections. Under the bill, a landlord must provide notice to a tenant of an impending inspection in the same manner the landlord would provide notice under current law to enter for repairs or to show the property to prospective tenants. The bill also provides that rental property inspection fees charged by a municipality or county are not subject to deduction from the municipality or county's tax levy.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1440. 66.0104 of the statutes is repealed.

SECTION 1441. 66.0602 (2m) (c) of the statutes is created to read:

66.0602 **(2m)** (c) Rental inspection fees charged by a political subdivision are not subject to a deduction from the political subdivision's levy.

***NOTE: Because s. 66.0104 is repealed by the bill, I eliminated the cross reference to fees charged under that section and made this generally applicable to rental inspection fees charged by a political subdivision. Please let me know if you would like to make any changes. [SWB]

SECTION 1442. 66.1010 of the statutes is repealed.

SECTION 1443. 704.05 (2) of the statutes is amended to read:

704.05 **(2)** POSSESSION OF TENANT AND ACCESS BY LANDLORD. Until the expiration date specified in the lease, or the termination of a periodic tenancy or tenancy at will, and so long as the tenant is not in default, the tenant has the right to exclusive possession of the premises, except as hereafter provided. The landlord may upon advance notice and at reasonable times inspect the premises, allow a city, village, town, or county inspector access for an inspection, make repairs, and show the premises to prospective tenants or purchasers; and if the tenant is absent from the premises and the landlord reasonably believes that entry is necessary to preserve or protect the premises, the landlord may enter without notice and with such force as appears necessary.

SECTION 1444. 704.07 (2) (bm) 1. of the statutes is repealed.

SECTION 1445. 704.07 (2) (bm) 3. of the statutes is amended to read:

704.07 **(2)** (bm) 3. The violation presents a ~~significant~~ threat to the prospective tenant's health or safety.

SECTION 1446. 704.07 (5) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1176/P1
MJW:amn

DOA:.....Schmidt, BB0205 - Relator Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Relator appropriation

This bill creates a continuing appropriation to hold all money received by DOJ that is owed to a relator, to provide payments to relators. A relator is a type of party in a legal action in whose name an action is brought by a state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1447. 20.455 (1) (hn) of the statutes is created to read:

20.455 (1) (hn) *Payments to relators.* All moneys received by the department that are owed to a relator, to provide payments owed to a relator.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1177/P2
EHS:cdc&cjs

DOA:.....Schmidt, BB0207 - Juvenile justice reform review committee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Juvenile justice reform review committee

This bill creates a juvenile justice reform review committee in DCF with members appointed by the governor. Under the bill, the committee is charged with studying and providing recommendations to DCF and DOC on how to do all of the following:

1. Increase the minimum age of delinquency.
2. Eliminate original adult court jurisdiction over juveniles.
3. Modify the waiver procedure for adult court jurisdiction over juveniles and incorporate offenses currently subject to original adult court jurisdiction into the waiver procedure.
4. Eliminate the serious juvenile offender program and create extended juvenile court jurisdiction with a blended juvenile and adult sentence structure for certain juvenile offenders.
5. Prohibit placement of a juvenile in a juvenile detention facility for a status offense and limit sanctions and short-term holds in a juvenile detention facility to cases where there is a public safety risk.
6. Sunset long-term post-disposition programs at juvenile detention facilities.

7. Create a sentence adjustment procedure for youthful offenders.

8. Conform with the U.S. Constitution the statutes that mandate imposing sentences of life imprisonment without parole or extended supervision to minors.

Under the bill, the committee terminates on September 16, 2024, and DCF and DOC must submit in their 2025-27 biennial budget requests a request to implement the committee's recommendations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) JUVENILE JUSTICE REFORM REVIEW COMMITTEE.

(a) There is created in the department of children and families a juvenile justice reform review committee with members appointed by the governor.

(b) The juvenile justice reform review committee shall study and, prior to September 16, 2024, provide recommendations to the department of children and families and the department of corrections on how to do all of the following:

1. Increase the minimum age of delinquency.

2. Eliminate original adult court jurisdiction over juveniles under s. 938.183.

3. Modify the waiver procedure for adult court jurisdiction over juveniles and incorporate offenses currently subject to original adult court jurisdiction into the waiver procedure.

4. Eliminate the serious juvenile offender program under s. 938.538 and create extended juvenile court jurisdiction with a blended juvenile and adult sentence structure for certain juvenile offenders.

5. Prohibit placement of a juvenile in a juvenile detention facility for a status offense and limit sanctions and short-term holds in a juvenile detention facility to cases where there is a public safety risk.

6. Sunset long-term post-disposition programs at juvenile detention facilities.

7. Create a sentence adjustment procedure for youthful offenders.

8. Conform with the U.S. Constitution the statutes that mandate imposing sentences of life imprisonment without parole or extended supervision to minors.

(c) In submitting information under s. 16.42 (1) for purposes of the 2025-27 biennial budget bill, the department of children and families and the department of corrections shall each include a request to implement the juvenile justice reform review committee's recommendations.

(d) The juvenile justice reform review committee terminates on September 16, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1179/P3
FFK:skw&cde

DOA:.....Kretschmann, BB0200 - Mental Health Training Programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Mental health training programs

Under current law, DPI must establish a mental health training program under which it provides training to school district and independent charter school staff on three specific evidence-based strategies related to addressing mental health issues in schools. The three specific evidence-based strategies are 1) The Screening, Brief Intervention, and Referral to Treatment program, 2) Trauma Sensitive Schools, and 3) Youth Mental Health First Aid.

The bill expands the mental health training program to include training on any evidence-based strategy related to addressing mental health issues and suicide prevention in schools and converts the list of evidence-based strategies under current law to a nonexclusive list of strategies. Additionally, the bill requires that DPI provide the training to out-of-school-time program employees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1448. 115.28 (63) (intro.) of the statutes is amended to read:

115.28 (63) MENTAL HEALTH TRAINING PROGRAM. (intro.) Establish a mental health training support program under which the department provides training on all of the following ~~evidence-based strategies related to addressing mental health issues in schools~~ to school district staff and, instructional staff of charter schools under s. 118.40 (2r) or (2x), and individuals employed by an out-of-school-time program, as defined in s. 115.449 (1), on evidence-based strategies related to addressing mental health needs and suicide prevention in schools, including all of the following:

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1180/P2
FFK:skw&wlj

DOA:.....Kretschmann, BB0199 - General Aid and Revenue Limits

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

School district revenue limits; per pupil increase

Current law generally limits the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue allowed per pupil in the previous school year plus a per pupil adjustment, if any, as provided by law. Current law does not provide a per pupil adjustment in the 2021-22 school year and any school year thereafter.

For purposes of calculating school district revenue limits, this bill provides a per pupil increase of \$350 for the 2023-24 school year and \$650 for the 2024-25 school year. Under the bill, in the 2025-26 school year and thereafter, the per pupil adjustment is the per pupil increase for the previous school year as adjusted for any increase in the consumer price index.

Low revenue ceiling; per pupil amount and restrictions

Current law provides a minimum per pupil revenue limit for school districts, known as the revenue ceiling. Under current law, the per pupil revenue ceiling is \$10,000 in the 2020-21 school year and each school year thereafter. This bill increases the per pupil revenue ceiling to \$10,450 for the 2023-24 school year and to \$11,200 for the 2024-25 school year and, beginning in the 2025-26 school year, annually adjusts the revenue ceiling for any increase in the consumer price index.

Current law also provides that during the three school years following a school year in which an operating referendum fails in a school district, the school district's revenue ceiling is the revenue ceiling that applied in the school year during which the referendum was held. The bill eliminates the provision under which a school district's revenue ceiling is the revenue ceiling from a previous school year because an operating referendum failed in the school district.

Counting pupils enrolled in four-year-old kindergarten; general aid and revenue limits

This bill changes how a pupil enrolled in a four-year-old kindergarten is counted by a school district for purposes of state aid and revenue limits. Under current law, beginning with state aid paid in the 2024-25 school year and revenue limits calculated for the 2024-25 school year, a pupil enrolled in a four-year-old kindergarten program is counted as 0.5 pupil unless the program provides at least 87.5 additional hours of outreach activities, in which case the pupil is counted as 0.6 pupil. Under the bill, if the four-year-old kindergarten program requires full-day attendance by pupils for five days a week, a pupil enrolled in the program is counted as one pupil.

High poverty aid

Under current law, if at least 50 percent of a school district's enrollment is eligible for a free or reduced-price lunch under the federal school lunch program, the school district is eligible for a prorated share of the amount appropriated as high poverty aid. For school districts other than a first class city school district (currently, only Milwaukee Public Schools), high poverty aid is considered state aid for purposes of revenue limits. For MPS, high poverty aid must be used to reduce the school property tax levied for the purpose of offsetting the aid reduction attributable to the Milwaukee Parental Choice Program. This bill eliminates high poverty aid beginning in the 2023-24 school year.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1449. 20.255 (2) (bb) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1450. 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

118.40 (2r) (e) 2p. a. Add the amounts appropriated in the current fiscal year under s. 20.255 (2), except s. 20.255 (2) (ac), (aw), (az), ~~(bb)~~ (db), (dj), (du), (fm), (fp), (fq), (fr), (fu), (k), and (m); and s. 20.505 (4) (es); and the amount, as determined by

the secretary of administration, of the ~~appropriation~~ appropriations under s. 20.505 (4) (c) and (s) allocated for payments to telecommunications providers under contracts with school districts and cooperative educational service agencies under s. 16.971 (13).

****NOTE: This is reconciled s. 118.40 (2r) (e) 2p. a. This SECTION has been affected by drafts with the following LRB numbers: 1180/P1, 1213/P2, and 1226/P2.

SECTION 1451. 119.46 (1) of the statutes is amended to read:

119.46 (1) As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, including the schools transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to repair and keep in order school buildings and equipment, including school buildings and equipment transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to make material improvements to school property, and to purchase necessary additions to school sites. The report shall specify the amount of net proceeds from the sale or lease of city-owned property used for school purposes deposited in the immediately preceding school year into the school operations fund as specified under s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school building deposited in the immediately preceding school year into the school operations fund as specified under s. 119.61 (5). The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board under s. 121.136

and by the amount specified in the notice received by the board under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under ss. 119.60 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

SECTION 1452. 121.004 (7) (c) 1. a. of the statutes is amended to read:

121.004 (7) (c) 1. a. A pupil enrolled in a ~~5-year-old~~ kindergarten program that requires full-day attendance by the pupil for 5 days a week, but not on any day of the week that pupils enrolled in other grades in the school do not attend school, for an entire school term shall be counted as one pupil.

****NOTE: This is reconciled s. 121.004 (7) (c) 1. a. This SECTION has been affected by drafts with the following LRB numbers: -1121/P2 and -1180/P1.

SECTION 1453. 121.004 (7) (c) 2. of the statutes is amended to read:

121.004 (7) (c) 2. In subd. 1. a. and b., “full-day” means the length of the school day for pupils in the first grade of the school district operating the 4-year-old or 5-year-old-kindergarten program.

****NOTE: This is reconciled s. 121.004 (7) (c) 2. This SECTION has been affected by drafts with the following LRB numbers: -1121/P2 and -1180/P1.

SECTION 1454. 121.004 (7) (cm) of the statutes is amended to read:

121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program, including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02

(1) (f) but requires less than full-day attendance by the pupil for 5 days a week shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities. In this paragraph, “full-day” has the meaning given in par. (c) 2.

***NOTE: This is reconciled s. 121.004 (7) (cm). This SECTION has been affected by drafts with the following LRB numbers: -1121/P2 and -1180/P1.

SECTION 1455. 121.136 of the statutes is repealed.

SECTION 1456. 121.90 (2) (am) 1. of the statutes is amended to read:

121.90 (2) (am) 1. Aid under ss. 121.08, 121.09, and 121.105, ~~and 121.136~~ and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4).

SECTION 1457. 121.90 (2) (bm) 3. of the statutes is repealed.

SECTION 1458. 121.905 (1) (a) of the statutes is amended to read:

121.905 (1) (a) Except as provided in par. (b), in this section, “revenue ceiling” means \$9,100 in the 2017-18 school year, \$9,400 in the 2018-19 school year, \$9,500 in the 2019-20 school year, \$9,600 in the 2020-21 school year, \$9,700 in the 2021-22 school year, and \$9,800 in the 2022-23 school year, \$10,450 in the 2023-24 school year, \$11,200 in the 2024-25 school year, and in the 2025-26 school year and any subsequent school year the amount under this paragraph for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

SECTION 1459. 121.905 (1) (b) 1. to 3. of the statutes are repealed.

SECTION 1460. 121.905 (3) (c) 6. of the statutes is amended to read:

121.905 (3) (c) 6. For the limit for each of the 2015-16 to 2018-19 school years, for the 2021-22 school year, and for any the 2022-23 school year thereafter, make no adjustment to the result under par. (b).

SECTION 1461. 121.905 (3) (c) 9. of the statutes is created to read:

121.905 (3) (c) 9. For the limit for the 2023-24 school year, add \$350 to the result under par. (b).

SECTION 1462. 121.905 (3) (c) 10. of the statutes is created to read:

121.905 (3) (c) 10. For the limit for the 2024-25 school year, add \$650 to the result under par. (b).

SECTION 1463. 121.905 (3) (c) 11. of the statutes is created to read:

121.905 (3) (c) 11. For the limit for the 2025-26 school year and any school year thereafter, add the result under s. 121.91 (2m) (L) 2. to the result under par. (b).

SECTION 1464. 121.91 (2m) (i) (intro.) of the statutes is amended to read:

121.91 (2m) (i) (intro.) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for any of the 2015-16 to 2018-19 school year ~~or for any school year thereafter years, the 2021-22 school year, or the 2022-23 school year~~ to an amount that exceeds the amount calculated as follows:

SECTION 1465. 121.91 (2m) (im) (intro.) of the statutes is amended to read:

121.91 (2m) (im) (intro.) ~~Notwithstanding par. (i) and except~~ Except as provided in subs. (3), (4), and (8), a school district cannot increase its revenues for the 2019-20 school year to an amount that exceeds the amount calculated as follows:

SECTION 1466. 121.91 (2m) (j) (intro.) of the statutes is amended to read:

121.91 (2m) (j) (intro.) ~~Notwithstanding par. (i) and except~~ Except as provided in subs. (3), (4), and (8), a school district cannot increase its revenues for the 2020-21 school year to an amount that exceeds the amount calculated as follows:

SECTION 1467. 121.91 (2m) (k) of the statutes is created to read:

121.91 (2m) (k) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2023-24 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add \$350 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current school year and the 2 preceding school years.

SECTION 1468. 121.91 (2m) (km) of the statutes is created to read:

121.91 (2m) (km) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2024-25 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add \$650 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current school year and the 2 preceding school years.

SECTION 1469. 121.91 (2m) (L) of the statutes is created to read:

121.91 (2m) (L) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2025-26 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

SECTION 1470. 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

121.91 (2m) (r) 1. (intro.) Notwithstanding pars. (i) ~~(k)~~ to (j) (L), if a school district is created under s. 117.105, its revenue limit under this section for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided under subs. (3) and (4):

SECTION 1471. 121.91 (2m) (r) 1. b. of the statutes is amended to read:

121.91 (2m) (r) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14 school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., in calculating the limit for the 2019-20 school year, add \$175 to the result under subd.~~

~~1. a., and in calculating the limit for the 2020-21 school year, add \$179 to the result under subd. 1. a. In the 2015-16 to 2018-19 school years, the 2021-22 school year, and any school year thereafter, make no adjustment~~ the 2023-24 school year, add \$350 to the result under subd. 1. a., and in calculating the limit for the 2024-25 school year, add \$650 to the result under subd. 1. a.

SECTION 1472. 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (r) 2. (intro.) If a school district is created under s. 117.105, the following adjustments to the calculations under pars. ~~(i) (k)~~ to ~~(j) (L)~~ apply for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 1473. 121.91 (2m) (r) 2. a. of the statutes is amended to read:

121.91 **(2m)** (r) 2. a. For the school year beginning on the first July 1 following the effective date of the reorganization the number of pupils in the previous school year shall be used under pars. ~~(i) (k)~~ 1., ~~(im) (km)~~ 1., and ~~(j) (L)~~ 1. instead of the average of the number of pupils in the 3 previous school years, and for the school year beginning on the 2nd July 1 following the effective date of the reorganization the average of the number of pupils in the 2 previous school years shall be used under pars. ~~(i) (k)~~ 1., ~~(im) (km)~~ 1., and ~~(j) (L)~~ 1. instead of the average of the number of pupils in the 3 previous school years.

SECTION 1474. 121.91 (2m) (r) 2. b. of the statutes is amended to read:

121.91 **(2m)** (r) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school years shall be used under pars. ~~(i) 2. (km) 3.~~ and ~~(j) 3 (L) 4.~~ instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 1475. 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 1. (intro.) Notwithstanding pars. ~~(i) (k)~~ to ~~(j) (L)~~, if territory is detached from a school district to create a new school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

SECTION 1476. 121.91 (2m) (s) 1. b. of the statutes is amended to read:

121.91 **(2m)** (s) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14 school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., in calculating the limit for the 2019-20 school year, add \$175 to the result under subd. 1. a., and in calculating the limit for the 2020-21 school year, add \$179 to the result under subd. 1. a. In the 2015-16 to 2018-19 school years, the 2021-22 school year, and any school year thereafter, make no adjustment~~ the 2023-24 school year, add \$350 to the result under subd. 1. a., and in calculating the limit for the 2024-25 school year, add \$650 to the result under subd. 1. a.

SECTION 1477. 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 2. (intro.) If territory is detached from a school district to create a new school district under s. 117.105, the following adjustments to the calculations under pars. ~~(i) (k)~~ to ~~(j) (L)~~ apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 1478. 121.91 (2m) (s) 2. a. of the statutes is amended to read:

121.91 (2m) (s) 2. a. For the school year beginning on the first July 1 following the effective date of the reorganization, the number of pupils in the previous school year shall be used under pars. (i) (k) 1., ~~(im)~~ (km) 1., and (j) (L) 1. instead of the average of the number of pupils in the 3 previous school years; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, the average of the number of pupils in the 2 previous school years shall be used under pars. (i) (k) 1., ~~(im)~~ (km) 1., and (j) (L) 1. instead of the average of the number of pupils in the 3 previous school years.

SECTION 1479. 121.91 (2m) (s) 2. b. of the statutes is amended to read:

121.91 (2m) (s) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school year shall be used under pars. (i) ~~2.~~ (km) 3. and (j) ~~3~~ (L) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 1480. 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

121.91 (2m) (t) 1. (intro.) If 2 or more school districts are consolidated under s. 117.08 or 117.09, in the ~~2019-20~~ 2023-24 school year, the consolidated school district's revenue limit shall be determined as provided under par. ~~(im)~~ (k), in the ~~2020-21~~ 2024-25 school year, the consolidated school district's revenue limit shall be determined as provided under par. (j) (km), and in each school year thereafter, the consolidated school district's revenue limit shall be determined as provided under par. (i) (L), except as follows:

SECTION 9334. Initial applicability; Public Instruction.

(1) REVENUE CEILING; REFERENDA RESTRICTIONS. The treatment of s. 121.905 (1) (b) 1. to 3. first applies to the revenue ceiling for the 2023-24 school year.

(2) REVENUE LIMIT; HIGH POVERTY AID. The treatment of s. 121.90 (2) (am) 1. and (bm) 3. first applies to the calculation of revenue limits for the 2023-24 school year.

(3) COUNTING PUPILS IN FOUR-YEAR-OLD KINDERGARTEN. The treatment of s. 121.004 (7) (c) 1. a. and 2. and (cm) first applies to the distribution of school aid in, and the calculation of revenue limits for, the 2024-25 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1183/P2
ARG:amn

DOA:.....Sherwin, BB0217 - UW risk management transfer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Transferring risk management positions from the UW System to DOA

This bill transfers, from the UW System to DOA, 5.0 full-time equivalent positions and the employees holding those positions who perform duties in the UW Office of Risk Management.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) RISK MANAGEMENT POSITION TRANSFER.

(a) *Employee transfer.* On the effective date of this paragraph, 5.0 full-time equivalent positions and the incumbent employees holding those positions in the

University of Wisconsin System who perform duties in the University of Wisconsin office of risk management, as determined by the secretary of administration, are transferred to the department of administration.

(b) *Employee status.* To the extent the personnel systems under s. 36.115 afford rights and status similar to that under ch. 230, all of the following apply:

1. The employees transferred under par. (a) have all the rights and the same status under ch. 230 in the department of administration that they enjoyed in the University of Wisconsin System immediately before the transfer.

2. Notwithstanding s. 230.28 (4) and any similar provision of the personnel systems under s. 36.115, no employee transferred under par. (a) who has attained permanent status in class is required to serve a probationary period.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1184/P1
EAW:skw

DOA:.....Schmidt, BB0206 - Minimum age of adult court jurisdiction and
17-year old juvenile justice aids

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Age of juvenile court jurisdiction

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code, including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal

ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

Seventeen-year-old juvenile justice aids

The bill creates a sum sufficient appropriation under DCF for youth aids-related purposes but only to reimburse counties, beginning on January 1, 2024, for costs associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1481. 20.437 (1) (cL) of the statutes is created to read:

20.437 (1) (cL) *Seventeen-year-old juvenile justice aids.* A sum sufficient for the purposes under s. 48.5275.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1482. 48.02 (1d) of the statutes is amended to read:

48.02 (1d) “Adult” means a person who is 18 years of age or older, ~~except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means a person who has attained 17 years of age.~~

SECTION 1483. 48.02 (2) of the statutes is amended to read:

48.02 (2) “Child,” when used without further qualification, means a person who is less than 18 years of age, ~~except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “child” does not include a person who has attained 17 years of age.~~

SECTION 1484. Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER IX

JURISDICTION OVER PERSON ~~17~~

OR OLDER ADULTS

SECTION 1485. 48.44 of the statutes is amended to read:

48.44 Jurisdiction over persons ~~17 or older~~ adults. The court has jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 48.133, 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

SECTION 1486. 48.45 (1) (a) of the statutes is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, ~~such that~~ that condition of the child, the judge may make orders with respect to the conduct of ~~such that~~ that person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how, and from where funds for the maintenance or care shall be paid.

SECTION 1487. 48.45 (1) (am) of the statutes is amended to read:

48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn child's expectant mother alleged to be in a condition described in s. 48.133 it appears that any person ~~17 years of age or over~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, ~~such that~~ that condition of the

unborn child and expectant mother, the judge may make orders with respect to the conduct of such that person in his or her relationship to the unborn child and expectant mother.

SECTION 1488. 48.45 (3) of the statutes is amended to read:

48.45 (3) If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has violated s. 948.40, the judge shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney's judgment. This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the judge to the district attorney, as in other criminal cases.

SECTION 1489. 48.5275 of the statutes is created to read:

48.5275 Seventeen-year-old juvenile justice aids. Notwithstanding s. 48.526, from the appropriation under s. 20.437 (1) (cL), beginning on January 1, 2024, the department shall reimburse counties for the costs under s. 48.526 (2) (c) associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17.

SECTION 1490. 118.163 (4) of the statutes is amended to read:

118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.342.

SECTION 1491. 125.07 (4) (d) of the statutes is amended to read:

125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

SECTION 1492. 125.07 (4) (e) 1. of the statutes is amended to read:

125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

SECTION 1493. 125.085 (3) (bt) of the statutes is amended to read:

125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

SECTION 1494. 165.83 (1) (c) 1. of the statutes is amended to read:

165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age of 17~~ an adult and that is a felony or a misdemeanor.

SECTION 1495. 165.83 (1) (c) 2. of the statutes is amended to read:

165.83 (1) (c) 2. An act that is committed by a ~~person~~ minor who has attained the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or misdemeanor if committed by an adult.

SECTION 1496. 301.12 (2m) of the statutes is amended to read:

301.12 (2m) The liability specified in sub. (2) shall not apply to ~~persons 17 and older~~ adults receiving care, maintenance, services, and supplies provided by prisons named in s. 302.01.

SECTION 1497. 301.12 (14) (a) of the statutes is amended to read:

301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17 years of age~~ minors in residential, nonmedical facilities such as group homes, foster homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of

liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17 becomes an adult, unless the liable person has prevented payment by any act or omission.

SECTION 1498. 302.31 (7) of the statutes is amended to read:

302.31 (7) The temporary placement of persons in the custody of the department, other than persons under 17 years of age minors, and persons who have attained the age of 17 years but have not attained adults under the age of 25 years who are under the supervision of the department under s. 938.355 (4) and who have been taken into custody pending revocation of community supervision or aftercare supervision under s. 938.357 (5) (e).

SECTION 1499. 938.02 (1) of the statutes is amended to read:

938.02 (1) “Adult” means a person who is 18 years of age or older, ~~except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance,~~ “adult” means a person who has attained 17 years of age.

SECTION 1500. 938.02 (10m) of the statutes is amended to read:

938.02 (10m) “Juvenile,” when used without further qualification, means a person who is less than 18 years of age, ~~except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance,~~ “juvenile” does not include a person who has attained 17 years of age.

SECTION 1501. 938.12 (2) of the statutes is amended to read:

938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition alleging that a juvenile is delinquent is filed before the juvenile is ~~17 years of age~~ becomes an adult, but the juvenile becomes ~~17 years of age~~ an adult before admitting the facts of the petition at the plea hearing or, if the juvenile denies the facts, before an adjudication, the court retains jurisdiction over the case.

SECTION 1502. 938.18 (2) of the statutes is amended to read:

938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the district attorney or the juvenile or may be initiated by the court and shall contain a brief statement of the facts supporting the request for waiver. The petition for waiver of jurisdiction shall be accompanied by or filed after the filing of a petition alleging delinquency and shall be filed prior to the plea hearing, except that if the juvenile denies the facts of the petition and becomes ~~17 years of age~~ an adult before an adjudication, the petition for waiver of jurisdiction may be filed at any time prior to the adjudication. If the court initiates the petition for waiver of jurisdiction, the judge shall disqualify himself or herself from any future proceedings on the case.

SECTION 1503. 938.183 (3) of the statutes is amended to read:

938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department of corrections may place the juvenile in a state prison named in s. 302.01, except that that department may not place any person under the age of 18 years in the correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act committed before December 31, 1999, is eligible for parole under s. 304.06.

SECTION 1504. 938.255 (1) (intro.) of the statutes is amended to read:

938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings under this chapter, other than a petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a person under the age of 18". A petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person under the age of 17". juvenile. A petition initiating proceedings under this chapter shall specify all of the following:

SECTION 1505. 938.34 (8) of the statutes is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to ~~a person under 18 years of age~~ juveniles, \$100. The order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward to the department ~~which~~ that issued the license a notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any

license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period ~~which~~ that has already elapsed and the court shall immediately notify the department, which shall then, if the license is issued under ch. 29, return the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 1506. 938.343 (2) of the statutes is amended to read:

938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or, if the violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The order shall include a finding that the juvenile alone is financially able to pay and shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately take possession of the suspended license if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward to the department ~~which~~ that issued the license the notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall, if the license is issued under ch. 29, return the license to the person. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 1507. 938.344 (3) of the statutes is amended to read:

938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may, at the request of the district attorney or on its own motion, dismiss the citation without prejudice and refer the matter to the district attorney for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age. This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

SECTION 1508. 938.35 (1m) of the statutes is amended to read:

938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This subsection does not affect proceedings in criminal court that have been transferred under s. 938.18.

SECTION 1509. 938.355 (4) (b) of the statutes is amended to read:

938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile attains 18 years of age shall apply for 5 years after the date on which the

order is granted, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the original dispositional order terminates.

SECTION 1510. 938.355 (4m) (a) of the statutes is amended to read:

938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition the court to expunge the court's record of the juvenile's adjudication. Subject to par. (b), the court may expunge the record if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order and that the juvenile will benefit from, and society will not be harmed by, the expungement.

SECTION 1511. 938.39 of the statutes is amended to read:

938.39 Disposition by court bars criminal proceeding. Disposition by the court of any violation of state law within its jurisdiction under s. 938.12 bars any future criminal proceeding on the same matter in circuit court when the juvenile ~~reaches the age of 17~~ becomes an adult. This section does not affect criminal proceedings in circuit court that were transferred under s. 938.18.

SECTION 1512. Subchapter IX (title) of chapter 938 [precedes 938.44] of the statutes is amended to read:

CHAPTER 938

SUBCHAPTER IX

JURISDICTION OVER PERSONS 17

OR OLDER ADULTS

SECTION 1513. 938.44 of the statutes is amended to read:

938.44 Jurisdiction over persons ~~17 or older~~ adults. The court has jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 938.355 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

SECTION 1514. 938.45 (1) (a) of the statutes is amended to read:

938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in need of protection or services under s. 938.13 it appears that any person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the court may make orders with respect to the conduct of that person in his or her relationship to the juvenile, including orders relating to determining the ability of the person to provide for the maintenance or care of the juvenile and directing when, how, and from where funds for the maintenance or care shall be paid.

SECTION 1515. 938.45 (3) of the statutes is amended to read:

938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it appears at a court hearing that any person ~~17 years of age or older~~ adult has violated s. 948.40, the court shall refer the record to the district attorney. This subsection does not prohibit prosecution of violations of s. 948.40 without the prior reference by the court to the district attorney.

SECTION 1516. 938.48 (4m) (title) of the statutes is amended to read:

938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17 WHO~~ BECOME ADULTS.

SECTION 1517. 938.48 (4m) (a) of the statutes is amended to read:

938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

SECTION 1518. 938.48 (4m) (b) of the statutes is amended to read:

938.48 (4m) (b) Was under the supervision of the department under s. 938.183, 938.34 (4h), or 938.357 (3) or (4) when the person ~~reached 17 years of age~~ became an adult.

SECTION 1519. 938.48 (14) of the statutes is amended to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17 WHO BECOME~~ ADULTS. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became adults, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon ~~attaining that age~~ becoming adults were under the supervision of the department under s. 938.183, 938.34 (4h), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 1520. 938.57 (3) (title) of the statutes is amended to read:

938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17 WHO BECOME~~ ADULTS.

SECTION 1521. 938.57 (3) (a) (intro.) of the statutes is amended to read:

938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d), counties may provide funding for the maintenance of any juvenile person who meets all of the following qualifications:

SECTION 1522. 938.57 (3) (a) 1. of the statutes is amended to read:

938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

SECTION 1523. 938.57 (3) (a) 3. of the statutes is amended to read:

938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to ~~his or her 17th birthday~~ becoming an adult.

SECTION 1524. 938.57 (3) (b) of the statutes is amended to read:

938.57 (3) (b) The funding provided for the maintenance of a juvenile person under par. (a) shall be in an amount equal to that which the juvenile person would receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

SECTION 1525. 946.50 (intro.) of the statutes is amended to read:

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

SECTION 1526. 948.01 (1) of the statutes is amended to read:

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

SECTION 1527. 948.11 (2) (am) (intro.) of the statutes is amended to read:

948.11 (2) (am) (intro.) Any ~~person who has attained the age of 17 and~~ adult who, with knowledge of the character and content of the description or narrative account, verbally communicates, by any means, a harmful description or narrative

account to a child, with or without monetary consideration, is guilty of a Class I felony if any of the following applies:

SECTION 1528. 948.45 (1) of the statutes is amended to read:

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

SECTION 1529. 948.60 (2) (d) of the statutes is amended to read:

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

SECTION 1530. 948.61 (4) of the statutes is amended to read:

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

SECTION 1531. 961.455 (title) of the statutes is amended to read:

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

SECTION 1532. 961.455 (1) of the statutes is amended to read:

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

SECTION 1533. 961.455 (2) of the statutes is amended to read:

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

SECTION 1534. 961.46 of the statutes is amended to read:

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

SECTION 1535. 961.573 (2) of the statutes is amended to read:

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

SECTION 1536. 961.574 (2) of the statutes is amended to read:

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

SECTION 1537. 961.575 (1) of the statutes is amended to read:

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

SECTION 1538. 961.575 (2) of the statutes is amended to read:

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

SECTION 1539. 961.575 (3) of the statutes is amended to read:

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

SECTION 1540. 990.01 (3) of the statutes is amended to read:

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

SECTION 1541. 990.01 (20) of the statutes is amended to read:

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

SECTION 9308. Initial applicability; Corrections.

(1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44, 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b) and (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1),

(2), and (3), and 990.01 (3) and (20), subch. IX (title) of ch. 48, and subch. IX (title) of ch. 938 first applies to a violation of a criminal law, civil law, or municipal ordinance allegedly committed on the effective date of this subsection.

SECTION 9408. Effective dates; Corrections.

(1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44, 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b) and (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX (title) of ch. 48, and subch. IX (title) of ch. 938 and SECTION 9308 (1) of this act take effect on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1185/P1
EAW:wlj

DOA:.....Schmidt, BB0201 - Teacher licensure in choice programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Teacher licensure in parental choice programs and in the Special Needs Scholarship Program

With certain exceptions, this bill requires that, beginning on July 1, 2026, teachers at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by DPI. Under current law, teachers at choice schools must have at least a bachelor's degree from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach at SNSP schools.

The bill provides an exception for a teacher who teaches only courses in rabbinical studies. In addition, the bill provides a grace period for a teacher who has been teaching for at least the five consecutive years immediately preceding July 1, 2026, which allows the teacher to apply for a temporary, nonrenewable waiver of the licensure requirement. An applicant for a waiver must submit a plan for becoming licensed as required under the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1542. 115.28 (7) (b) of the statutes is amended to read:

115.28 (7) (b) Subject to the same rules and laws concerning qualifications of applicants and granting and revocation of licenses or certificates under par. (a), the state superintendent shall grant certificates and licenses to teachers in private schools and tribal schools, except that teaching experience requirements for such certificates and licenses may be fulfilled by teaching experience in public, private, or tribal schools. An applicant is not eligible for a license or certificate unless the state superintendent finds that the private school or tribal school in which the applicant taught offered an adequate educational program during the period of the applicant's teaching therein. ~~Private~~ Except as provided in ss. 115.7915 (2) (i), 118.60 (2) (a) 6m., and 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed or certified teachers.

SECTION 1543. 115.7915 (2) (i) of the statutes is created to read:

115.7915 (2) (i) 1. Except as provided in subd. 2., beginning on July 1, 2026, all of the eligible school's teachers have a teaching license or permit issued by the department.

2. a. A teacher employed by the eligible school on July 1, 2026, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2026, and who does not satisfy the requirements under subd. 1. on July 1, 2026, may apply to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 1. The department shall

promulgate rules to implement this subd. 2. a., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 1. No waiver granted under this subd. 2. a. is valid after July 1, 2031.

b. A teacher employed by the eligible school who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

SECTION 1544. 118.19 (1) of the statutes is amended to read:

118.19 (1) Except as provided in subs. (1b) and (1c) and s. 118.40 (8) (b) 1. and 2., any person seeking to teach in a public school, including a charter school, ~~or~~ in a school or institution operated by a county or the state, in a private school participating in a parental choice program under s. 118.60 or 119.23, or in a private school participating in the program under s. 115.7915 shall first procure a license or permit from the department.

SECTION 1545. 118.19 (1b) of the statutes is amended to read:

118.19 (1b) An individual may teach an online course in a subject and level in a public school, including a charter school, in a private school participating in a parental choice program under s. 118.60 or 119.23, or in a private school participating in the program under s. 115.7915 without a license or permit from the department if the individual holds a valid license or permit to teach the subject and level in the state from which the online course is provided.

SECTION 1546. 118.19 (1c) (b) (intro.) of the statutes is amended to read:

118.19 (1c) (b) (intro.) A faculty member of an institution of higher education may teach in a public high school, including a charter school that operates only high school grades, in a private school participating in a parental choice program under

s. 118.60 or 119.23 that operates only high school grades, or in a private school participating in the program under s. 115.7915 that operates only high school grades without a license or permit from the department if the faculty member satisfies all of the following:

SECTION 1547. 118.19 (3) (a) of the statutes is amended to read:

118.19 (3) (a) No license to teach in any public school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.197. Notwithstanding s. 36.11 (16), no teacher preparatory program in this state may be approved by the state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the state superintendent. No license to teach in any public school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the state superintendent. The state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall promulgate rules to implement this subsection. If for the purpose of granting a license to teach or for approving a teacher preparatory program the state

superintendent requires that an institution of higher education be accredited, the state superintendent shall accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. department of education or by a programmatic accrediting organization.

SECTION 1548. 118.19 (3) (b) of the statutes is amended to read:

118.19 (3) (b) The state superintendent shall permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin-Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. ~~School districts shall~~ A school district, the governing body of a private school participating in a parental choice program under s. 118.60 or 119.23, or the governing body of a private school participating in the program under s. 115.7915 may not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture, unless they qualify under par. (a).

SECTION 1549. 118.19 (10) (b) 1. of the statutes is amended to read:

118.19 (10) (b) 1. Conduct a background investigation of each applicant for issuance or renewal of a license or permit, including a license or permit issued to a pupil services professional, and for a faculty member seeking to teach in a public high school without a license or permit.

SECTION 1550. 118.191 (2) (a) of the statutes is amended to read:

118.191 (2) (a) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a technical education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and

at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

SECTION 1551. 118.191 (2) (b) of the statutes is amended to read:

118.191 (2) (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a vocational education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5m), of which at least 25 points are from sub. (5m) (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

SECTION 1552. 118.191 (2m) of the statutes is amended to read:

118.191 (2m) An initial teaching license issued under sub. (2) authorizes an individual to teach only in the school district controlled by the school board, or in the private school controlled by the governing body, that determined the curriculum the individual agreed to complete in order to qualify for the initial teaching license.

SECTION 1553. 118.191 (3) of the statutes is amended to read:

118.191 (3) An initial teaching license issued under sub. (2) is valid for 3 years. An initial teaching license issued under sub. (2) is void if the license holder ceases

to be employed as a teacher in the school district or private school in which the license holder is authorized to teach under sub. (2m).

SECTION 1554. 118.191 (4) of the statutes is amended to read:

118.191 (4) Upon the expiration of the 3-year term of an initial teaching license issued under sub. (2), the department shall issue to the license holder a professional teaching license to teach the technical education subject or vocational education subject if the individual successfully completed the curriculum that the individual agreed to under sub. (2), as determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 that established the curriculum. The department shall indicate on a professional teaching license issued under this subsection that the license was obtained under the experience-based licensure program under this section.

SECTION 1555. 118.192 (4) of the statutes is amended to read:

118.192 (4) A school board or private school participating in a parental choice program under s. 118.60 or 119.23 that employs a person who holds a professional teaching permit shall ensure that no regularly licensed teacher is removed from his or her position as a result of the employment of persons holding permits.

SECTION 1556. 118.60 (2) (a) 6. a. of the statutes is amended to read:

118.60 (2) (a) 6. a. Except as provided in subd. 6. c. and d., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2026.

SECTION 1557. 118.60 (2) (a) 6m. of the statutes is created to read:

118.60 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2026, all of the private school's teachers have a teaching license or permit issued by the department.

b. A teacher employed by the private school on July 1, 2026, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2026, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2026, may apply to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2031.

SECTION 1558. 118.60 (2) (c) 3. of the statutes is created to read:

118.60 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

SECTION 1559. 119.23 (2) (a) 6. a. of the statutes is amended to read:

119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a masters master's or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2026.

SECTION 1560. 119.23 (2) (a) 6m. of the statutes is created to read:

119.23 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2026, all of the private school's teachers have a teaching license or permit issued by the department.

b. A teacher employed by the private school on July 1, 2026, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2026, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2026, may apply to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2031.

SECTION 1561. 119.23 (2) (c) 3. of the statutes is created to read:

119.23 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

SECTION 9434. Effective dates; Public Instruction.

(1) TEACHER LICENSURE IN CERTAIN PRIVATE SCHOOLS. The treatment of s. 118.19 (1), (1b), (1c) (b) (intro.), and (3) (b) takes effect on July 1, 2026.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1187/P2
EHS:cdc&wlj

DOA:.....Bork, BB0219 - Tribal child welfare appropriations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Tribal family services grants and funding for out-of-home-care placements by tribal courts

Current law uses Indian gaming receipts to fund tribal family service grants and unexpected or unusually high-cost out-of-home-care placements of Indian children by tribal courts. This bill appropriates GPR moneys for those purposes as well.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1562. 20.437 (1) (bd) of the statutes is created to read:

20.437 (1) (bd) *Tribal family services grants.* The amounts in the schedule for tribal family services grants under s. 48.487.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1563. 20.437 (1) (bn) of the statutes is created to read:

20.437 (1) (bn) *Tribal placements.* The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts, including placements of Indian juveniles who have been adjudicated delinquent.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1193/P2
ZDW:amn

DOA:.....Potts, BB0221 - Great Lakes and Mississippi River erosion control
loan

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Great Lakes and Mississippi River erosion control revolving loan programs

This bill requires DNR to administer revolving loan programs to assist municipalities and owners of homes located on the shore of Lake Michigan, Lake Superior, or the Mississippi River where the structural integrity of municipal buildings or homes is threatened by erosion of the shoreline. Under the bill, moneys for the programs are provided from the environmental fund, the segregated fund used to finance environmental management programs administered by DNR and pollution abatement programs administered by DNR and DATCP. The bill requires DNR to promulgate rules to administer the programs, including eligibility requirements and income limitations, and authorizes DNR to promulgate emergency rules for the period before permanent rules take effect.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1564. 20.370 (9) (pq) of the statutes is created to read:

20.370 (9) (pq) *Great Lakes and Mississippi River erosion control revolving loan programs.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for the Great Lakes erosion control revolving loan program under s. 23.1991 and the Mississippi River erosion control revolving loan program under s. 23.1993. All moneys received as loan origination fees and repayments of loan principal and interest under ss. 23.1991 and 23.1993 shall be credited to this appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1565. 23.1991 of the statutes is created to read:

23.1991 Great Lakes erosion control revolving loan program. (1) The department shall administer a revolving loan program to assist municipalities and owners of homes located on the shore of Lake Michigan or Lake Superior where the structural integrity of municipal buildings or homes is threatened by erosion of the shoreline.

(2) The department shall make loans under this section from the appropriation under s. 20.370 (9) (pq).

(3) The department shall promulgate rules to administer this section, including rules establishing eligibility criteria and income limitations for loans under this section.

SECTION 1566. 23.1993 of the statutes is created to read:

23.1993 Mississippi River erosion control revolving loan program. (1) The department shall administer a revolving loan program to assist municipalities and owners of homes located on the shore of the Mississippi River where the

structural integrity of municipal buildings or homes is threatened by erosion of the shoreline.

(2) The department shall make loans under this section from the appropriation under s. 20.370 (9) (pq).

(3) The department shall promulgate rules to administer this section, including rules establishing eligibility criteria and income limitations for loans under this section.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) EMERGENCY RULE-MAKING AUTHORITY; GREAT LAKES EROSION CONTROL REVOLVING LOAN PROGRAM. The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules under s. 23.1991 for the period before the date on which permanent rules under s. 23.1991 take effect. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until the first day of the 25th month beginning after the effective date of the emergency rules, the date on which the permanent rules take effect, or the effective date of the repeal of the emergency rules, whichever is earliest. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) EMERGENCY RULE-MAKING AUTHORITY; MISSISSIPPI RIVER EROSION CONTROL REVOLVING LOAN PROGRAM. The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules under s. 23.1993 for the period before the date on which permanent rules under s. 23.1993 take effect.

Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until the first day of the 25th month beginning after the effective date of the emergency rules, the date on which the permanent rules take effect, or the effective date of the repeal of the emergency rules, whichever is earliest. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1194/P2
MIM:emw&amn

DOA:.....Sherwin, BB0223 - DOA Unclassified Chief Equity Officer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Chief equity officer

This bill creates the unclassified position of chief equity officer in DOA, which is assigned to executive salary group four.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

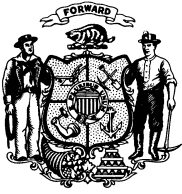
SECTION 1567. 20.923 (4) (d) 2. of the statutes is created to read:

20.923 (4) (d) 2. Administration, department of: chief equity officer.

SECTION 1568. 230.08 (2) (yg) of the statutes is created to read:

230.08 (2) (yg) The chief equity officer in the department of administration.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1195/P2
MIM:wlj&emw

DOA:.....Sherwin, BB0215 - Volkswagen Settlement Funds Shared Revenue
Clawback

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Volkswagen settlement grants for mass transit systems

Under current law, for each county or municipality in which an urban mass transit system operates, and which receives a grant for the replacement of public transit vehicles under the Volkswagen settlement, DOA must reduce the shared revenue aid it provides to the county or municipality based on the amount of the grant under the Volkswagen settlement. For a county or municipality in which the urban mass transit system serves a population of 200,000 or more, this bill changes the reduction from 75 percent to 20 percent of the grant amount, for grants awarded after the effective date of the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1569. 79.035 (7) (a) 1. of the statutes is amended to read:

79.035 (7) (a) 1. ~~For~~ Except as provided in subd. 1m., for an urban mass transit system that is eligible to receive state aid under s. 85.20 (4m) (a) 6. cm. or d. and serving a population exceeding 200,000, 75 percent of the total amount of grants received under s. 16.047 (4m).

SECTION 1570. 79.035 (7) (a) 1m. of the statutes is created to read:

79.035 (7) (a) 1m. Beginning on the effective date of this subdivision [LRB inserts date], an urban mass transit system that is eligible to receive state aid under s. 85.20 (4m) (a) 6. cm. or d. and serving a population exceeding 200,000, 20 percent of the total amount of grants received under s. 16.047 (4m), for grants awarded after the effective date of this subdivision [LRB inserts date].

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1197/P3
MPG&MDE:cjs

DOA:.....Rice, BB0211 - Affordable Housing Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Affordable housing grants

This bill requires DOA to award grants to municipalities for the purpose of increasing the availability of affordable workforce housing within the municipalities.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1571. 16.3065 of the statutes is created to read:

16.3065 Affordable workforce housing grants. (1) DEFINITION. In this section, “municipality” means a city, village, or town.

(2) GRANTS. From the appropriation under s. 20.505 (7) (fq), the department shall award grants to municipalities for the purpose of increasing the availability of affordable workforce housing within the municipality, including by funding infrastructure for new affordable housing developments, creating or enhancing an affordable housing trust fund, or providing additional incentives for land use and zoning changes. The department may promulgate rules establishing eligibility requirements and other program guidelines for the grant program under this subsection, including guidelines designed to ensure that housing created with grant funds under the program remains affordable.

SECTION 1572. 20.505 (7) (fq) of the statutes is created to read:

20.505 (7) (fq) *Affordable workforce housing grants.* Biennially, the amounts in the schedule for the grants to municipalities under s. 16.3065.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1198/P1
MPG&MIM:cjs

DOA:.....Rice, BB0213 - Civil Legal Services for the Indigent

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Civil legal services for the indigent

This bill requires DOA to make annual payments to the Wisconsin Trust Account Foundation, Inc., for the purpose of providing civil legal services to indigent persons.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1573. 16.19 of the statutes is created to read:

16.19 Civil legal services for the indigent. Annually, the department shall pay the amount appropriated under s. 20.505 (1) (e) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal services to indigent persons. The Wisconsin

Trust Account Foundation, Inc., shall distribute the amount received as grants to programs that provide civil legal services to indigent persons, and those programs may use the grant funds to match other federal and private grants. The grants may be used only for the purposes for which the funding was provided.

SECTION 1574. 20.505 (1) (e) of the statutes is created to read:

20.505 (1) (e) *Indigent civil legal services.* The amounts in the schedule to provide grants for the provision of civil legal services to indigent persons under s. 16.19.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1206/P1
MJW:cjs

DOA:.....Stinebrink, BB0224 - Drug House Demolition

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Appropriation for reimbursements for drug house demolition

This bill creates a continuing program revenue appropriation for DMA to receive reimbursements from municipalities for the demolition of certain former drug dwellings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1575. 20.465 (1) (j) of the statutes is created to read:

20.465 (1) (j) *Demolition of abated former drug dwellings.* All moneys received as reimbursement from local units of government, as defined in s. 323.02 (15), for the demolition of abated former drug dwellings that have been abated during narcotics investigations, placed into receivership, then left unsold, unmaintained, and unoccupied, to be used for such demolitions.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1208/P1
CMH:emw

DOA:.....Schmidt, BB0144 - Law Enforcement Recruitment, Retention, and
Wellness Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Law enforcement recruitment, retention, and wellness grant programs

Under current law, DOJ awards grants for many purposes, including for community-oriented policing-house programs and to increase beat patrol officers. This bill adds that DOJ must award grants to law enforcement agencies and tribal law enforcement agencies in this state to fund programs that recruit and retain law enforcement officers and that promote officer wellness.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1576. 20.455 (2) (be) of the statutes is created to read:

20.455 (2) (be) *Law enforcement recruitment, retention, and wellness grant program.* As a continuing appropriation, the amounts in the schedule to provide

grants under s. 165.991 to law enforcement agencies to fund programs designed to recruit and retain law enforcement officers and promote officer wellness.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1577. 165.991 of the statutes is created to read:

165.991 Grants for law enforcement recruitment, retention, and wellness programs. The department of justice shall award grants from the appropriation under s. 20.455 (2) (be) to law enforcement agencies and tribal law enforcement agencies in this state to fund programs that recruit and retain law enforcement officers and that promote officer wellness.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1211/P3
EAW:cjs&skw

DOA:.....Kretschmann, BB0234 - Aid for English language acquisition

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Aid for English language acquisition

This bill creates a new categorical aid for school districts and independent charter schools to offset the costs of educating limited-English proficient (LEP) pupils.

Under current law, a school board is required to provide a bilingual-bicultural education program to LEP pupils who attend a school in the school district if the school meets any of the following thresholds:

1. Within a language group, 10 or more LEP pupils are enrolled in kindergarten to grade three.
2. Within a language group, 20 or more LEP pupils are enrolled in grades four to eight.
3. Within a language group, 20 or more LEP pupils are enrolled in grades nine to twelve.

All school boards are required to educate all LEP pupils, but only school boards that are required to provide bilingual-bicultural education programs are eligible under current law for categorical aid targeted toward educating LEP pupils. Under current law, in each school year, DPI distributes \$250,000 among eligible school

districts whose enrollments in the previous school year were at least 15 percent LEP pupils, and DPI distributes the amount remaining in the appropriation account to eligible school districts on the basis of the school districts' expenditures on the required bilingual-bicultural education programs during the prior school year.

Under the bill, beginning in the 2024-25 school year, DPI must annually pay each school district and each operator of an independent charter school an amount equal to \$500 times the number of LEP pupils enrolled in the school district or at the charter school in the previous school year. Under the bill, DPI must pay a school district or independent charter school that had at least one but no more than 20 LEP pupils in the previous school year \$10,000. This new categorical aid is in addition to aid already paid under current law and is not conditioned on whether the school board or independent charter school is required to provide a bilingual-bicultural education program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1578. 20.255 (2) (cd) of the statutes is created to read:

20.255 (2) (cd) *Aid for English language acquisition.* A sum sufficient for aid under s. 115.9955.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1579. 115.993 (title) of the statutes is amended to read:

115.993 (title) **Report Reports on bilingual-bicultural education and pupil counts.**

SECTION 1580. 115.993 of the statutes is renumbered 115.993 (1).

SECTION 1581. 115.993 (2) of the statutes is created to read:

115.993 (2) Annually, on or before August 15, a school board and the operator of a charter school established under s. 118.40 (2r) or (2x) shall report to the state superintendent the number of limited-English proficient pupils enrolled in the school district or attending the charter school in the previous school year and the classification of those pupils by language group.

SECTION 1582. 115.995 (intro.) of the statutes is amended to read:

115.995 State aids. (intro.) Upon receipt of the report under s. 115.993 (1), if the state superintendent is satisfied that the bilingual-bicultural education program for the previous school year was maintained in accordance with this subchapter, the state superintendent shall do all of the following:

SECTION 1583. 115.995 (1) of the statutes is amended to read:

115.995 (1) From the appropriation under s. 20.255 (2) (cc), divide proportionally, based upon costs reported under s. 115.993 (1), an annual payment of \$250,000 among school districts whose enrollments in the previous school year were at least 15 percent limited-English proficient pupils. Aid paid under this subsection does not reduce aid paid under sub. (2).

SECTION 1584. 115.9955 of the statutes is created to read:

115.9955 Aid for English language acquisition. (1) Beginning in the 2024-25 school year and annually thereafter, from the appropriation under s. 20.255 (2) (cd), the department shall pay each school district and each operator of a charter school established under s. 118.40 (2r) and (2x) the following amounts, based on the report under s. 115.993 (2):

(a) If, in the previous school year, there was at least one but no more than 20 limited-English proficient pupils enrolled in the school district or attending the charter school, \$10,000.

(b) If, in the previous school year, there were more than 20 limited-English proficient pupils enrolled in the school district or attending the charter school, \$500 per limited-English proficient pupil.

(2) Receipt of aid under s. 115.995 does not preclude receipt of aid under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1212/P2
EAW:emw&skw

DOA:.....Kretschmann, BB0233 - Bilingual-bicultural aid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Bilingual-bicultural education aids

The bill increases the reimbursement rate for a bilingual-bicultural education program to 15 percent of qualifying costs in the 2023-24 school year and 20 percent of qualifying costs in the 2024-25 school year and each school year thereafter.

Under current law, a bilingual-bicultural education program is a program designed to improve the comprehension and the speaking, reading, and writing ability of a limited-English proficient pupil in the English language. A school district is required to establish a bilingual-bicultural education program if it has a certain amount of limited-English proficient pupils from the same language group within an individual school in the district. If DPI determines that a school district's bilingual-bicultural education program meets all statutory requirements, DPI reimburses the school district a percentage of qualifying costs of the bilingual-bicultural education program. Under current law, the percentage that is reimbursed is calculated by dividing the amount allocated in the biennial budget act among all qualifying school districts. DPI estimates that qualifying school districts received reimbursement for bilingual-bicultural education programs in the amount of 7.7 percent of qualifying costs for the 2021-22 school year.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1585. 20.255 (2) (cc) of the statutes is amended to read:

20.255 (2) (cc) *Bilingual-bicultural education aids.* ~~The amounts in the schedule A sum sufficient for bilingual-bicultural education programs aid under subch. VII of ch. 115 s. 115.995.~~

****NOTE: This is reconciled s. 20.255 (2) (cc). This SECTION has been affected by drafts with the following LRB numbers: -1211/P1 and -1212/P1.

SECTION 1586. 115.995 (2) of the statutes is renumbered 115.995 (2) (intro.) and amended to read:

115.995 (2) (intro.) Certify to the department of administration in favor of the school district ~~a sum equal to a percentage of the amount expended on limited-English proficient pupils by the school district during the preceding year for salaries of personnel participating in and attributable to bilingual-bicultural education programs under this subchapter, special books and equipment used in the bilingual-bicultural programs and other expenses approved by the state superintendent. The percentage shall be determined by dividing the amount in the~~ From the appropriation under s. 20.255 (2) (cc) in the current school year less \$250,000 by the total amount of aidable costs in the previous school year, the state superintendent shall reimburse the school district the following amounts:

SECTION 1587. 115.995 (2) (a) and (b) of the statutes are created to read:

115.995 (2) (a) In the 2023-24 school year, 15 percent of the amount certified under this subsection for the previous school year.

(b) In the 2024-25 school year and each school year thereafter, 20 percent of the amount certified under this subsection for the previous school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1213/P3
EAW:amn

DOA:.....Kretschmann, BB0231 - Aid for school-based mental health professionals; staff

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

School mental health and pupil wellness; categorical aid

This bill changes the types of expenditures that are eligible for reimbursement under the state categorical aid program related to pupil mental health.

Under current law, DPI must make payments to school districts, independent charter schools, and private schools participating in parental choice programs (local education agency) that increased the amount they spent to employ, hire, or retain social workers. Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers in the preceding school year over the amount it expended in the school year immediately preceding the preceding school year. If, after making those payments, there is money remaining in the appropriation account for that aid program, DPI makes additional payments to eligible local education agencies. The amount of those additional payments is determined based on the amount remaining in the appropriation account and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

The bill expands eligibility for the payments under the aid program to include spending on school counselors, school social workers, school psychologists, and school nurses (pupil services professionals). The bill also eliminates the two tier reimbursement structure of the aid program and eliminates the requirement that a local education agency is eligible for the aid only if the local education agency increased its spending. Under the bill, any local education agency that made expenditures to employ, hire, or retain pupil services professionals during the previous school year is eligible for reimbursement under the aid program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1588. 20.255 (2) (da) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1589. 20.255 (2) (db) of the statutes is created to read:

20.255 (2) (db) *Aid for school-based mental health professionals; staff.* The amounts in the schedule for aid under s. 115.364.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1590. 115.364 (title) of the statutes is amended to read:

115.364 (title) **Aid for school school-based mental health programs professionals; staff.**

SECTION 1591. 115.364 (1) (intro.) of the statutes is renumbered 115.364 (1) and amended to read:

115.364 (1) In this section, “pupil services professional” means a school counselor, school social worker, school psychologist, or school nurse.

SECTION 1592. 115.364 (1) (a), (am) and (b) of the statutes are repealed.

SECTION 1593. 115.364 (2) (a) (intro.) and 1. of the statutes are consolidated, renumbered 115.364 (2) (a) and amended to read:

115.364 (2) (a) Beginning in the 2018-19 2023-24 school year and annually thereafter, the state superintendent shall ~~do all of the following:~~ 1. Subject, subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible (db), reimburse a school district board, the operator of a charter school established under s. 118.40 (2r) or (2x), or the governing body of a private school participating in a program under s. 118.60 or 119.23 for an amount equal to 50 percent of the amount by which the school district increased its expenditures made by the school board, operator, or governing body in the preceding school year to employ, hire, or retain social workers over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain social workers pupil services professionals, including pupil services professionals who provided telehealth services.

SECTION 1594. 115.364 (2) (a) 2. and 3. of the statutes are repealed.

SECTION 1595. 115.364 (2) (b) 1. of the statutes is renumbered 115.364 (2) (b) and amended to read:

115.364 (2) (b) If the appropriation under s. 20.255 (2) (da) (db) in any fiscal year is insufficient to pay the full amount of aid under par. (a), the state superintendent shall prorate state aid payments among the school districts, ~~private schools, and independent charter schools~~ boards, operators of charter schools established under s. 118.40 (2r) and (2x), and governing bodies of private schools participating in a program under s. 118.60 or 119.23 that are eligible for the aid.

SECTION 1596. 115.364 (2) (b) 2. of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1214/P3
EAW:wlj&cjs

DOA:.....Kretschmann, BB0230 - Aid for comprehensive school mental health systems

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Aid for comprehensive school mental health services

Under current law, DPI administers a \$10 million annual competitive grant program to school districts and independent charter schools for the purpose of collaborating with community mental health agencies to provide mental health services to pupils. This bill eliminates this grant program and replaces it with new categorical aid for comprehensive school mental health services to school districts and independent charter schools.

Under the bill, beginning in the 2023-24 school year, DPI must annually reimburse a school board or the operator of an independent charter school for costs incurred for mental health services during in-school or out-of-school time, up to \$100,000 plus \$100 per pupil who was enrolled in the school district or independent charter school in the prior year. If the amount appropriated for this purpose is insufficient, DPI must prorate the reimbursements.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1597. 20.255 (2) (dc) of the statutes is created to read:

20.255 (2) (dc) *Aid for comprehensive school mental health services.* The amounts in the schedule for aid for comprehensive school mental health services under s. 115.369.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1598. 20.255 (2) (dt) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1599. 115.367 of the statutes is repealed.

SECTION 1600. 115.369 of the statutes is created to read:

115.369 Aid for comprehensive school mental health services. (1) Beginning in the 2023-24 school year and annually thereafter, the state superintendent shall, from the appropriation under s. 20.255 (2) (dc), reimburse a school board or the operator of a charter school established under s. 118.40 (2r) or (2x) for expenditures relating to mental health services during in-school or out-of-school time. The annual amount reimbursed under this subsection may not exceed \$100,000 plus \$100 for each pupil enrolled in the school district or charter school in the prior school year. Mental health services that are eligible for reimbursement under this subsection may include any of the following:

- (a) Mental health evidence-based improvement strategies.
- (b) Mental health literacy and stigma reduction programs for pupils and adults.

(c) Collaborating or contracting with community mental health providers, consultants, organizations, cooperative educational service agencies, and other experts to provide consultation, training, mentoring, and coaching.

(d) Parent training and informational events.

(e) Assistance programs for pupils and families.

(f) Mental health navigators.

(g) Mental health system planning.

(h) Translator and interpreter services.

(i) Offsetting the costs associated with school-employed mental health professionals accessible to all pupils.

(j) The costs of the setting up spaces and purchasing equipment suitable for mental health telehealth service delivery.

(k) The costs of projects designed to assist minors experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug use by minors.

(L) Telehealth services, as defined in s. 440.01 (1) (hm).

(2) The following costs are ineligible for reimbursement under sub. (1):

(a) Payments for direct treatment services or insurance deductibles.

(b) Nonmental health-related training.

(c) Staff salaries for nonmental health-related positions.

(d) Indirect costs of regular school operations such as existing overhead expenses.

(3) If the appropriation under s. 20.255 (2) (dc) in any fiscal year is insufficient to pay the full amount of aid requested under sub. (1), the state superintendent shall

prorate state aid payments among the school boards and the operators of charter schools established under s. 118.40 (2r) and (2x) that are eligible for the aid.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1215/P2
CMH:skw&wlj

DOA:.....Schmidt, BB0143 - Crime Victim Services Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Grants for services to crime victims

Under current law, DOJ awards grants for many purposes, including grants to organizations to provide services for sexual assault victims. This bill adds that DOJ must award grants to organizations that provide services for crime victims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1601. 20.455 (5) (bf) of the statutes is created to read:

20.455 (5) (bf) *Grants to provide services to crime victims.* As a continuing appropriation, the amounts in the schedule to provide grants under s. 165.935 for crime victim service programs.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1602. 165.935 of the statutes is created to read:

165.935 Grants for crime victim services. The department of justice shall award grants from the appropriation under s. 20.455 (5) (bf) to organizations that provide services for crime victims.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1216/P1
CMH:skw

DOA:.....Schmidt, BB0142 - Elder Abuse Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Elder abuse grant program and hotline

Under current law, DOJ awards grants for many purposes, including grants to organizations to provide services for sexual assault victims. This bill adds that DOJ must award grants to organizations that promote the protection of elders. The bill also appropriates money to fund a statewide elder abuse hotline.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1603. 20.455 (2) (fw) of the statutes is created to read:

20.455 (2) (fw) *Elder abuse hotline and grant program.* As a continuing appropriation, the amounts in the schedule to fund a statewide elder abuse hotline and to provide grants under s. 165.937 to programs that promote the protection of elders.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1604. 165.937 of the statutes is created to read:

165.937 Grants for protection of elders. (1) The department of justice shall award grants from the appropriation under s. 20.455 (2) (fw) to organizations that promote the protection of elders.

(2) The department of justice shall provide funds from the appropriation under s. 20.455 (2) (fw) to support a statewide elder abuse hotline for persons to anonymously provide tips regarding suspected elder abuse.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1219/P1
FFK:cjs

DOA:.....Kretschmann, BB0228 - Sparsity Aid Stopgap Eligibility

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Sparsity aid; stop gap payments

Under current law, a school district is eligible for sparsity aid if the number of pupils per square mile in the school district is less than ten and the school district's membership in the previous school year did not exceed 1,000 pupils. The amount of aid is \$400 per pupil if the school district's membership in the previous school year did not exceed 745 pupils and \$100 per pupil if the school district's membership in the previous school year was between 745 and 1,000 pupils. Current law also provides a reduced payment, known as a stop gap payment, to a school district that was eligible to receive sparsity aid in the previous school year but is not eligible to receive sparsity aid in the current school year because it no longer satisfies the pupils-per-square-mile requirement. The amount of the stop gap payment is 50 percent of the amount of sparsity aid the school district received in the previous school year.

Under the bill, beginning in the 2023-24 school year, a school district is eligible for a sparsity aid stop gap payment if the school district is ineligible for sparsity aid in the current school year because it no longer satisfies the pupils-per-square-mile requirement or the membership requirement.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1605. 115.436 (3) (am) of the statutes is renumbered 115.436 (3) (am)

1. and amended to read:

115.436 (3) (am) 1. ~~Beginning in the 2017-18 school year, from~~ From the appropriation under s. 20.255 (2) (ae), the department shall, subject to par. (b), pay to each school district that received aid under ~~this section~~ par. (a) in the previous school year but ~~does not satisfy the requirement under sub. (2) (a) or (2m) (a) is~~ ineligible to receive aid under pars. (a) and (c) in the current school year 50 percent of the amount received by the school district under par. (a) in the previous school year.

SECTION 1606. 115.436 (3) (am) 2. of the statutes is created to read:

115.436 (3) (am) 2. From the appropriation under s. 20.255 (2) (ae), the department shall, subject to par. (b), pay to each school district that received aid under par. (c) in the previous school year but is ineligible to receive aid under pars. (a) and (c) in the current school year 50 percent of the amount received by the school district under par. (c) in the previous school year.

SECTION 9334. Initial applicability; Public Instruction.

(1) SPARSITY AID; STOP GAP PAYMENTS. The renumbering and amendment of s. 115.436 (3) (am) and the creation of 115.436 (3) (am) 2. first apply to payments made under s. 115.436 in the 2023-24 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1220/P2
FFK:kms

DOA:.....Kretschmann, BB0229 - High-Cost Transportation Aid Stopgap
Aid Change

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

High cost transportation aid; stop-gap payments

Under current law, a school district is eligible for high cost transportation aid if 1) the school district has a pupil population density of 50 or fewer pupils per square mile and 2) the school district's per pupil transportation cost exceeds 140 percent of the statewide average per pupil transportation cost. Current law also provides aid, known as a "stop-gap payment," to any school district that qualified for high cost transportation aid in the immediately preceding school year but is ineligible to receive aid in the current school year. The stop-gap payment is equal to 50 percent of the amount the school district received in the preceding school year. Current law specifies that no more than a total of \$200,000 may be paid in stop-gap payments in any fiscal year. The bill removes the \$200,000 limitation on high cost transportation aid stop-gap payments. The bill also specifies that, if the amount appropriated for all high cost transportation aid payments, including stop-gap payments, in any fiscal year is insufficient, all high cost transportation aid payments must be prorated.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1607. 121.59 (2) (intro.) of the statutes is amended to read:

121.59 (2) (intro.) Annually, subject to sub. (3), the department shall pay to each eligible school district the amount determined as follows:

SECTION 1608. 121.59 (2) (em) of the statutes is created to read:

121.59 (2) (em) Subtract from the amount appropriated under s. 20.255 (2) (cq) the total amount of aid school districts are entitled to under sub. (2n).

SECTION 1609. 121.59 (2) (f) of the statutes is amended to read:

121.59 (2) (f) Multiply the quotient under par. (e) by the amount ~~appropriated under s. 20.255 (2) (cq)~~ determined under par. (em).

SECTION 1610. 121.59 (2m) (a) of the statutes is renumbered 121.59 (2n), and 121.59 (2n) (intro.) and (b), as renumbered, are amended to read:

121.59 (2n) (intro.) ~~Beginning in the 2017-18 school year and in any school year thereafter, if~~ If a school district was eligible to receive aid under sub. (2) in the immediately preceding school year but is ineligible to receive aid in the current school year because the number under sub. (2) (d) is not a positive number, the state superintendent shall, subject to ~~par. (b)~~ sub. (3), pay to that school district the amount determined as follows:

(b) Multiply the amount under ~~subd. 1, par. (a)~~ par. (a) by 0.5.

SECTION 1611. 121.59 (2m) (b) of the statutes is repealed.

SECTION 1612. 121.59 (3) of the statutes is amended to read:

121.59 (3) ~~Aid under this section shall be paid from~~ If the appropriation under s. 20.255 (2) (cq) in any fiscal year is insufficient to pay the full amount under subs. (2) and (2n), the department shall prorate the payments among the school districts entitled to aid under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1221/P2
FFK:kms

DOA:.....Kretschmann, BB0232 - Early Literacy and Reading Improvement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Early literacy and reading improvement

This bill requires DPI to establish a literacy coaching program to improve literacy outcomes statewide. The literacy coaching program must include two types of literacy coaches. The first type of literacy coach will support the implementation of evidence-based literacy instructional practices in grades kindergarten to 12 in school districts and independent charter schools (literacy instructional practices coach). Specifically, a literacy instructional practices coach will collaborate with a participating school district or independent charter school to establish goals for literacy outcomes for specific grade levels and literacy areas and provide ongoing support to meet the identified goals. The second type of literacy coach will focus on early literacy instructional transitions by providing in-person trainings for four-year-old kindergarten to first grade teachers (early literacy transition coach). The purpose of these trainings is to evaluate existing early literacy curricula and goals and to assist school districts and independent charter schools to create local, standards-aligned, and developmentally appropriate curricula and instruction for four-year-old kindergarten to first grade pupils.

The bill requires each urban school district, which is defined as a school district in which at least 16,000 pupils were enrolled in the previous school year, to

participate in both types of coaching provided under the literacy coaching program. Other school districts and independent charter schools may choose to participate in one or both types of coaching provided under the literacy coaching program. Under the bill, DPI must make a payment to a school district or independent charter school that participates in the literacy coaching program. For coaching provided by a literacy instructional practices coach, the bill requires a payment of \$7,000, and for participating in training provided by an early literacy transition coach, the bill requires a payment of \$6,000.

The bill requires DPI to contract with a certain number of individuals to serve as literacy coaches and to assign those individuals to geographic regions of the state. Specifically, the bill requires DPI to assign one literacy instructional practices coach and one early literacy transition coach to each urban school district and one literacy instructional practices coach and one early literacy transition coach for each 40,000 pupils enrolled in school districts and independent charter schools located in a cooperative educational service agency region. Based on this formula, DPI estimates that it will be required to contract for 28 literacy instructional practices coaches and 28 early literacy transition coaches.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1613. 20.255 (1) (er) of the statutes is created to read:

20.255 (1) (er) *Early literacy and reading improvement.* The amounts in the schedule to contract with and train literacy coaches under s. 115.39.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1614. 20.255 (2) (er) of the statutes is created to read:

20.255 (2) (er) *Early literacy and reading improvement; stipends.* The amounts in the schedule for payments to local educational agencies under 115.39 (5).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1615. 115.39 of the statutes is created to read:

115.39 Literacy coaching program. (1) DEFINITIONS. In this section:

(a) “CESA region” means the geographic territory within the boundaries of a cooperative educational service agency.

(b) “Local educational agency” means a school district or a charter school established under s. 118.40 (2r) or (2x).

(c) “Urban school district” means a school district in which the number of pupils enrolled, as defined in s. 121.004 (7), in the previous school year was at least 16,000.

(2) LITERACY COACHING PROGRAM. The department shall establish a literacy coaching program to improve literacy outcomes in this state. The literacy coaching program established under this subsection shall include all of the following:

(a) Literacy coaches who support the implementation of evidence-based literacy instructional practices in grades kindergarten to 12 in local educational agencies in this state. Coaches under this paragraph shall collaborate with local educational agencies to establish goals for literacy outcomes for specific grade levels and literacy areas and provide ongoing support to local educational agencies to meet those goals.

(b) Literacy coaches who focus on early literacy instructional transitions by providing in-person trainings for teachers who teach 4-year-old kindergarten, 5-year-old kindergarten, or first grade in local educational agencies. Coaches under this paragraph shall provide in-person trainings to evaluate existing early literacy curricula and goals and to assist local educational agencies to create local, standards-aligned, and developmentally appropriate curricula and instruction for 4-year-old kindergarten to first grade pupils.

(c) Trainings for literacy coaches under par. (a) on how to identify evidence-based literacy instructional practices.

(d) Trainings for literacy coaches under par. (b) on how to facilitate regional trainings focused on early literacy instructional coherence.

(3) REGIONAL LITERACY COACHES. (a) 1. The department shall contract with individuals who demonstrate knowledge and expertise in evidence-based literacy instructional practices and instructional experience in grades 4-year-old kindergarten to 12 to serve as literacy coaches under sub. (2) (a).

2. The department shall contract with individuals who demonstrate knowledge and expertise in early literacy instructional practices and instructional experience in grades 4-year-old kindergarten to one to serve as literacy coaches under sub. (2) (b).

3. The department shall contract for the total number of literacy coaches required under par. (b).

(b) To ensure that literacy coaching services are provided statewide, the department shall assign literacy coaches as follows:

1. To each urban school district, one literacy coach under sub. (2) (a) and one literacy coach under sub. (2) (b).

2. To each CESA region, as follows:

a. If the total number of pupils enrolled in local educational agencies other than urban school districts located in the CESA region in the previous school year was 40,000 or fewer, one literacy coach under sub. (2) (a) and one literacy coach under sub. (2) (b).

b. If the total number of pupils enrolled in local educational agencies other than urban school districts located in the CESA region in the previous school year was 40,001 to 80,000, 2 literacy coaches under sub. (2) (a) and 2 literacy coaches under sub. (2) (b).

c. If the total number of pupils enrolled in local educational agencies other than urban school districts located in the CESA region in the previous school year was

80,001 to 120,000, 3 literacy coaches under sub. (2) (a) and 3 literacy coaches under sub. (2) (b).

d. If the total number of pupils enrolled in local educational agencies other than urban school districts located in the CESA region in the previous school year was greater than 120,000, 4 literacy coaches under sub. (2) (a) and 4 literacy coaches under sub. (2) (b).

(4) PARTICIPATION; LOCAL EDUCATIONAL AGENCIES. (a) Except as provided in par. (b), the department may not require a local educational agency to participate in the program under sub. (2).

(b) Each urban school district shall participate in the program under sub. (2).

(5) PAYMENTS. (a) From the appropriation under s. 20.255 (2) (er), the department shall pay to each urban school district and each local educational agency that elects to work with a literacy coach under sub. (2) (a) an annual payment of \$7,000.

(b) From the appropriation under s. 20.255 (2) (er), the department shall pay to each urban school district and each local educational agency that participates in a regional training led by a literacy coach under sub. (2) (b) an annual payment of \$6,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1222/P3
FFK:cjs/cdc/skw

DOA:.....Kretschmann, BB0236 - Personal Financial Literacy Grants
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Financial literacy curriculum grants

This bill requires DPI to awards grants to school boards and independent charter schools for the purpose of developing, implementing, or improving financial literacy curricula. The bill further requires DPI to prioritize grants that support innovative financial literacy curricula. Current law requires school boards to adopt academic standards for financial literacy and incorporate financial literacy instruction into the curriculum in grades kindergarten to 12.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1616. 20.255 (2) (ef) of the statutes is created to read:

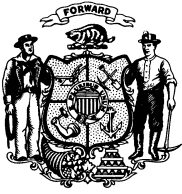
20.255 (2) (ef) *Personal financial literacy grants.* Biennially, the amounts in the schedule for financial literacy curriculum grants under s. 115.28 (72).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1617. 115.28 (72) of the statutes is created to read:

115.28 (72) FINANCIAL LITERACY CURRICULUM GRANT PROGRAM. Award grants to school boards and charter schools established under s. 118.40 (2r) or (2x) for the purpose of developing, implementing, or improving financial literacy curricula. In awarding grants under this subsection, the state superintendent shall prioritize grant applications related to innovative financial literacy curricula, as determined by the state superintendent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1223/P2
FFK:cjs

DOA:.....Kretschmann, BB0238 - Seal of Biliteracy

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Seal of biliteracy

This bill requires DPI to annually award grants to school boards and independent charter schools to reimburse them for the costs of the assessments necessary for pupils to earn a state seal of biliteracy and costs to train instructional staff to conduct these assessments. The bill also provides express authority for DPI to establish a state seal of biliteracy for high school pupils who demonstrate through various assessments advanced achievement in bilingualism, biliteracy, and sociocultural competence. Currently, 14 school districts participate in a state seal of biliteracy program administered by DPI.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1618. 20.255 (1) (fc) of the statutes is created to read:

20.255 (1) (fc) *Seal of biliteracy*. The amounts in the schedule for grants under s. 115.28 (67).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1619. 115.28 (67) of the statutes is created to read:

115.28 (67) SEAL OF BILITERACY. From the appropriation under s. 20.255 (1) (fc), annually award grants to reimburse school boards and charter schools established under s. 118.40 (2r) or (2x) for the costs of assessments required for pupils to be eligible for a state seal of biliteracy under s. 115.29 (9) and costs related to training instructional staff to conduct the assessments.

SECTION 1620. 115.29 (9) of the statutes is created to read:

115.29 (9) STATE SEAL OF BILITERACY. Establish a state seal of biliteracy to recognize high school pupils who demonstrate through various assessments advanced achievement in bilingualism, biliteracy, and sociocultural competence.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1224/P1
CMH:amn

DOA:.....Schmidt, BB0138 - Gunfire Detection Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Name of Shot Spotter Program

Under current law, DOJ provides money to the Shot Spotter Program in the city of Milwaukee. This bill changes the name of the program to the “Gunfire Detection Program.”

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1621. 20.455 (2) (cv) of the statutes is amended to read:

20.455 (2) (cv) *Shot Spotter Gunfire Detection Program.* The amounts in the schedule for the Shot Spotter Gunfire Detection Program in the city of Milwaukee.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1225/P1
MPG&MDE:cjs

DOA:.....Quinn, BB0151 - WEDC Fund Balance Policy

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

WEDC's unassigned fund balance

Current law requires that WEDC establish policies and procedures concerning its unassigned fund balance, which is defined as all moneys held by WEDC that WEDC is not obligated by law or by contract to expend for a particular purpose or that WEDC has not otherwise assigned to be expended for a particular purpose. Under current law, those policies and procedures must include as a target that WEDC's unassigned fund balance on June 30 of each fiscal year be an amount equal to or less than one-sixth of WEDC's total administrative expenditures for that fiscal year. This bill eliminates the requirement that WEDC's policies and procedures include that target for WEDC's unassigned fund balance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1622. 238.03 (4) (b) (intro.) of the statutes is renumbered 238.03 (4)

(b) and amended to read:

238.03 (4) (b) The board shall establish policies and procedures for maintaining and expending any unassigned balance ~~that satisfy all of the following requirements:~~

SECTION 1623. 238.03 (4) (b) 1. of the statutes is renumbered 238.03 (4) (bm) and amended to read:

238.03 (4) (bm) The policies and procedures established under par. (b) shall be consistent with best practices recommended by the Government Finance Officers Association.

SECTION 1624. 238.03 (4) (b) 2. of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1226/P3
FFK:cjs&kms

DOA:.....Sherwin, BB0225 - GPR TEACH Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

TEACH program; general purpose revenue funding

Under current law, DOA administers the Technology for Educational Achievement program, known as TEACH. The TEACH program offers telecommunications access to school districts, private schools, cooperative educational service agencies, technical college districts, independent charter school authorizers, juvenile correctional facilities, private and tribal colleges, and public library boards at discounted rates. Currently, the TEACH program is funded from the universal service fund. This bill provides additional general purpose revenue for the TEACH program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1625. 20.505 (4) (c) of the statutes is created to read:

20.505 (4) (c) *Telecommunications access for educational agencies.* Biennially, the amounts in the schedule to make payments to telecommunications providers under contracts under s. 16.971 (13), (14), and (15) to the extent that the amounts due are not paid from the appropriation under sub. (1) (is), and to make payments to telecommunications providers under contracts under s. 16.971 (16) to the extent that the amounts due are not paid from the appropriation under sub. (1) (kL).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1232/P1
FFK:cjs

DOA:.....Sherwin, BB0242 - TEACH IT Infrastructure Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Information technology infrastructure grant program

This bill repeals the obsolete information technology infrastructure grant program. DOA administered the grant program beginning in the 2017-18 fiscal year and ending in the 2020-2021 fiscal year. Under the grant program, DOA awarded grants on a competitive basis to eligible school districts and to eligible public libraries for the purpose of improving information technology infrastructure. Current law prohibits DOA from awarding these grants after June 30, 2021.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1626. 16.9945 of the statutes is repealed.

SECTION 1627. 20.505 (4) (s) of the statutes is amended to read:

20.505 (4) (s) *Telecommunications access for educational agencies; infrastructure grants.* Biennially, from the universal service fund, the amounts in

the schedule to make payments to telecommunications providers under contracts under s. 16.971 (13), (14), and (15) to the extent that the amounts due are not paid from the appropriation under sub. (1) (is), and to make payments to telecommunications providers under contracts under s. 16.971 (16) to the extent that the amounts due are not paid from the appropriation under sub. (1) (kL), ~~and to make information technology infrastructure grants under s. 16.9945.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1628. 196.218 (5) (a) 12. of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1233/P1
MCP:amn

DOA:.....Potts, BB0220 - Ban on coal-tar based sealants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

GENERAL ENVIRONMENT

Ban on coal tar-based sealants

This bill prohibits the sale of coal tar-based sealant products and high PAH sealant products (products with more than 0.1 percent polycyclic aromatic hydrocarbons by weight) beginning January 1, 2024, and prohibits the use of such products beginning July 1, 2024. A person who violates these prohibitions is subject to the same penalty that applies under current law to other general environmental provisions, which is a forfeiture of between \$10 and \$5,000 for each violation.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1629. 299.44 of the statutes is created to read:

299.44 Sale and use of coal tar sealants. (1) DEFINITIONS. In this section:

(a) “Coal tar sealant product” means a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) number 65996-93-2, 65996-89-6, or 8007-45-2.

(b) “High PAH sealant product” means a surface-applied sealing product that contains more than 0.1 percent polycyclic aromatic hydrocarbons by weight.

(2) PROHIBITIONS. (a) Beginning January 1, 2024, no person may sell or offer for sale a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).

(b) Beginning July 1, 2024, no person may apply a coal tar sealant product or high PAH sealant product, except as provided in sub. (3).

(3) EXEMPTIONS. The department may grant an exemption to the prohibitions under sub. (2) to any of the following upon written request:

(a) A person who is researching the effects of a coal tar sealant product or high PAH sealant product on the environment.

(b) A person who is developing an alternative technology if the use of a coal tar sealant product or high PAH sealant product is required for research or development.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1234/P2
KP:cjs

DOA:.....Quinn, BB0240 - Increase retirement income exclusion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Increasing retirement income subtraction and expanding eligibility

This bill increases and expands the individual state income tax subtraction, or deduction, for payments or distributions received from qualified retirement plans under the Internal Revenue Code or from certain individual retirement accounts. Under the bill, beginning in tax year 2023, up to \$5,500 of payments or distributions received from qualified retirement plans or certain individual retirement accounts may be subtracted annually from an individual's taxable income. In addition, the bill expands eligibility for claiming the subtraction to individuals at least 65 years old having a federal adjusted gross income under \$30,000, or under \$60,000 if married.

Under current law, up to \$5,000 of payments or distributions received by certain individuals from qualified retirement plans or from certain individual retirement accounts may be subtracted. To be eligible, the individual must be at least 65 years old and have federal adjusted gross income under \$15,000, or under \$30,000 if married.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1630. 71.05 (1) (am) of the statutes is amended to read:

71.05 (1) (am) *Military retirement systems.* All retirement payments received from the U.S. military employee retirement system, to the extent that such payments are not exempt under par. (a) or sub. (6) (b) 54. or 54m.

SECTION 1631. 71.05 (1) (an) of the statutes is amended to read:

71.05 (1) (an) *Uniformed services retirement benefits.* All retirement payments received from the U.S. government that relate to service with the coast guard, the commissioned corps of the national oceanic and atmospheric administration, or the commissioned corps of the public health service, to the extent that such payments are not exempt under par. (a) or (am) or sub. (6) (b) 54. or 54m.

SECTION 1632. 71.05 (6) (b) 54. (intro.) of the statutes is amended to read:

71.05 (6) (b) 54. (intro.) Except for a payment that is exempt under sub. (1) (a), (am), or (an), or that is exempt as a railroad retirement benefit, for taxable years beginning after December 31, 2020, and before January 1, 2023, up to \$5,000 of payments or distributions received each year by an individual from a qualified retirement plan under the Internal Revenue Code or from an individual retirement account established under 26 USC 408, if all of the following conditions apply:

SECTION 1633. 71.05 (6) (b) 54m. of the statutes is created to read:

71.05 (6) (b) 54m. Except for a payment that is exempt under sub. (1) (a), (am), or (an), or that is exempt as a railroad retirement benefit, for taxable years beginning after December 31, 2022, up to \$5,500 of payments or distributions received each

year by an individual from a qualified retirement plan under the Internal Revenue Code or from an individual retirement account established under 26 USC 408, if all of the following conditions apply:

a. The individual is at least 65 years of age before the close of the taxable year to which the exemption claim relates.

b. If the individual is single or files as head of household, his or her federal adjusted gross income in the year to which the exemption claim relates is less than \$30,000.

c. If the individual is married and is a joint filer, the couple's federal adjusted gross income in the year to which the exemption claim relates is less than \$60,000.

d. If the individual is married and files a separate return, the sum of both spouses' federal adjusted gross income in the year to which the exemption claim relates is less than \$60,000.

SECTION 1634. 71.83 (1) (a) 6. of the statutes is amended to read:

71.83 (1) (a) 6. 'Retirement plans.' Any natural person who is liable for a penalty for federal income tax purposes under section 72 (m) (5), (q), (t), and (v), 4973, 4974, 4975, or 4980A of the Internal Revenue Code is liable for 33 percent of the federal penalty unless the income received is exempt from taxation under s. 71.05 (1) (a) or (6) (b) 54. or 54m. The penalties provided under this subdivision shall be assessed, levied, and collected in the same manner as income or franchise taxes.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1235/P2

KP:emw

DOA:.....Quinn, BB0241 - Increase disability income exclusion

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Increasing disability income subtraction and expanding eligibility

This bill increases and expands the individual state income tax subtraction, or deduction, for disability payments received by a person under the age of 65 who is retired and who is permanently and totally disabled. Under the bill, beginning in tax year 2023, up to \$5,500 of disability payments may be subtracted annually from an individual's taxable income. In addition, the bill expands eligibility for claiming the subtraction to individuals having a federal adjusted gross income under \$30,000 or under \$60,000 if married.

Under current law, up to \$5,000 of disability payments may be subtracted, and to be eligible, a person must have federal adjusted gross income under \$20,200 or under \$25,400 if married and both spouses are disabled.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1635. 71.05 (6) (b) 4. (intro.) of the statutes is amended to read:

71.05 (6) (b) 4. (intro.) Disability For taxable years beginning before January 1, 2023, disability payments other than disability payments that are paid from a retirement plan, the payments from which are exempt under subd. subds. 54. and 54m. and sub. (1) (am) and (an), if the individual either is single or is married and files a joint return and is under 65 years of age before the close of the taxable year to which the subtraction relates, retired on disability, and, when the individual retired, was permanently and totally disabled. In this subdivision, “permanently and totally disabled” means an individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered permanently and totally disabled for purposes of this subdivision unless proof is furnished in such form and manner, and at such times, as prescribed by the department. The exclusion under this subdivision shall be determined as follows:

****NOTE: This is reconciled s. 71.05 (6) (b) 4. (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1235/P1 and -1234/P1.

SECTION 1636. 71.05 (6) (b) 4m. of the statutes is created to read:

71.05 (6) (b) 4m. For taxable years beginning after December 31, 2022, disability payments other than disability payments that are paid from a retirement plan, the payments from which are exempt under subds. 54. and 54m. and sub. (1)

(am) and (an), if the individual is under 65 years of age before the close of the taxable year to which the subtraction relates, retired on disability, and, when the individual retired, was permanently and totally disabled. In this subdivision, “permanently and totally disabled” means an individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered permanently and totally disabled for purposes of this subdivision unless proof is furnished in such form and manner, and at such times, as prescribed by the department. The exclusion under this subdivision shall be determined as follows:

a. If the individual is single or files as a head of household and the individual’s federal adjusted gross income in the year to which the subtraction relates is less than \$30,000, the maximum subtraction is \$5,500 or the amount of disability pay reported as income, whichever is less.

b. If the individual is married and is a joint filer and the couple’s federal adjusted gross income in the year to which the subtraction relates is less than \$60,000, the maximum subtraction is \$5,500 per spouse that is disabled or the amount of disability pay reported as income, whichever is less.

c. If the individual is married and files a separate return and the sum of both spouses’ federal adjusted gross income in the year to which the subtraction relates is less than \$60,000, the maximum subtraction is \$5,500 or the amount of disability pay reported as income, whichever is less.

***NOTE: This is reconciled s. 71.05 (6) (b) 4m. This SECTION has been affected by drafts with the following LRB numbers: -1235/P1 and -1234/P1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1240/P3
EAW:cdc&emw

DOA:.....Kretschmann, BB0235 - Out-of-school-time grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Out-of-school-time program grants

This bill creates a grant program under which DPI must award grants to school boards and organizations to support high-quality after-school programs and other out-of-school-time programs that provide services to school-age children.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1637. 20.255 (2) (dk) of the statutes is created to read:

20.255 (2) (dk) *Out-of-school-time programs; grants.* As a continuing appropriation, the amounts in the schedule for out-of-school-time program grants under s. 115.449.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1638. 115.449 of the statutes is created to read:

115.449 Out-of-school-time programs; grants. (1) In this section, “out-of-school-time program” means any of the following:

(a) A program that provides programming, activities, learning support, and supervision for pupils in grades kindergarten to 12 before school, after school, or both before and after school.

(b) A day camp licensed by the department of children and families.

(c) A recreational or educational camp licensed by the department of agriculture, trade and consumer protection or a local health department under s. 97.67.

(d) A program that the department determines will help program participants make progress in the following goals as appropriate for age groups served:

1. Developing a sense of connection to school and their place in it.
2. Improving academic outcomes, including homework completion, grades, and study behaviors.
3. College graduation and career readiness.
4. Reducing rates of participation in risky behaviors through access to a safe and welcoming environment during out-of-school-time hours.
5. Improving social and emotional skills and accessing opportunities to demonstrate leadership.
6. Accessing experiences and opportunities that contribute to the development of the whole child, such as civic engagement and community service.

(2) Beginning in the 2024-25 school year, from the appropriation under s. 20.255 (2) (dk), the department shall award grants to school boards, charter schools established under s. 118.40 (2r) or (2x), and organizations to support high-quality after-school programs and other out-of-school-time programs that provide services to school-age children.

(3) The department may promulgate rules to implement and administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1241/P1
EAW:emw

DOA:.....Kretschmann, BB0237 - General Education Development Test Fee
Payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

GED test fee payments

This bill requires DPI to pay the \$30 testing service fee for an eligible individual who takes a content area test given under the general educational development test (commonly called the GED test). The GED test consists of four separate content area tests that cover mathematical reasoning, reasoning through language arts, social studies, and science. Under the bill, DPI will pay for an eligible individual to take all four content area tests once in each calendar year.

In order to be eligible for the payment, an individual must satisfy DPI's requirements to receive a Certificate of General Educational Development or a High School Equivalency Diploma. Among other things, DPI requires that the individual meet certain residency and minimum age requirements and attend a counseling session. The individual also must obtain a passing score on a GED practice test for the content area (commonly called a GED Ready practice test).

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1639. 20.255 (3) (bm) of the statutes is created to read:

20.255 (3) (bm) *General educational development test fee payments.* A sum sufficient for payments to GED Testing Service LLC under s. 115.28 (66) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1640. 115.28 (66) of the statutes is created to read:

115.28 (66) GENERAL EDUCATIONAL DEVELOPMENT TEST FEE PAYMENTS. (a) Subject to pars. (b) and (c), from the appropriation under s. 20.255 (3) (bm), pay to GED Testing Service LLC the \$30 testing service fee for an eligible individual who takes a content area test given under the general educational development test. In this subsection, “eligible individual” means an individual who satisfies all of the following conditions before taking the content area test:

1. The individual meets the eligibility requirements promulgated by the department by rule for a high school equivalency diploma or certificate of general educational development.

2. The individual takes and receives a passing score on a practice test for the content area that is developed by GED Testing Service LLC.

(b) For each eligible individual under par. (a), pay for no more than one testing service fee for each content area test taken in a calendar year.

(c) Pay the testing service fee for a content area test under par. (a) only if the eligible individual takes the test on or after January 1, 2024, at a testing site in this state that is approved by the state superintendent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1242/P1
CMH:cjs

DOA:.....Schmidt, BB0140 - Extreme risk protection orders

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

Extreme risk protection injunctions

Under current law, a person is prohibited from possessing a firearm, and must surrender all firearms, if the person is subject to a domestic abuse injunction, a child abuse injunction, or, in certain cases, a harassment or an individuals-at-risk injunction. If a person surrenders a firearm because the person is subject to one of those injunctions, the firearm may not be returned to the person until a court determines that the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm. A person who is prohibited from possessing a firearm under such an injunction is guilty of a Class G felony for violating the prohibition.

This bill creates an extreme risk protection temporary restraining order and injunction to prohibit a person from possessing a firearm. Under the bill, either a law enforcement officer or a family or household member of the person may file a petition with a court to request an extreme risk protection injunction. The petition must allege facts that show that the person is substantially likely to injure himself or herself or another if the person possesses a firearm.

Under the bill, the petitioner may request the court to consider first granting a temporary restraining order. If the petitioner requests a TRO, the petitioner must include evidence that there is an immediate and present danger that the person may

injure himself or herself or another if the person possesses a firearm and that waiting for the injunction hearing increases the immediate and present danger.

If the petitioner requests a TRO, the court must hear the petition in an expedited manner. The judge must issue a TRO if, after questioning the petitioner and witnesses or relying on affidavits, the judge determines that it is substantially likely that the petition for an injunction will be granted and the judge finds good cause to believe there is an immediate and present danger that the person will injure himself or herself or another if the person has a firearm and that waiting for the injunction hearing may increase the immediate and present danger. If the judge issues a TRO, the TRO is in effect until the injunction hearing, which must occur within 14 days. The TRO must require a law enforcement officer to personally serve the person with the order and to require the person to immediately surrender all firearms in his or her possession. If a law enforcement officer is unable to personally serve the person, then the TRO requires the person to surrender within 24 hours all firearms to a law enforcement officer or a firearms dealer and to provide the court a receipt indicating the surrender occurred.

At the injunction hearing, the court may grant an extreme risk protection injunction ordering the person to refrain from possessing a firearm and, if the person was not subject to a TRO, to surrender all firearms he or she possesses if the court finds by clear and convincing evidence that the person is substantially likely to injure himself or herself or another if the person possesses a firearm. An extreme risk protection injunction is effective for up to one year and may be renewed. A person who is subject to an extreme risk protection injunction may petition to vacate the injunction. If a person surrenders a firearm because the person is subject to an extreme risk protection TRO or injunction, the firearm may not be returned to the person until a court determines that the TRO has expired or the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm.

A person who possesses a firearm while subject to an extreme risk protection TRO or injunction is guilty of a Class G felony. In addition, a person who files a petition for an extreme risk protection injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1641. 165.63 (3) of the statutes is amended to read:

165.63 (3) REQUESTS FROM COURTS. In making a determination required under s. 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1., a judge or court commissioner shall request information under sub. (2) from the department or from a law enforcement agency or law enforcement officer as provided in sub. (4) (d).

SECTION 1642. 165.63 (4) (d) of the statutes is amended to read:

165.63 (4) (d) Aid the court in making a determination required under s. 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1. or aid an entity in making a determination required under s. 968.20 (1m) (d) 2.

SECTION 1643. 175.35 (1) (at) of the statutes is amended to read:

175.35 (1) (at) “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29. “Firearms restrictions record search” includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check system to determine whether a person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 813.128 (3g), a search to determine whether the person is subject to a temporary restraining order or injunction under s. 813.124, and

a search to determine whether the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m).

SECTION 1644. 175.60 (9g) (a) 2. of the statutes is amended to read:

175.60 **(9g)** (a) 2. The department shall conduct a criminal history record search and shall search its records and conduct a search in the national instant criminal background check system to determine whether the applicant is prohibited from possessing a firearm under federal law; whether the applicant is prohibited from possessing a firearm under s. 941.29; whether the applicant is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 813.128 (3g); whether the applicant is subject to a temporary restraining order or injunction under s. 813.124; and whether the applicant is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m); and to determine if the court has prohibited the applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from possessing a dangerous weapon as a condition of release under s. 969.01.

SECTION 1645. 175.60 (11) (a) 2. f. of the statutes is amended to read:

175.60 (11) (a) 2. f. The individual becomes subject to an a temporary restraining order or injunction described in s. 941.29 (1m) (f) or is ordered not to possess a firearm under s. 813.123 (5m) or 813.125 (4m).

SECTION 1646. 801.50 (5sb) of the statutes is created to read:

801.50 (5sb) Venue of an action under s. 813.124 shall be in the county in which the cause of action arose or where the petitioner or the respondent resides.

SECTION 1647. 801.58 (2m) of the statutes is amended to read:

801.58 (2m) If, under sub. (2), the judge determines that the request for substitution was made timely and in proper form, any ex parte order granted by the original judge remains in effect according to the terms, except that a temporary restraining order issued under s. 813.12 (3), 813.122 (4), 813.123 (4), 813.124 (2t), or 813.125 (3) by the original judge is extended until the newly assigned judge holds a hearing on the issuance of an injunction. The newly assigned judge shall hear any subsequent motion to modify or vacate any ex parte order granted by the original judge.

SECTION 1648. 813.06 of the statutes is amended to read:

813.06 Security for damages. In proceedings under s. 767.225 the court or judge may, and in all other proceedings except proceedings under ss. 813.12, 813.122, 813.124, 813.125 and 823.113 the court or judge shall, require a bond of the party seeking an injunction, with sureties, to the effect that he or she will pay to the party enjoined such damages, not exceeding an amount to be specified, as he or she may sustain by reason of the injunction if the court finally decides that the party was not entitled thereto. Copies of such bond, affidavit or other pleading shall be served upon the party enjoined and the officer serving the same shall, within 8 days after such service, file his or her return in the office of the clerk of the court.

SECTION 1649. 813.124 of the statutes is created to read:

813.124 Extreme risk protection temporary restraining orders and injunctions. (1) DEFINITIONS. In this section:

(a) “Family or household member” means any of the following:

1. A person related by blood, adoption, or marriage to the respondent.
2. A person with whom the respondent has or had a dating relationship, as defined in s. 813.12 (1) (ag), or with whom the respondent has a child in common.
3. A person who resides with, or within the 6 months before filing a petition, had resided with, the respondent.
4. A domestic partner under ch. 770 of the respondent.
5. A person who is acting or has acted as the respondent’s legal guardian or who is or was a foster parent or other physical custodian described in s. 48.62 (2) of the respondent.
6. A person for whom the respondent is acting or has acted as a legal guardian or for whom the respondent is or was the foster parent or other physical custodian described in s. 48.62 (2).

(b) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

(c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(2) COMMENCEMENT OF ACTION AND RESPONSE. No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (4) (a).

(2m) PROCEDURE. Procedure for an action under this section is as follows:

(a) If the petitioner requests an extreme risk protection temporary restraining order, the court shall consider the request as provided under sub. (2t). If the court issues a temporary restraining order, the court shall set forth the date, which must

be within 14 days of issuing the temporary restraining order, for the hearing on the injunction and shall forward a copy of the temporary restraining order, the injunction hearing date, and the petition to the appropriate law enforcement agency with jurisdiction over the respondent's residence. The law enforcement agency shall immediately, or as soon as practicable, serve it on the respondent. If personal service cannot be effected upon the respondent, the court may order other appropriate service.

(b) The court shall hold a hearing under sub. (3) on whether to issue an extreme risk protection injunction, which is the final relief. If there was no temporary restraining order, the respondent shall be served notice of the petition by a law enforcement officer and the date for the hearing shall be set upon motion by either party. If personal service cannot be effected upon the respondent, the court may order other appropriate service. The service shall include the name of the respondent and of the petitioner, and, if known, notice of the date, time, and place of the injunction hearing.

(c) When the respondent is served under this subsection, the respondent shall be provided notice of the requirements and penalties under s. 941.29.

(2t) EXTREME RISK PROTECTION TEMPORARY RESTRAINING ORDER. (a) A judge shall issue an extreme risk protection temporary restraining order under this subsection prohibiting the respondent from possessing a firearm and ordering the respondent to surrender all firearms in the respondent's possession if all of the following occur:

1. A petitioner files a petition alleging the elements under sub. (4) (a), and requests a temporary restraining order. The petition requesting a temporary restraining order shall be heard by the court in an expedited manner. The judge shall

examine under oath the petitioner and any witness the petitioner may produce or may rely on an affidavit submitted in support of the petition.

2. The judge finds all of the following:

a. Substantial likelihood that the petition for an injunction will be successful.

b. Good cause to believe that there is an immediate and present danger that the respondent may injure himself or herself or another person if the respondent possesses a firearm and that waiting for the injunction hearing may increase the immediate and present danger.

(b) A temporary restraining order issued under this subsection shall remain in effect until a hearing is held on issuance of an injunction under sub. (3). Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered against only the respondent named in the petition and may not be renewed or extended.

(c) A temporary restraining order issued under this subsection shall inform the respondent named in the petition of the requirements and penalties under s. 941.29.

(d) The temporary restraining order issued under this subsection shall require one of the following:

1. If a law enforcement officer is able to personally serve the respondent with the order, the officer to require the respondent to immediately surrender all firearms in the respondent's possession.

2. If a law enforcement officer is not able to personally serve the respondent with the order, the respondent to, within 24 hours of service, surrender all firearms in the respondent's possession to a law enforcement officer or transfer or sell all firearms in the respondent's possession to a firearms dealer. Within 48 hours of service, the respondent shall file with the court that issued the order under this

subsection a receipt indicating that the respondent surrendered, transferred, or sold the firearms. The receipt must include the date on which each firearm was surrendered, transferred, or sold and the manufacturer, model, and serial number of each firearm and must be signed by either the law enforcement officer to whom the firearm was surrendered or the firearms dealer to whom the firearm was transferred or sold.

(3) EXTREME RISK PROTECTION INJUNCTION. (a) The court shall hold a hearing on whether to issue an extreme risk protection injunction, which is the final relief. At the hearing, a judge may grant an injunction prohibiting the respondent from possessing a firearm and, if there was no temporary restraining order under sub. (2t), ordering the respondent to surrender all firearms in the respondent's possession if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (4) (a).

2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.

3. The judge finds by clear and convincing evidence that the respondent is substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

(b) The judge may enter an injunction against only the respondent named in the petition.

(c) 1. Unless a judge vacates the injunction under par. (d), an injunction under this subsection is effective for a period determined by the judge that is no longer than one year.

2. When an injunction expires, the court shall extend the injunction, upon petition, for up to one year if the judge finds by clear and convincing evidence that the respondent is still substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

(d) A respondent who is subject to an injunction issued under this subsection may request in writing a judge to vacate the injunction one time during any injunction period. If a respondent files a request under this paragraph, the petitioner shall be notified of the request before the judge considers the request. The judge shall vacate the injunction if the respondent demonstrates by clear and convincing evidence that the respondent is no longer substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

(e) An injunction issued under this subsection shall inform the respondent named in the petition of the requirements and penalties under s. 941.29.

(4) PETITION. (a) The petition shall allege facts sufficient to show the following:

1. The name of the petitioner and, unless the petitioner is a law enforcement officer, how the petitioner is a family or household member of the respondent.

2. The name of the respondent.

3. That the respondent is substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

4. If the petitioner knows, the number, types, and locations of any firearms that the respondent possesses.

5. If requesting a temporary restraining order, evidence of an immediate and present danger that the respondent may injure himself or herself or another person if the respondent possesses a firearm and that waiting for the injunction hearing may increase the immediate and present danger.

(b) The clerk of the circuit court shall provide simplified forms to help a person file a petition.

(c) Only the following persons may file a petition under this section:

1. A law enforcement officer.
2. A family or household member of the respondent.

(5) ENFORCEMENT ASSISTANCE. (a) 1. If a temporary restraining order is issued under sub. (2t) or an injunction is issued, extended, or vacated under sub. (3), the clerk of the circuit court shall notify the department of justice of the action and shall provide the department of justice with information concerning the period during which the order or injunction is in effect or the date on which the injunction is vacated and with information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only to respond to a request under s. 165.63 or as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.

(b) Within one business day after a temporary restraining order is issued under sub. (2t) or an injunction is issued, extended, or vacated under sub. (3), the clerk of the circuit court shall send a copy of the temporary restraining order, of the injunction, or of the order extending or vacating an injunction, to the sheriff or to any other local law enforcement agency that is the central repository for injunctions and that has jurisdiction over the petitioner's premises.

(c) No later than 24 hours after receiving the information under par. (b), the sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information concerning a temporary restraining order issued under sub. (2t) or concerning an injunction issued, extended, or vacated under sub. (3) into the transaction information for management of enforcement system. The sheriff or other appropriate local law enforcement agency shall also make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.

(d) 1. The court may schedule a hearing to surrender firearms for any reason relevant to the surrender of firearms.

2. If the respondent does not comply with an order issued at a hearing to surrender firearms, or a law enforcement officer has probable cause to believe that the respondent possesses a firearm, the law enforcement officer shall request a search warrant to seize the firearms and may use information contained in the petition to establish probable cause.

(6) PENALTY FOR FALSE SWEARING. Whoever files a petition under this section knowing the information in the petition to be false is subject to the penalty for false swearing under s. 946.32 (1).

(7) RETURN OF FIREARMS AND FORM. (a) A firearm surrendered under this section may not be returned to the respondent until the respondent completes a petition for the return of firearms under par. (c) and a judge or circuit court commissioner determines all of the following:

1. If a temporary restraining order was issued, that the temporary restraining order has expired and no injunction has been issued.

2. If an injunction was issued, that the injunction has been vacated or has expired and not been extended.

3. That the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief. The judge or commissioner shall use the information provided under s. 165.63 to aid in making the determination under this subdivision.

(b) If a respondent surrenders under this section a firearm that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.2905.

(c) The director of state courts shall develop a petition for the return of firearms form that is substantially the same as the form under s. 813.1285 (5) (b).

(8) NOTICE OF FULL FAITH AND CREDIT. A temporary restraining order issued under sub. (2t) and an injunction issued under sub. (3) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state, and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.

SECTION 1650. 813.126 (1) of the statutes is amended to read:

813.126 (1) TIME LIMITS FOR DE NOVO HEARING. If a party seeks to have the judge conduct a hearing de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court commissioner in an action under s. 813.12, 813.122, 813.123, 813.124, or 813.125, including a denial of a request for a temporary restraining order, the motion requesting the hearing must be filed with the court within 30 days after the circuit court commissioner issued the determination, order, or ruling. The court shall hold the de novo hearing within 30 days after the motion requesting the hearing is filed with the court unless the court finds good cause for an extension. Any determination, order, or ruling entered by a court commissioner in an action under s. 813.12, 813.122, 813.123, 813.124, or 813.125 remains in effect until the judge in the de novo hearing issues his or her final determination, order, or ruling.

SECTION 1651. 813.127 of the statutes is amended to read:

813.127 Combined actions; domestic abuse, child abuse, extreme risk protection, and harassment. A petitioner may combine in one action 2 or more petitions under one or more of the provisions in ss. 813.12, 813.122, 813.124, and 813.125 if the respondent is the same person in each petition. In any such action, there is only one fee applicable under s. 814.61 (1) (a). In any such action, the

hearings for different types of temporary restraining orders or injunctions may be combined.

SECTION 1652. 813.128 (2g) (b) of the statutes is amended to read:

813.128 **(2g)** (b) A foreign protection order or modification of the foreign protection order that meets the requirements under this section has the same effect as an order issued under s. 813.12, 813.122, 813.123, 813.124, or 813.125, except that the foreign protection order or modification shall be enforced according to its own terms.

SECTION 1653. 941.29 (1m) (f) of the statutes is amended to read:

941.29 **(1m)** (f) The person is subject to an injunction issued under s. 813.12 or 813.122, a temporary restraining order or an injunction issued under s. 813.124, or ~~under~~ a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under this section and that has been filed under s. 813.128 (3g).

SECTION 9107. Nonstatutory provisions; Circuit Courts.

(1) **EXTREME RISK PROTECTION ORDERS; INTENT STATEMENT.** The intent of s. 813.124 is to implement a state crisis intervention court proceeding in the form of an extreme risk protection order program that is eligible for federal grants under 34 USC 10152 (a) (1) (I) (iv).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1243/P2
CMH&MIM:emw

DOA:.....Schmidt, BB0204 - Expungement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CRIMES

Expungement

Under current law, a court may order a person's criminal record expunged of a crime if all of the following apply:

1. The maximum term of imprisonment for the crime is six years or less (Class H felony and below).
2. The person committed the crime before the age of 25.
3. The person had not been previously convicted of a felony.
4. The crime was not a violent felony.

Current law specifies that the expungement order must be made only at sentencing and then the record is expunged when the person completes his or her sentence. If the court does not order a criminal record expunged at sentencing, current law generally does not provide for another means to expunge the criminal record.

This bill makes several changes to the expungement process. The bill removes the condition that the person committed the crime before the age of 25. (The bill retains the requirements that the crime be no greater than a Class H felony, the person had no previous felony convictions, and the crime was not a violent felony.) The bill makes certain crimes ineligible for expungement, such as traffic crimes, the crime of violating a domestic abuse restraining order or injunction, criminal

trespass, and criminal damage to a business. The bill also allows the sentencing court to order that a person's record not be eligible for expungement.

The bill continues to allow the court to order at sentencing that the record be expunged when the person completes his or her sentence. The bill also provides that, if the court did not make an order at sentencing, the person may file a petition with the sentencing court after he or she completes his or her sentence. Upon receipt of the petition, the court must review the petition and then may order the record expunged or may deny the petition. If the court denies the petition, the person may not file another petition for two years. The person must pay a \$100 fee to the county for a second petition, and no person may file more than two petitions per crime. The bill limits a person to one expungement. The changes described in this paragraph retroactively apply to persons who were convicted of a crime before the bill takes effect.

The bill provides that, if a record is expunged of a crime, that crime is not considered a conviction for employment purposes and specifies that employment discrimination because of a conviction record includes requesting a person to supply information regarding a crime if the record has been expunged of the crime. Finally, the bill provides that it is not employment discrimination because of conviction record for the Law Enforcement Standards Board to consider a conviction that has been expunged with respect to applying any standard or requirement for the certification, decertification, or required training of law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1654. 111.335 (3) (a) of the statutes is renumbered 111.335 (3) (ar).

SECTION 1655. 111.335 (3) (ah) of the statutes is created to read:

111.335 (3) (ah) 1. Employment discrimination because of conviction record includes, but is not limited to, requesting an applicant, employee, member, licensee, or any other individual, on an application form or otherwise, to supply information regarding a crime the record of which has been expunged under s. 973.015. A request to supply information regarding criminal convictions shall not be construed as a request to supply information regarding a crime the record of which has been expunged under s. 973.015.

2. Notwithstanding par. (ar) 1., and except as provided in par. (g), it is employment discrimination because of conviction record for an employer or licensing agency to engage in any act of employment discrimination specified in s. 111.322 on the basis of a conviction the record of which has been expunged under s. 973.015. This subdivision does not apply to the extent that its application conflicts with federal law.

SECTION 1656. 111.335 (3) (g) of the statutes is created to read:

111.335 (3) (g) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record for the law enforcement standards board to refuse to certify, recertify, or allow to participate in a preparatory training program or to decertify under s. 165.85 an individual who has a conviction the record of which has been expunged under s. 973.015.

SECTION 1657. 111.335 (4) (b) of the statutes is amended to read:

111.335 (4) (b) It is employment discrimination because of conviction record for a licensing agency to refuse to license any individual under sub. (3) ~~(a)~~ (ar) 1. or to bar or terminate an individual from licensing under sub. (3) ~~(a)~~ (ar) 1. because the individual was adjudicated delinquent under ch. 938 for an offense other than an exempt offense.

SECTION 1658. 111.335 (4) (c) 1. (intro.) of the statutes is amended to read:

111.335 (4) (c) 1. (intro.) If a licensing agency refuses to license an individual under sub. (3) ~~(a)~~ (ar) 1. or bars or terminates an individual from licensing under sub. (3) ~~(a)~~ (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

SECTION 1659. 111.335 (4) (e) of the statutes is amended to read:

111.335 (4) (e) A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate an individual from licensure

under sub. (3) ~~(a)~~ (ar) 1. shall publish on the agency's Internet site a document indicating the offenses or kinds of offenses that may result in such a refusal, bar, or termination.

SECTION 1660. 111.335 (4) (f) 1. of the statutes is amended to read:

111.335 **(4)** (f) 1. A state licensing agency that may refuse to license individuals under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate individuals from licensing under sub. (3) ~~(a)~~ (ar) 1. shall allow an individual who does not possess a license to, without submitting a full application and without paying the fees applicable to applicants, apply to the agency for a determination of whether the individual would be disqualified from obtaining the license due to his or her conviction record.

SECTION 1661. 950.04 (1v) (g) of the statutes is amended to read:

950.04 **(1v)** (g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6), 938.27 (4m) and (6), 938.273 (2), 971.095 (3) ~~and~~, 972.14 (3) (b), and 973.015 (1m) (c).

SECTION 1662. 973.015 (1b) of the statutes is created to read:

973.015 **(1b)** In this section, "record" means a criminal case file.

SECTION 1663. 973.015 (1m) (a) 1. of the statutes is renumbered 973.015 (1m) (a) 1. (intro.) and amended to read:

973.015 **(1m)** (a) 1. (intro.) Subject to subd. 2. ~~and except as provided in subd. 3., when a person is under the age of 25 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum period of imprisonment is 6 years or less, the~~ a court may order at the time of sentencing after a conviction that the record a criminal case be expunged upon successful completion of the sentence if the court determines the person will

~~benefit and society will not be harmed by this disposition.~~ by one of the following methods:

(d) This subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

SECTION 1664. 973.015 (1m) (a) 1. a. and b. of the statutes are created to read:

973.015 (1m) (a) 1. a. Except as provided in subd. 3., the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines that the person has not previously had a record expunged under this section and that the person will benefit and society will not be harmed by this disposition.

b. If at least one year has passed since the person successfully completed his or her sentence, the person may file a petition in the county of conviction requesting that the record be expunged. Upon receipt of the petition, the court shall review the petition to determine if the person is ineligible to petition for expungement because subd. 3. or 4. applies, less than one year has passed since the person successfully completed his or her sentence, there are criminal charges pending against the person, the person has previously had a record expunged under this section, or the person has exceeded the maximum number of petitions allowed under this subd. 1.

b. If the court determines the person is eligible to petition for expungement, the court shall forward the petition to the district attorney. If the district attorney requests a hearing within 90 days after the court forwards the petition, the court shall schedule a hearing to review the petition. If the district attorney waives the hearing or at least 90 days have passed since the court forwarded the petition, the court may review the petition with or without a hearing. If a hearing is scheduled, then if

practicable, the sentencing judge shall be the judge to review the petition. The court may order that the record be expunged if the court determines the person will benefit and society will not be harmed by this disposition. If the court does not order the record be expunged under this subd. 1. b., the person may file a 2nd petition under this subd. 1. b. only if at least 2 years have passed since he or she filed the first petition. No person may file more than 2 petitions per record under this subd. 1. b. For a 2nd petition regarding the same record, the person shall pay to the clerk of circuit court a \$100 fee to be retained for the use of the county.

SECTION 1665. 973.015 (1m) (a) 3. a. of the statutes is amended to read:

973.015 **(1m)** (a) 3. a. A Class H felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. ~~940.32~~, 948.03 (2), (3), or (5) (a) 1., 2., 3., or 4., or 948.095.

SECTION 1666. 973.015 (1m) (a) 3. c., cg., cr. and d. and 4. of the statutes are created to read:

973.015 **(1m)** (a) 3. c. A crime for which the maximum period of imprisonment is more than 6 years.

cg. A violation of s. 940.32 or 943.14 or, if the court noted in the record that the property damaged was a business, a violation of s. 943.01.

cr. A violation of a temporary restraining order or injunction issued under s. 813.12 (3) or (4).

d. A violation of chs. 341 to 348.

4. The court may order at the time of sentencing that the record is ineligible for expungement.

SECTION 1667. 973.015 (1m) (b) of the statutes is amended to read:

973.015 (1m) (b) ~~A~~ For purposes of par. (a), a person has successfully completed the sentence if the person has completed all periods of incarceration, parole, or extended supervision to which he or she was sentenced; the person has paid all fines, costs, fees, surcharges, and restitution assessed and has completed any court-ordered community service; the person has not been convicted of a subsequent offense crime; and, if on probation was imposed, the probation has not been revoked and the probationer has satisfied the conditions of probation. Upon successful completion of the a sentence involving incarceration or probation, the detaining or probationary authority shall issue and forward to the court of record a certificate of discharge which shall be forwarded to the court of record and which shall have the effect of expunging the record that indicates whether the person successfully completed his or her sentence. If the court has ordered the record expunged under par. (a) 1. a. or 2. and the person has successfully completed the sentence, the person's record shall be expunged as ordered. If the person has been imprisoned incarcerated, the detaining authority shall also forward a copy of the certificate of discharge to the department.

SECTION 1668. 973.015 (1m) (c) of the statutes is created to read:

973.015 (1m) (c) Upon receipt of a petition under par. (a) 1. b., the district attorney shall make a reasonable attempt to notify the victim, as defined in s. 950.02 (4), of the petition. In the notice, the district attorney shall inform the victim that he or she may waive the hearing requirement and that, if waived, the court may review the petition without a hearing. The district attorney shall inform the victim of the manner in which he or she may provide written statements concerning the petition and, if the victim does not waive the hearing requirement, that he or she may appear at the hearing. If the victim waives the hearing requirement, the district

attorney may inform the court that there is no objection to waiving the hearing requirement. Notwithstanding the confidentiality of victim address information obtained under s. 302.113 (9g) (g) 3., a district attorney who is required to make a reasonable attempt to notify a victim under this paragraph may obtain from the clerk of the circuit court the victim address information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

SECTION 1669. 973.015 (4) of the statutes is created to read:

973.015 (4) A record of a crime expunged under this section is not considered a conviction for employment purposes or for purposes of the issuance of a license, as defined in s. 111.32 (10), by a licensing agency, as defined in s. 111.32 (11). This subsection does not apply to the extent that its application conflicts with federal law.

SECTION 1670. 973.25 (1) (a) of the statutes is amended to read:

973.25 (1) (a) “Certificate of qualification for employment” means a certificate issued by the council on offender employment that provides an offender with relief from a collateral sanction, except that it does not provide relief from s. 48.685 (5m), 50.065 (4m), or 111.335 (3) ~~(a)~~ (ar), (b), (c), or (e) or (4) (h) or (i).

SECTION 9351. Initial applicability; Other.

(1) EXPUNGEMENT. The treatment of s. 973.015 (1m) (a) 3. a., c., cg., cr., and d. and 4., (b), and (c), the renumbering and amendment of s. 973.015 (1m) (a) 1., and the creation of s. 973.015 (1m) (a) 1. a. and b. first apply to any conviction for which sentencing has occurred but for which the record has not been ordered expunged on the effective date of this subsection.

SECTION 9451. Effective dates; Other.

(1) EXPUNGEMENT. The treatment of ss. 111.335 (3) (a), (ah), and (g) and (4) (b), (c) 1. (intro.), (e), and (f) 1., 950.04 (1v) (g), 973.015 (1b), (1m) (a) 3. a., c., cg., cr., and

d. and 4., (b), and (c), and (4), and 973.25 (1) (a), the renumbering and amendment of s. 973.015 (1m) (a) 1., the creation of s. 973.015 (1m) (a) 1. a. and b., and SECTION 9351 (1) of this act take effect on the first day of the 13th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1244/P2

JK:wlj

DOA:.....Quinn, BB0239 - Internal Revenue Code update

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Internal Revenue Code references

This bill adopts, for state income and franchise tax purposes, certain changes made to the Internal Revenue Code by the following federal acts:

1. The American Rescue Plan Act of 2021.
2. The PPP (Paycheck Protection Program) Extension Act of 2021.
3. The Surface Transportation Extension Act of 2021.
4. The Further Transportation Extension Act of 2021.
5. The Infrastructure Investment and Jobs Act.
6. The Consolidated Appropriations Act of 2022.
7. The Supreme Court Security Funding Act of 2022.
8. The Inflation Reduction Act of 2022.

The bill also adopts, for state income and franchise tax purposes, certain changes made to the Internal Revenue Code by the federal Tax Cuts and Jobs Act, enacted in December 2017. The bill adopts provisions of the act related to the limitation on losses for taxpayers other than for corporations; certain special rules for the taxable year of inclusion; the limitation on business-related deduction for interest; the limitation on the deduction by employers of expenses for fringe benefits;

the limitation on the deduction for Federal Deposit Insurance Corporation premiums; and the limitation on excessive employee remuneration.

The bill also makes technical changes to the definition of “Internal Revenue Code” for state income and franchise tax purposes so that the same definition is not repeated for each type of taxpayer, as is the case under current law.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1671. 71.01 (6) of the statutes is repealed and recreated to read:

71.01 (6) For individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” has the meaning given in s. 71.99.

SECTION 1672. 71.01 (7) of the statutes is repealed.

SECTION 1673. 71.01 (7g) of the statutes is repealed.

SECTION 1674. 71.01 (7m) of the statutes is repealed.

SECTION 1675. 71.01 (7n) of the statutes is repealed.

SECTION 1676. 71.01 (7r) of the statutes is repealed.

SECTION 1677. 71.22 (4) of the statutes is repealed and recreated to read:

71.22 (4) “Internal Revenue Code” has the meaning given in s. 71.99.

SECTION 1678. 71.22 (4m) of the statutes is repealed and recreated to read:

71.22 (4m) For corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), “Internal Revenue Code” has the meaning given in s. 71.99.

SECTION 1679. 71.22 (5) of the statutes is repealed.

SECTION 1680. 71.22 (5g) of the statutes is repealed.

SECTION 1681. 71.22 (5m) of the statutes is repealed.

SECTION 1682. 71.26 (2) (b) of the statutes is repealed and recreated to read:

71.26 (2) (b) *Regulated investment companies, real estate mortgage investment conduits, real estate investment trusts, and financial asset securitization investment trusts.* For a corporation, conduit, or common law trust that qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust, or financial asset securitization investment trust under the Internal Revenue Code, “net income” means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust taxable income, or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code.

SECTION 1683. 71.34 (1g) of the statutes is repealed and recreated to read:

71.34 (1g) For tax option corporations, “Internal Revenue Code” has the meaning given in s. 71.99.

SECTION 1684. 71.34 (1m) of the statutes is repealed.

SECTION 1685. 71.34 (1u) of the statutes is repealed.

SECTION 1686. 71.42 (2) of the statutes is repealed and recreated to read:

71.42 (2) “Internal Revenue Code” has the meaning given in s. 71.99.

SECTION 1687. 71.42 (2m) of the statutes is repealed.

SECTION 1688. 71.42 (2p) of the statutes is repealed.

SECTION 1689. Subchapter XVI (title) of chapter 71 [precedes 71.98] of the statutes is amended to read:

CHAPTER 71

SUBCHAPTER XVI

INTERNAL REVENUE CODE UPDATE

SECTION 1690. 71.98 of the statutes is repealed and recreated to read:

71.98 Internal Revenue Code conformity. The following federal laws, to the extent that they apply to the federal Internal Revenue Code in effect for federal purposes, apply to this chapter:

(1) **STATIC CONFORMITY.** (a) *Depreciation and amortization.* For taxable years beginning after December 31, 2013, and for purposes of computing depreciation and amortization, the Internal Revenue Code means the Internal Revenue Code in effect for federal purposes on January 1, 2014, except that sections 13201 (f), 13203, 13204, and 13205 of P.L. 115-97, section 2307 of division A of P.L. 116-136, and section 202 of division EE of P.L. 116-260 apply at the same time as for federal purposes.

(b) *Gain from small business stock.* For stock acquired after December 31, 2013, section 1202 of the Internal Revenue Code in effect for federal purposes on December 31, 2012.

(2) **CONTINUOUS CONFORMITY.** (a) *Depletion.* For taxable years beginning after December 31, 2013, sections 611 to 617 of the Internal Revenue Code in effect for federal purposes for the year in which the property is placed in service.

(b) *Expensing of depreciable business assets.* For taxable years beginning after December 31, 2013, sections 179, 179A, 179B, 179C, 179D, and 179E of the Internal Revenue Code in effect for federal purposes for the year in which property is placed in service.

(c) *Trade or business income limitation.* For taxable years beginning after December 31, 2013, the section 179 (b) (3) (A) trade or business income limitation is calculated using the Internal Revenue Code defined in s. 71.99.

(d) *College savings accounts.* For taxable years beginning after December 31, 2021, section 529 of the Internal Revenue Code in effect for federal purposes.

(e) *Milk production termination program.* Notwithstanding ss. 71.26 (2) and (3) and 71.99, for natural persons, fiduciaries, trusts, estates, and corporations, at the taxpayer's option, "Internal Revenue Code," for taxable year 1986 and subsequent taxable years, includes any revisions to the Internal Revenue Code in effect for federal purposes adopted after January 1, 1986, that relate to the taxation of income derived from any source as a direct consequence of participation in the milk production termination program created by section 101 of P.L. 99-198.

(f) *Regulated investment companies.* Notwithstanding s. 71.99, for natural persons, fiduciaries, trusts, and estates, at the taxpayer's option, "Internal Revenue Code" for taxable years beginning after December 31, 1987, includes any revisions to section 67 (c) of the Internal Revenue Code in effect for federal purposes adopted after January 1, 1988, that relate to the indirect expenses of regulated investment companies.

(g) *Qualified retirement fund.* Notwithstanding s. 71.99, a qualified retirement fund for a taxable year for federal income tax purposes is a qualified retirement fund for the taxable year for purposes of this chapter.

(h) *Federal Tax Cuts and Jobs Act.* For taxable years beginning after December 31, 2022, sections 11012, 13221, 13301, 13304 (a), (b), and (d), 13531, and 13601 of P.L. 115-97.

****NOTE: This is reconciled s. 71.98. This SECTION has been affected by drafts with the following LRB numbers: -1244/P1 and -1327/P1.

SECTION 1691. 71.99 of the statutes is created to read:

71.99 Internal Revenue Code definition. (1) TAXABLE YEARS; 2017. (a) For taxable years beginning after December 31, 2016, and before January 1, 2018, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2016, except as provided in pars. (b) and (c) and ss. 71.26 (3) and 71.98, and subject to par. (d).

(b) For purposes of this subsection, “Internal Revenue Code” does not include the following provisions of federal public laws for taxable years beginning after December 31, 2016: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; section 104 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; and sections 112, 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 326, and 411 of division Q of P.L. 114-113.

(c) For purposes of this subsection, “Internal Revenue Code” does not include amendments to the federal Internal Revenue Code, including provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, enacted after December 31, 2016, except that “Internal Revenue Code” includes sections 11024, 11025, and 13543 of P.L. 115-97; sections 40307 and 40413 of P.L. 115-123; sections

101 (m), (n), (o), (p), and (q), 104 (a), and 109 of division U of P.L. 115-141; section 102 of division M and sections 110, 111, and 116 (b) of division O of P.L. 116-94; and section 9707 of P.L. 117-2.

(d) For purposes of this subsection, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subsection, apply for Wisconsin purposes at the same time as for federal purposes, except as follows:

1. Changes made by section 4007 (b) of P.L. 114-41, section 1102 of P.L. 114-74, sections 105, 111, 113 to 115, 133, 301, 302, 304, 305, 308, 311, 313 to 323, 325, 331, and 343 to 345 of division Q of P.L. 114-113 first apply for taxable years beginning after December 31, 2016.

2. Changes made by section 1201 of P.L. 108-173 and section 307 of P.L. 109-432 first apply for taxable years beginning after December 31, 2010.

(2) TAXABLE YEARS, 2018 TO 2020. (a) For taxable years beginning after December 31, 2017, and before January 1, 2021, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2017, except as provided in pars. (b) and (c) and ss. 71.26 (3) and 71.98, and subject to par. (d).

(b) For purposes of this subsection, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2017: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; section 104 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322,

502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 326, and 411 of division Q of P.L. 114-113; and sections 11011, 11012, 13201 (a) to (e) and (g), 13206, 13221, 13301, 13304 (a), (b), and (d), 13531, 13601, 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97.

(c) For purposes of this subsection, “Internal Revenue Code” does not include amendments to the federal Internal Revenue Code, including provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, enacted after December 31, 2017, except that “Internal Revenue Code” includes sections 40307, 40413, and 41113 of P.L. 115-123; sections 101 (m), (n), (o), (p), and (q), 104 (a), 109, 401 (a) (54) and (b) (15) (A), (B), and (C), 19, 20, 23, 26, 27, and 28 of division U of P.L. 115-141; sections 102 and 104 of division M, sections 102, 103, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 201, 204, 205, 206, 302, 401, and 601 of division O, section 1302 of division P, and sections 131, 202 (d), and 205 of division Q of P.L. 116-94; sections 1106, 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L. 116-136; sections 202, 208, 209, 211, and 214 of division EE and sections 276 (a) and (b), 277, 278 (a), (b), (c), and (d), 280, and 285 of division N of P.L. 116-260; and sections 9701, 9702, 9703, 9704, 9705, 9706, and 9707 of P.L. 117-2.

(d) For purposes of this subsection, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subsection,

apply for Wisconsin purposes at the same time as for federal purposes, except as follows:

1. Changes made by P.L. 115-63 and sections 11026, 11027, 11028, 13207, 13306, 13307, 13308, 13311, 13312, 13501, 13705, 13821, and 13823 of P.L. 115-97 first apply for taxable years beginning after December 31, 2017.

2. Changes made by section 1201 of P.L. 108-173 and section 307 of P.L. 109-432 first apply for taxable years beginning after December 31, 2010.

(3) TAXABLE YEARS, 2021 TO 2022. (a) For taxable years beginning after December 31, 2020, and before January 1, 2023, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 2020, except as provided in pars. (b) and (c) and ss. 71.26 (3) and 71.98, and subject to par. (d).

(b) For purposes of this subsection, "Internal Revenue Code" does not include the following provisions of federal public laws for taxable years beginning after December 31, 2020: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; section 104 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 326, and 411

of division Q of P.L. 114-113; sections 11011, 11012, 13201 (a) to (e) and (g), 13206, 13221, 13301, 13304 (a), (b), and (d), 13531, 13601, 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141; sections 104, 114, 115, 116, 130, and 145 of division Q of P.L. 116-94; sections 2304 and 2306 of P.L. 116-136; and sections 111, 114, 115, 116, 118 (a) and (d), 133, 137, 138, and 210 of division EE of P.L. 116-260.

(c) For purposes of this subsection, “Internal Revenue Code” does not include amendments to the federal Internal Revenue Code, including provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, enacted after December 31, 2020, except that “Internal Revenue Code” includes sections 9671, 9675, 9701, 9702, 9703, 9704, 9705, 9706, and 9707 of P.L. 117-2; sections 80501, 80504, and 80602 of division H of P.L. 117-58; and section 307 of division P of P.L. 117-103.

(d) For purposes of this subsection, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subsection, apply for Wisconsin purposes at the same time as for federal purposes, except as follows:

1. Changes made by sections 20101, 20102, 20104, 20201, 40201, 40202, 40203, 40308, 40309, 40311, 40414, 41101, 41107, 41114, 41115, and 41116 of P.L. 115-123; section 101 (a), (b), and (h) of division U of P.L. 115-141; section 1203 of P.L. 116-25; section 1122 of P.L. 116-92; section 301 of division O, section 1302 of division P, and

sections 101, 102, 103, 117, 118, 132, 201, 202 (a), (b), and (c), 204 (a), (b), and (c), 301, and 302 of division Q of P.L. 116-94; section 2 of P.L. 116-98; and sections 301, 302, and 304 of division EE of P.L. 116-260 apply for taxable years beginning after December 31, 2020.

2. Changes made by section 1201 of P.L. 108-173 and section 307 of P.L. 109-432 first apply for taxable years beginning after December 31, 2010.

(4) TAXABLE YEARS, 2023 AND THEREAFTER. (a) For taxable years beginning after December 31, 2022, “Internal Revenue Code” means the federal Internal Revenue Code as amended to August 16, 2022, except as provided in pars. (b) and (c) and ss. 71.26 (3) and 71.98, and subject to par. (d).

(b) For purposes of this subsection, “Internal Revenue Code” does not include the following provisions of federal public laws for taxable years beginning after December 31, 2022: section 13113 of P.L. 103-66; sections 1, 3, 4, and 5 of P.L. 106-519; sections 101, 102, and 422 of P.L. 108-357; sections 1310 and 1351 of P.L. 109-58; section 11146 of P.L. 109-59; section 403 (q) of P.L. 109-135; section 513 of P.L. 109-222; section 104 of P.L. 109-432; sections 8233 and 8235 of P.L. 110-28; section 11 (e) and (g) of P.L. 110-172; section 301 of P.L. 110-245; section 15351 of P.L. 110-246; section 302 of division A, section 401 of division B, and sections 312, 322, 502 (c), 707, and 801 of division C of P.L. 110-343; sections 1232, 1241, 1251, 1501, and 1502 of division B of P.L. 111-5; sections 211, 212, 213, 214, and 216 of P.L. 111-226; sections 2011 and 2122 of P.L. 111-240; sections 753, 754, and 760 of P.L. 111-312; sections 104, 318, 322, 323, 324, 326, 327, and 411 of P.L. 112-240; P.L. 114-7; section 1101 of P.L. 114-74; section 305 of division P of P.L. 114-113; sections 123, 125 to 128, 143, 144, 151 to 153, 165 to 167, 169 to 171, 189, 191, 326, and 411 of division Q of P.L. 114-113; sections 11011, 11012, 13201 (a) to (e) and (g), 13206,

13221, 13301, 13304 (a), (b), and (d), 13531, 13801, 14101, 14102, 14103, 14201, 14202, 14211, 14212, 14213, 14214, 14215, 14221, 14222, 14301, 14302, 14304, and 14401 of P.L. 115-97; sections 40304, 40305, 40306, and 40412 of P.L. 115-123; section 101 (c) of division T of P.L. 115-141; sections 101 (d) and (e), 102, 201 to 207, 301, 302, and 401 (a) (47) and (195), (b) (13), (17), (22) and (30), and (d) (1) (D) (v), (vi), and (xiii) and (xvii) (II) of division U of P.L. 115-141; sections 104, 114, 115, 116, 130, and 145 of division Q of P.L. 116-94; sections 2304 and 2306 of P.L. 116-136; sections 111, 114, 115, 116, 118 (a) and (d), 133, 137, 138, and 210 of division EE of P.L. 116-260; sections 5003, 9041, and 9673 of P.L. 117-2; and section 13903 (b) of P.L. 117-169.

(c) For purposes of this subsection, “Internal Revenue Code” does not include amendments to the federal Internal Revenue Code, including provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, enacted after August 16, 2022.

(d) For purposes of this subsection, the provisions of federal public laws that directly or indirectly affect the Internal Revenue Code, as defined in this subsection, apply for Wisconsin purposes at the same time as for federal purposes, except as follows:

1. Changes made by section 13601 of P.L. 115-97; sections 5001, 5002, 5005, 9623, 9624, and 9672 of P.L. 117-2; section 2 of P.L. 117-6; and sections 80401, 80402, and 80601 of division H of P.L. 117-58 apply for taxable years beginning after December 31, 2022.

2. Changes made by section 9675 of P.L. 117-2 apply for taxable years beginning after December 31, 2021.

3. Changes made by section 1201 of P.L. 108-173 and section 307 of P.L. 109-432 apply for taxable years beginning after December 31, 2010.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1245/P3
MJW:cdc

DOA:.....Stinebrink, BB0243 - Appropriation for a Master Plan at King
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS AFFAIRS

Veterans homes and related programs

This bill requires DVA to contract with a vendor during the 2023-25 fiscal biennium to study the campus of the Wisconsin Veterans Home at King. The purpose of the study is to provide a framework to guide decision making for future operations and development on the campus of the Wisconsin Veterans Home at King. The study must be completed before June 1, 2025.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9148. Nonstatutory provisions; Veterans Affairs.

(1) STUDY FOR A MASTER PLAN FOR THE WISCONSIN VETERANS HOME AT KING. From the appropriation under s. 20.485 (2) (u), during the 2023-25 fiscal biennium the department shall contract with a vendor to study the campus of the Wisconsin

Veterans Home at King. The study shall provide a framework to guide decision making for future operations and development on the campus of the Wisconsin

Veterans Home at King. The study shall be completed before June 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1248/P7
MDE:emw

DOA:.....Kirschbaum, BB0246 - Worker Advancement Initiative

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Worker advancement initiative

This bill requires DWD to establish and maintain a worker advancement initiative, through which DWD offers subsidized employment and skills training with local employers, targeted to individuals in sectors of the workforce that have not recovered from the loss of employees due to the COVID-19 pandemic. This program includes targeted subprograms related to the following: 1) health-care workforce opportunities; 2) training opportunities for jobs that require a commercial driver license; and 3) reengaging out-of-work, barriered, and underserved individuals through system transformation, through which DWD must find methods to more effectively reach and serve population groups that are underserved and disconnected from the labor force.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1692. 20.445 (1) (cm) of the statutes is created to read:

20.445 (1) (cm) *Worker advancement initiative*. As a continuing appropriation, the amounts in the schedule for the worker advancement initiative under s. 106.145.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1693. 106.145 of the statutes is created to read:

106.145 Worker advancement initiative. (1) WORKER ADVANCEMENT INITIATIVE. The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a worker advancement initiative to offer participants subsidized employment and skills training opportunities with local employers. The department shall target the subsidized employment and skills training opportunities to individuals in sectors of the workforce that have not recovered from the loss of employees due to the COVID-19 pandemic.

(2) WORKER ADVANCEMENT INITIATIVE; HEALTH-CARE WORKFORCE OPPORTUNITY GRANTS. (a) The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a program to do all of the following:

1. Make grants to local workforce development boards established under 29 USC 3122 to assist individuals whose employment status was negatively affected by the COVID-19 pandemic and whose employment status has not improved. The department shall prioritize connecting individuals to health-care-related employment opportunities.

2. Make grants to technical colleges and nursing schools to implement strategies to increase the number of graduates who go on to work in health-care-related fields.

3. Provide solutions to reduce barriers to employment in health-care-related fields and create ways to attract individuals to employment in health-care-related

fields. Solutions to reduce barriers to employment may include services to fulfill clinical requirements, career navigation services, transportation services, and the provision of supplies.

(b) During the 2023-25 fiscal biennium, of the moneys in the appropriation under s. 20.445 (1) (cm), the department shall allocate \$2,500,000 in each fiscal year of the 2023-25 fiscal biennium for establishing and administering the program under par. (a).

(3) WORKER ADVANCEMENT INITIATIVE; LOCAL CDL TRAINING GRANTS. The department shall, from the appropriation under s. 20.445 (1) (cm), make grants to local workforce development boards established under 29 USC 3122 to provide sector-based training programs related to increasing the number of individuals obtaining commercial driver licenses, as defined in s. 340.01 (7m).

(4) WORKER ADVANCEMENT INITIATIVE; ROBUST PROGRAM. (a) The department shall, from the appropriation under s. 20.445 (1) (cm), establish and administer a program for reengaging out-of-work, barriered, and underserved individuals through system transformation. Through the program, the department shall find methods to more effectively reach and serve population groups that are underserved and disconnected from the labor force.

(b) During the 2023-25 fiscal biennium, of the moneys in the appropriation under s. 20.445 (1) (cm), the department shall allocate \$4,500,000 in fiscal year 2023-24 for establishing and administering the program under par. (a).

(5) IMPLEMENTATION. (a) *Duties.* To implement this section, the department shall receive and review applications for grants under subs. (2) and (3) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under sub. (2) or (3).

(b) *Powers.* In addition to the duties described in par. (a), the department shall have all other powers necessary and convenient to implement this section, including the power to audit and inspect the records of grant recipients.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1249/P4
MDE:amn&cde

DOA:.....Kirschbaum, BB0244 - Workforce Innovation Grant Program
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Workforce innovation grant program

This bill requires DWD to establish and operate a program to provide grants to regional organizations to design and implement plans to address their region's workforce challenges that arose during or were exacerbated by the COVID-19 pandemic.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1694. 20.445 (1) (bw) of the statutes is created to read:

20.445 (1) (bw) *Workforce innovation grants.* As a continuing appropriation, the amounts in the schedule for workforce innovation grants under s. 106.29.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1695. 106.29 of the statutes is created to read:

106.29 Workforce innovation grant program. (1) WORKFORCE INNOVATION GRANTS. The department shall, from the appropriation under s. 20.445 (1) (bw), establish and operate a program to provide grants to regional organizations to design and implement plans to address their region's workforce challenges that arose during or were exacerbated by the COVID-19 pandemic.

(2) IMPLEMENTATION. (a) Duties. To implement this section, the department shall receive and review applications for grants under sub. (1) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under sub. (1).

(b) Powers. In addition to the duties described in par. (a), the department shall have all other powers necessary and convenient to implement this section, including the power to audit and inspect the records of grant recipients.

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) WORKFORCE INNOVATION GRANT PROGRAM; HEALTH CARE-RELATED REGIONAL ORGANIZATIONS. In fiscal year 2023-24, of the moneys appropriated under s. 20.445 (1) (bw), the department of workforce development shall allocate \$100,000,000 for grants to health care-related regional organizations to design and implement plans to address their region's workforce challenges that arose during or were exacerbated by the COVID-19 pandemic.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1250/P3
MIM:cjs&emw

DOA:.....Kirschbaum, BB0245 - Migrant Seasonal Farm Workers

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Enforcement of laws related to migrant workers

This bill creates a new annual GPR appropriation to DWD for the purpose of enforcement of laws related to wages, hours, and working conditions of migrant workers, the certification, maintenance, and inspection of migrant labor camps, and the recruitment and hiring of migrant workers.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1696. 20.445 (1) (fd) of the statutes is created to read:

20.445 (1) (fd) *Enforcement of laws related to migrant workers.* The amounts in the schedule for enforcement activities related to wages, hours, and working conditions of migrant workers, the certification, maintenance, and inspection of

migrant labor camps, and the recruitment and hiring of migrant workers under ss. 103.905 to 103.97.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1251/P1
MIM:cdc

DOA:.....Kirschbaum, BB0247 - Youth Services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Grants to local workforce development boards

This bill creates a grant program administered by DWD to provide grants to local workforce development boards for youth services and training. Under the program, DWD must provide grants for tutoring, mentoring, supportive services, paid and unpaid work experiences, preapprenticeship programs, internships, on-the-job training, occupational skills training, leadership development opportunities, counseling, financial literacy education, entrepreneurial skills training, and education regarding labor market information, employment information, and postsecondary education and training preparation.

The bill also creates a new continuing GPR appropriation to DWD for the purpose of providing grants under the local workforce development board youth services and training grant program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1697. 20.445 (1) (bj) of the statutes is created to read:

20.445 (1) (bj) *Local workforce development boards; grants for youth services and training.* As a continuing appropriation, the amounts in the schedule for grants to local workforce development boards under s. 106.112.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1698. 106.112 of the statutes is created to read:

106.112 Local workforce development boards youth service and training grants. (1) YOUTH SERVICE GRANTS. From the appropriation under s. 20.445 (1) (bj), the department shall award grants to local workforce development boards established under 29 USC 3122 for youth services and training in school and outside school settings. Grants awarded under this section may be used for any of the following purposes:

(a) Tutoring, paid and unpaid work experiences, preapprenticeship programs, and internships.

(b) On-the-job training, occupational skills training, and education offered concurrently with workforce preparation and training.

(c) Leadership development opportunities, supportive services, mentoring, follow-up services, and counseling.

(d) Financial literacy education and entrepreneurial skills training.

(e) Education related to labor market information and employment information, and postsecondary education and training preparation.

(2) IMPLEMENTATION. To implement this section, the department shall do all of the following:

(a) Promulgate rules prescribing procedures and criteria for awarding grants under sub. (1) and the information with respect to those grants that must be contained in the reports required under sub. (3).

(b) Receive and review applications for grants under sub. (1) (a) to (e) and prescribe the form, nature, and extent of the information that must be contained in an application for such a grant.

(c) Require annual reports from local workforce development boards that receive grants that describe how the board expended the grant moneys and the outcomes the board achieved, including the number of youth who participated in the programs and services funded in part or wholly by the grant moneys.

(3) ANNUAL REPORT. Annually, by December 31, the department shall submit a report to the governor and the cochairpersons of the joint committee on finance providing an account of the department's activities and expenditures under this section during the preceding fiscal year and detailing the amounts expended for each of the grants provided under sub. (2) during that fiscal year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1253/P1
MCP:amn

DOA:.....Hutter, BB0259 - EIF revenue bonding authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Environmental improvement fund revenue bonding limit

Current law authorizes the issuance of revenue bonds for the Clean Water Fund Program and the Safe Drinking Water Loan Program under the environmental improvement fund, but limits the principal amount of those revenue bonds to \$2,551,400,000. The bill increases that limit by \$372,000,000, to \$2,923,400,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1699. 281.59 (4) (f) of the statutes is amended to read:

281.59 (4) (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection, and all payments under an agreement or

ancillary arrangement entered into under s. 18.55 (6) with respect to revenue obligations issued under this subsection, can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program and safe drinking water loan program shall not exceed ~~\$2,526,700,000~~ \$2,923,400,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes. ~~The building commission may contract additional revenue obligations in an amount up to \$24,700,000.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1254/P1
MCP:wlj

DOA:.....Hutter, BB0258 - Nonmetallic mining appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

MINING

Nonmetallic mining appropriation

Under current law, fees relating to nonmetallic mining are deposited into the segregated environmental fund, to be used for environmental management activities. This bill instead directs that all moneys received from nonmetallic mining fees are to be used for the administration and enforcement of the state's nonmetallic mining regulations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1700. 20.370 (4) (mq) of the statutes is amended to read:

20.370 (4) (mq) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for administration of environmental activities under subch. II of ch. 295 and chs. 160, 281, 283, 285, and 289 to 293, and 299.

SECTION 1701. 20.370 (9) (gj) of the statutes is created to read:

20.370 **(9)** (gj) *Nonmetallic mining operations.* From the general fund, all moneys received under s. 295.15 for the administration of the nonmetallic mining program under subch. I of ch. 295.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1702. 25.46 (1) (rr) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1255/P1
MCP:amn

DOA:.....Hutter, BB0255 - Well notification fee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Well construction notification fee

Under current law, no person may construct a high capacity well, which is a well with a capacity of more than 100,000 gallons per day, without prior approval of DNR and payment of a \$500 fee. Prior to construction of a well that is not a high-capacity well, the owner of the property where the well is to be constructed must notify DNR and pay a fee of \$50. This bill increases the notification fee to \$70.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1703. 281.34 (3) (a) of the statutes is amended to read:

281.34 (3) (a) An owner shall notify the department of the location of a well that is not a high capacity well before construction of the well begins. An owner notifying the department under this subsection shall pay a fee of ~~\$50~~ \$70.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1256/P1
MCP:skw

DOA:.....Hutter, BB0256 - NR 812 application fees

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Well construction variances application fee

Under current law, DNR regulates groundwater withdrawal. Administrative rules promulgated by DNR establish requirements for the construction of wells and provide that a person may request a variance from those rules if strict compliance with the requirements is not feasible. DNR may determine whether a variance is justified and may condition the issuance of a variance on additional construction features to safeguard groundwater.

This bill requires DNR to collect a \$100 fee from a person requesting a well construction variance.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1704. 281.34 (5e) of the statutes is created to read:

281.34 **(5e)** WELL CONSTRUCTION VARIANCES. The department shall collect a fee of \$100 from an owner requesting a variance from the requirements of well construction rules promulgated by the department.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1257/P1
MCP:amn

DOA:.....Hutter, BB0254 - Wisconsin agricultural exports program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Spending cap for the Wisconsin agricultural exports program

Under current law, the Center for International Agribusiness Marketing, operated by DATCP, promotes the export of Wisconsin agricultural and agribusiness products in foreign markets. Current law provides that the center may not expend more than \$1,000,000 in any fiscal year.

The bill eliminates the \$1,000,000-per-year spending cap for the center.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1705. 93.425 (3) of the statutes is amended to read:

93.425 (3) Of the moneys appropriated under s. 20.115 (3) (b), the center for international agribusiness marketing shall ensure that \$2,500,000 is expended for the objective specified in sub. (2) (a), \$1,250,000 is expended for the objective

specified in sub. (2) (b), and \$1,250,000 is expended for the objective specified in sub. (2) (c). ~~The center may not expend more than \$1,000,000 under the program in any fiscal year.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1258/P1
MCP:amn

DOA:.....Hutter, BB0253 - Nonpoint source bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Bonding for nonpoint source water pollution abatement

Under current law, the state may contract up to \$57,050,000 in public debt to provide financial assistance for projects that control pollution that comes from diffuse sources rather than a single concentrated discharge source in areas that qualify as high priority due to water quality problems. This bill increases the bonding authority for these projects by \$10,000,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1706. 20.866 (2) (tf) of the statutes is amended to read:

20.866 (2) (tf) *Natural resources; nonpoint source.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund

nonpoint source water pollution abatement projects under s. 281.65 (4c) and (4e). The state may contract public debt in an amount not to exceed \$44,050,000 \$67,050,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$6,500,000 for this purpose. The state may contract additional public debt in an amount up to \$6,500,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1259/P1
MCP:cjs

DOA:.....Hutter, BB0251 - CAFO permit fee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Concentrated animal feeding operations

Under current law, a person who operates a concentrated animal feeding operation (CAFO) must have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit from DNR. A CAFO is a livestock operation that contains at least 1,000 animal units, that discharges pollutants into a navigable water, or that contaminates a well. Current law requires a CAFO operator with a WPDES permit to pay an annual fee of \$345 to DNR. The bill increases the amount of this annual fee to \$545.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1707. 283.31 (8) of the statutes is amended to read:

283.31 (8) The holder of a permit under this section for a concentrated animal feeding operation shall annually pay to the department a fee of ~~\$345~~ \$545, which shall be credited to the appropriation account under s. 20.370 (9) (ag). The department shall annually submit a report to the joint committee on finance and, under s. 13.172 (3), to the standing committees of the legislature with jurisdiction over agricultural and environmental matters describing the use of the moneys credited to the appropriation account under s. 20.370 (9) (ag) under this subsection and the use of the moneys appropriated under s. 20.370 (9) (ap).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1260/P1
MCP:cjs

DOA:.....Hutter, BB0250 - Soil and Water Resource Bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Bonding for soil and water resource management

This bill increases the general obligation bonding authority for the Soil and Water Resource Management Program by \$7,000,000. The program, which is administered by DATCP, awards grants to counties to help fund their land and water conservation activities.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1708. 20.866 (2) (we) of the statutes is amended to read:

20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to provide for soil and water resource management under s. 92.14. The

state may contract public debt in an amount not to exceed ~~\$68,075,000~~ \$89,075,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$7,000,000 for this purpose. The state may contract additional public debt in an amount up to \$7,000,000 for this purpose.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1261/P2
ARG:emw

DOA:.....Mott, BB0263 - MCW Psychiatry and behavioral health residency program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Medical College of Wisconsin

This bill provides funding, through a new appropriation, to the Medical College of Wisconsin, Inc., for a psychiatry and behavioral health residency program to support resident recruitment and training.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1709. 20.250 (1) (f) of the statutes is created to read:

20.250 (1) (f) *Psychiatry and behavioral health residency program.* The amounts in the schedule for a psychiatry and behavioral health residency program

to support the recruitment and training of psychiatry and behavioral health residents.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1262/P2
JPC:amn

DOA:.....Bollhorst, BB0173 - Birth to 3 Lead Change

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Early intervention services for children with lead in their blood

Under current law, DHS implements a statewide program, referred to as the Birth to 3 program, that provides early intervention services for children aged three and under who are developmentally delayed or are diagnosed as having a condition that is likely to result in significantly delayed development. This bill ensures that children with a concentration of lead in their blood of at least 3.5 micrograms per 100 milliliters of blood are eligible for services under the Birth to 3 program. The bill also allows DHS to develop a methodology to allocate funding for early intervention services across county programs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1710. 51.44 (5) (bm) of the statutes is created to read:

51.44 (5) (bm) Ensure that any child with a level of lead in his or her blood that is 3.5 or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test, is eligible for services under the program under this section.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) EARLY INTERVENTION SERVICES. The department of health services may develop a methodology to allocate moneys under s. 20.435 (7) (bt) across county programs.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1263/P2
SWB:amn

DOA:.....Bollhorst, BB0176 - Community dental health coordinators

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Community dental health coordinators

This bill requires DHS to award grants to support community dental health coordinators. Community dental health coordinators are individuals who help facilitate oral health care for families and individuals, particularly in underserved communities.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1711. 20.435 (4) (bm) of the statutes is amended to read:

20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers.* Biennially, the

amounts in the schedule to provide a portion of the state share of administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, for grants under s. 46.73, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10 percent of the amounts budgeted under pars. (p) and (x).

SECTION 1712. 20.435 (4) (pa) of the statutes is amended to read:

20.435 (4) (pa) *Federal aid; Medical Assistance and food stamp contracts administration.* All federal moneys received for the federal share of the cost of contracting for payment and services administration and reporting, other than moneys received under pars. (nn) and (np), to reimburse 3rd parties for their costs under s. 49.475, for administrative contract costs for the food stamp program under s. 49.79, for grants under s. 46.73, and for services of resource centers under s. 46.283.

***NOTE: Because the initial version of the draft had the provision as a temporary grant program in a nonstatutory provision, it was unnecessary to modify the language of the referenced appropriations. However, because the program is now intended to be

ongoing and has been placed in the statutes for that purpose, the appropriation language needs to accommodate the purpose. I have included proposed amendments to the appropriations, but let me know if you would like to discuss or make any changes.

SECTION 1713. 46.73 of the statutes is created to read:

46.73 Community dental health coordinators. From the appropriations under s. 20.435 (4) (bm) and (pa), the department shall award grants to support community dental health coordinators.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1264/P1
SWB:emw

DOA:.....Lessner, BB0269 - FSET Drug Policy Repeal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Eliminating FSET drug testing requirement

2015 Wisconsin Act 55 required DHS to promulgate rules to develop and implement a drug screening, testing, and treatment policy, which DHS promulgated as ch. DHS 38, Wis. Adm. Code. 2017 Wisconsin Act 370 incorporated into statutes ch. DHS 38, relating to drug screening, testing, and treatment for recipients of the FoodShare employment and training program, known as FSET. FoodShare, also known as the food stamp program or the federal Supplemental Nutritional Assistance Program, provides financial assistance to purchase food items to individuals who have limited financial resources. This bill eliminates the requirement to implement a drug screening, testing, and treatment policy and removes from the statutes the language incorporated by Act 370.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1714. 20.435 (4) (bq) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1715. 49.79 (9) (d) of the statutes is repealed.

SECTION 1716. 49.791 of the statutes is repealed.

SECTION 1717. 2017 Wisconsin Act 370, section 44 (5) is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1265/P1
SWB:cjs

DOA:.....Lessner, BB0270 - FoodShare work requirement repeal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

FSET requirement

Current law requires DHS to require all able-bodied adults, with some limited exceptions, who seek benefits from the FoodShare program to participate in the FoodShare employment and training program, known as FSET, unless they are already employed. This bill eliminates that requirement for able-bodied adults with dependents while retaining the requirement for able-bodied adults without dependents. FoodShare is also known as the food stamp program and the federal Supplemental Nutrition Assistance Program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1718. 49.79 (9) (a) 1g. of the statutes is amended to read:

49.79 (9) (a) 1g. Except as provided in subds. 2. and 3., ~~beginning October 1, 2019,~~ the department shall require, to the extent allowed by the federal government,

all able-bodied adults without dependents in this state to participate in the employment and training program under this subsection, except for able-bodied adults without dependents who are employed, as determined by the department. The department may require ~~other~~ able individuals who are 18 to 60 years of age, or a subset of those individuals to the extent allowed by the federal government, who are not participants in a Wisconsin Works employment position to participate in the employment and training program under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1266/P1
FFK:emw

DOA:.....Lessner, BB0272 - Youth crisis stabilization facilities support
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Grants for youth crisis stabilization facilities

This bill requires DHS to award grants to organizations to develop and support youth crisis stabilization facilities. Under current law, a youth crisis stabilization facility is a treatment facility with a maximum of eight beds that admits minors to prevent or de-escalate a mental health crisis and avoid admission to a more restrictive setting. Youth crisis stabilization facilities must be certified by DHS to operate.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1719. 20.435 (5) (cc) of the statutes is created to read:

20.435 (5) (cc) *Youth crisis stabilization facilities; grants.* The amounts in the schedule for grants under s. 51.042 (3m).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1720. 51.042 (3m) of the statutes is created to read:

51.042 **(3m)** GRANTS. From the appropriation under s. 20.435 (5) (cc), the department shall award grants to organizations to develop and support youth crisis stabilization facilities.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1267/P1
SWB:skw

DOA:.....Lessner, BB0271 - FSET vendor pay for performance repeal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Eliminating FSET pay-for-performance requirement

Current law requires DHS to create and implement a payment system based on performance for entities that perform administrative functions for the FoodShare employment and training program, known as FSET. DHS is required to base the pay-for-performance system on performance outcomes specified in current law. This bill eliminates the requirement for DHS to create a pay-for-performance system for FSET vendors.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1721. 49.79 (9) (f) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1268/P1
MPG&JK:amn

DOA:.....Bork, BB0268 - Additional Election Items (redraft of LRB 21-0535,
with changes)

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

Automatic voter registration

The bill requires the Elections Commission to use all feasible means to facilitate the registration of all individuals eligible to vote in this state and to maintain the registration of all eligible electors for so long as they remain eligible. Under the bill, the commission must attempt to facilitate the initial registration of all eligible electors as soon as practicable. To facilitate that initial registration, the bill directs the commission and DOT to enter into an agreement so that DOT may transfer specified personally identifying information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission.

Once the commission obtains all the information required under current law to complete an eligible elector's registration, the commission adds the elector's name to the statewide registration list. The bill also permits an individual whose name is added to the registration list or who wishes to permanently exclude his or her name from the list to file a request to have his or her name deleted or excluded from the list or to revoke a deletion or exclusion request previously made. In addition, the bill

directs the commission to notify an individual by first class postcard whenever the commission removes his or her name from the registration list or changes his or her status on the list from eligible to ineligible.

The bill also directs the commission to report to the legislature and the governor, no later than July 1, 2025, its progress in initially registering eligible electors under the bill. The report must contain an assessment of the feasibility and desirability of integration of registration information with information maintained by DHS, DCF, DWD, DOR, DSPS, and DNR; the UW System; and the TCS Board, as well as with the technical colleges in each technical college district.

Under current law, a qualified elector with a current and valid driver's license or identification card issued by DOT may register to vote electronically on a secure Internet site maintained by the commission. To register electronically under current law, a qualified elector must also authorize DOT to forward a copy of his or her electronic signature to the commission. The authorization affirms that all information provided by the elector is correct and has the same effect as a written signature on a paper copy of the registration form. Finally, current law requires the commission and DOT to enter into an agreement that permits the commission to verify the necessary registration information instantly by accessing DOT's electronic files.

Residency requirement for voting

Under current law, with limited exceptions, an otherwise eligible voter must be a resident of Wisconsin and of the municipality and ward, if any, where the voter is voting for 28 days before an election in order to vote in the election in that municipality and ward. This bill shortens that residency requirement from 28 days to 10 days.

Proof of identification for voting

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. The U.S. Court of Appeals for the 7th Circuit held that the requirement to present both an unexpired identification card and proof of enrollment had no rational basis and was therefore unconstitutional. See, *Luft v. Evers*, 963 F.3d 665 (2020). This bill allows a student to use an expired student identification card under certain circumstances. Under the bill, a student does not need to present proof of enrollment if using an unexpired identification card, but must provide proof of enrollment if using an expired identification card. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2023.

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

Voting absentee in person

Current law allows an individual to complete an absentee ballot in person no earlier than 14 days preceding the election and no later than the Sunday preceding the election. This bill eliminates the 14-day restriction on how soon a person may complete an absentee ballot in person.

Early canvassing of absentee ballots

Under current law, absentee ballots may not be canvassed until election day. This bill authorizes a municipal clerk or municipal board of election commissioners to begin the canvassing of absentee ballots on the day before an election, subject to the following requirements:

1. The municipality must use automatic tabulating equipment to process absentee ballots.

2. Prior to the early canvassing of absentee ballots, the municipal clerk or municipal board of election commissioners must notify the Elections Commission in writing and must consult with the Elections Commission concerning administration of early canvassing of absentee ballots.

3. Early canvassing of absentee ballots under the bill may be conducted only between 7 a.m. and 8 p.m. on the day before the election, and ballots may not be tallied until after polls close on election day.

4. Members of the public must have the same right of access to a place where absentee ballots are being canvassed early as is provided under current law for canvassing absentee ballots on election day.

5. When not in use, automatic tabulating equipment used for canvassing absentee ballots and the areas where the programmed media and the absentee ballots are housed must be secured with tamper-evident security seals in a double-lock location such as a locked cabinet inside a locked office.

6. Subject to criminal penalty, no person may act in any manner that would give him or her the ability to know or to provide information on the accumulating or final results from the ballots canvassed early under the bill before the close of the polls on election day.

7. Certain notices must be provided before each election at which the municipality intends to canvass absentee ballots on the day before the election.

Special elections to fill vacancies in the office of U.S. senator and representative in congress

Under current law, a vacancy in the office of U.S. senator or representative in congress occurring prior to the second Tuesday in April in the year of the general election must be filled at a special primary and special election. A vacancy occurring in one of these offices between the second Tuesday in April and the second Tuesday in May in the year of the general election is filled at the partisan primary and general election.

Current law provides that a special primary be held four weeks before the day of the special election. However, if the election is held on the same day as the spring election, the special primary is held concurrently with the spring primary. Under current law, with regard to an election for a national office, the period between a special primary and special election or between the spring primary or spring election

does not provide sufficient time to canvass and certify the primary results and prepare ballots to send to overseas voters as required by federal law.

Under the bill, a vacancy in the office of U.S. senator or representative in congress is filled in the following manner:

1. At a special election to be held on the third Tuesday in May following the first day of the vacancy with a special primary to be held concurrently with the spring primary on the third Tuesday in February.

2. At a special election to be held on the second Tuesday in August following the first day of the vacancy with a special primary to be held on the third Tuesday in May.

3. At a special election to be held on the Tuesday after the first Monday in November following the first day of the vacancy with a special primary to be held on the second Tuesday in August.

However, under the bill, a November special election is not held in any year in which the general election is held for that office; instead, the vacancy is filled at the partisan primary and general election.

Reimbursement of counties and municipalities for certain election costs

This bill requires the Elections Commission to reimburse counties and municipalities for certain costs incurred in the administration of special primaries and special elections for state or national office. A cost is eligible for reimbursement only if certain conditions are met, including that the commission determines the cost is reasonable and the rate paid by the county or municipality for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election. Under the bill, only the following costs may be reimbursed:

1. Rental payments for polling places.
2. Election day wages paid to election officials working at the polls.
3. Costs for the publication of required election notices.
4. Printing and postage costs for absentee ballots and envelopes.
5. Costs for the design and printing of ballots and poll books.
6. Purchase of ballot bags or containers, including ties or seals for chain of custody purposes.
7. Costs to program electronic voting machines.
8. Purchase of memory devices for electronic voting machines.
9. Wages paid to conduct a county canvass.
10. Data entry costs for the statewide voter registration system.

Voter bill of rights

The bill creates a voter bill of rights that municipal clerks and boards of election commissioners must post at each polling place. The bill of rights informs voters that they have the right to do all of the following:

1. Vote if registered and eligible to vote.
2. Inspect a sample ballot before voting.
3. Cast a ballot if in line when the polling place closes or, if voting by in-person absentee ballot on the last day for which such voting is allowed, when the municipal clerk's office closes.

4. Cast a secret ballot.
5. Get help casting a ballot if disabled.
6. Get help voting in a language other than English as provided by law.
7. Get a new ballot, up to three ballots in all, if the voter makes a mistake on the ballot.
8. Cast a provisional ballot as provided by law.
9. Have the voter's ballot counted accurately.
10. Vote free from coercion or intimidation.
11. Report any illegal or fraudulent election activity.

Recount fees

Current law requires the Elections Commission to reimburse the counties for the actual costs of conducting a recount. The reimbursement comes from the fees that the commission collects from the person that filed the recount petition. The bill changes the appropriation for reimbursing the counties from an annual appropriation to a continuing appropriation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1722. 5.02 (6m) (f) of the statutes is amended to read:

5.02 **(6m)** (f) An ~~unexpired~~ identification card issued by a university or college in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college in this state that is a member of and governed by the technical college system under ch. 38, that contains the date of issuance and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance ~~if the individual establishes, except that~~ if the identification card is expired the individual shall establish that he or she is enrolled as a student at the university or college on the date that the card is presented.

SECTION 1723. 5.02 (20) of the statutes is amended to read:

5.02 (20) “Special primary” means the primary held 4 weeks before the special election, except as provided in s. 8.50 (4m) and except when the special election is held on the same day as the general election the special primary shall be held on the same day as the general primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary.

SECTION 1724. 5.02 (22) of the statutes is amended to read:

5.02 (22) “Spring primary” means the ~~nonpartisan~~ primary held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election and partisan candidates to be voted for at a special election under s. 8.50 (4m).

SECTION 1725. 5.05 (11m) of the statutes is created to read:

5.05 (11m) AIDS TO COUNTIES AND MUNICIPALITIES FOR CERTAIN SPECIAL ELECTION COSTS. (a) From the appropriation under s. 20.510 (1) (f), the commission shall reimburse counties and municipalities for costs incurred in the administration of special primaries for state or national office and special elections for state or national office.

(b) A cost is eligible for reimbursement under par. (a) only if all of the following apply:

1. The commission determines that the cost is reasonable.
2. The cost is specified under par. (c).
3. If applicable, the commission determines that the rate paid by the county or municipality for the cost does not exceed the rate customarily paid for similar costs at a primary or election that is not a special primary or election.
4. If the special primary or election coincides with a primary or election that is not a special primary or election, the commission determines that the cost does not

exceed the amount that would be incurred if the primaries or elections did not coincide.

(c) Only the following costs are eligible for reimbursement under par. (a):

1. Rental payments for polling places.
2. Election day wages paid under s. 7.03 to election officials working at the polls.
3. Costs for the publication of required election notices.
4. Printing and postage costs for absentee ballots and envelopes.
5. Costs for the design and printing of ballots and poll books.
6. Purchase of ballot bags or containers, including ties or seals for chain of custody purposes.
7. Costs to program electronic voting machines.
8. Purchase of memory devices for electronic voting machines.
9. Wages paid to conduct a county canvass.
10. Data entry costs for the statewide voter registration system.

SECTION 1726. 5.056 of the statutes is amended to read:

5.056 Matching program with secretary of transportation. The commission administrator shall enter into the agreement with the secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. ss. 6.256 (2) and 6.34 (2m) with personally identifiable information maintained by the department of transportation. Subject to s. 343.14 (2p) (b), the agreement shall provide for the electronic transfer of information under s. 6.256 (2) to the commission on a continuous basis, no less often than weekly.

SECTION 1727. 5.35 (6) (a) 4c. of the statutes is created to read:

5.35 (6) (a) 4c. A voter bill of rights in substantially the following form:

VOTER BILL OF RIGHTS

You have the following rights:

- **The right to vote if you are registered and eligible to vote.** You are eligible to vote if you (1) are a U.S. citizen, (2) are at least 18 years old, (3) are registered where you currently live, (4) are not currently serving any portion of a felony sentence, including probation or supervision, (5) are not currently found mentally incompetent to vote by a court, and (6) have not placed a bet or a wager on the outcome of the election.

- **The right to inspect a sample ballot before voting.**

- **The right to cast a ballot if you are in line when your polling place closes** or when your municipal clerk's office closes if you are voting by in-person absentee ballot on the last day for which such voting is allowed.

- **The right to cast a secret ballot**, without anyone bothering you or telling you how to vote.

- **If you have a disability, the right to get help casting your ballot** from anyone you choose, except from your employer or union representative.

- **The right to get help voting in a language other than English** if enough voters where you live speak your language.

- **The right to get a new ballot if you made a mistake.** You can get up to 3 ballots in all if you make a mistake and have not already cast your ballot.

- **The right to cast a provisional ballot.** You can cast a provisional ballot if you are unable or unwilling to provide required proof of identification for voting or a valid driver license or identification card number for registering to vote on election

day. Your provisional ballot will not be counted unless you provide the required information to the poll workers by 8:00 p.m. on election day or to the municipal clerk by 4:00 p.m. of the Friday following the election.

- **The right to have your ballot counted accurately.**
- **The right to vote free from coercion or intimidation by any election official or other person.**
- **The right to report any illegal or fraudulent election activity** to an elections official or the State of Wisconsin Elections Commission.

SECTION 1728. 5.84 (1) of the statutes is amended to read:

5.84 (1) Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, ~~either at the polling place or at a central counting location,~~ the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized in an election, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the

municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

SECTION 1729. 5.86 (1) of the statutes is amended to read:

5.86 (1) All proceedings at each central counting location shall be under the direction of the municipal clerk or an election official designated by the clerk unless the central counting location is at the county seat ~~and the municipal clerk delegates the responsibility to supervise the location to the county clerk~~, in which case the proceedings shall be under the direction of the county clerk or an election official designated by the county clerk. If for any municipality the central counting location is at the county seat and the municipal clerk authorizes the early canvassing of absentee ballots under s. 7.525, the county clerk or the county clerk's designee shall begin the proceedings for that municipality on the day before the election consistent with that section. Unless election officials are selected under s. 7.30 (4) (c) without regard to party affiliation, the employees at each central counting location, other than any specially trained technicians who are required for the operation of the automatic tabulating equipment, shall be equally divided between members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party whenever sufficient persons from each party are available.

SECTION 1730. 6.02 (1) of the statutes is amended to read:

6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for ~~28~~ 10 consecutive days before any election where the citizen offers to vote is an eligible elector.

SECTION 1731. 6.02 (2) of the statutes is amended to read:

6.02 (2) Any U.S. citizen age 18 or older who moves within this state later than 28 10 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the ~~28-day~~ 10-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

SECTION 1732. 6.10 (3) of the statutes is amended to read:

6.10 (3) When an elector moves his or her residence from one ward or municipality to another ward or municipality within the state at least 28 10 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves his or her residence later than 28 10 days before an election, the elector shall vote in the elector's former ward or municipality if otherwise qualified to vote there.

SECTION 1733. 6.10 (4) of the statutes is amended to read:

6.10 (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place that the person considered his or her residence in preference to any other for at least 28 10 consecutive days before an election. If this

place is within the municipality, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

SECTION 1734. 6.15 (1) of the statutes is amended to read:

6.15 (1) **QUALIFICATIONS.** Any person who was or who is an eligible elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than ~~28~~ 10 consecutive days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. The fact that the person was not registered to vote in the state from which he or she moved does not prevent voting in this state if the elector is otherwise qualified.

SECTION 1735. 6.15 (2) (a) of the statutes is amended to read:

6.15 (2) (a) The elector's request for the application form may be made in person to the municipal clerk of the municipality where the person resides. Application may be made not sooner than ~~27~~ 9 days nor later than 5 p.m. on the day before the election, or may be made at the proper polling place in the ward or election district in which the elector resides. If an elector makes application before election day, the application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

STATE OF WISCONSIN

County of

I,, do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the (town) (village) (city) of, state of, residing at (street address); that on the day of the next presidential election, I shall be at least 18 years of age and that I have been a legal resident of the state of Wisconsin since, (year), residing at (street address),

in the [... ward of the aldermanic district of] the (town) (village) (city) of, county of; that I have resided in the state less than **28 10** consecutive days, that I am qualified to vote for president and vice president at the election to be held November, (year), that I am not voting at any other place in this election and that I hereby make application for an official presidential ballot, in accordance with section 6.15 of the Wisconsin statutes.

Signed

P.O. Address

Subscribed and sworn to before me this day of, (year)

....(Name)

....(Title)

SECTION 1736. 6.15 (4) (b) of the statutes is amended to read:

6.15 (4) (b) During polling hours, or between 7 a.m. and 8 p.m. on the day before the election if authorized for that election under s. 7.525, the inspectors shall open each carrier envelope, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the municipal board of absentee ballot canvassers shall perform this function at a meeting of the board of absentee ballot canvassers.

SECTION 1737. 6.18 (form) of the statutes is amended to read:

6.18 (form) This form shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

APPLICATION FOR PRESIDENTIAL

ELECTOR'S ABSENTEE BALLOT

(To be voted at the Presidential Election

on November, (year)

I, hereby swear or affirm that I am a citizen of the United States, formerly residing at in the ward aldermanic district (city, town, village) of, County of for ~~28~~ 10 consecutive days prior to leaving the State of Wisconsin. I, do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of(State you now reside in) where I am presently residing. A citizen must be a resident of: State(Insert time) County(Insert time) City, Town or Village(Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of(the State where you now reside) on Month Day Year.

Signed

Address(Present address)

....(City)(State)

Subscribed and sworn to before me this day of (year)

....(Notary Public, or other officer authorized to administer oaths.)

....(County)

My Commission expires

MAIL BALLOT TO:

NAME

ADDRESS

CITY STATE ZIP CODE

Penalties for Violations. Whoever swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned for not more than

6 months or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months or both.

....(Municipal Clerk)

....(Municipality)

SECTION 1738. 6.22 (7) of the statutes is amended to read:

6.22 (7) EXTENSION OF PRIVILEGE. This section applies to all military electors for ~~28~~ 10 days after the date of discharge from a uniformed service or termination of services or employment of individuals specified in sub. (1) (b) 1. to 4.

SECTION 1739. 6.256 of the statutes is created to read:

6.256 Facilitating registration of electors. (1) The commission shall use all feasible means to facilitate the registration of all eligible electors of this state and the maintenance of the registration of all eligible electors for so long as they remain eligible.

(2) Subject to s. 343.14 (2p) (b), for the purpose of carrying out its functions under sub. (1), the commission shall obtain the following information from the department of transportation, to the extent that the department has the information:

(a) The full name of each individual who holds a current operator's license issued to the individual under ch. 343 or a current identification card issued to the individual under s. 343.50, together with the following information pertaining to that individual:

1. The current address of the individual together with any address history and any name history maintained by the department of transportation.

2. The date of birth of the individual.

3. The number of the license or identification card issued to the individual.

4. A copy of each document that the applicant provided as proof of citizenship and a statement from the department of transportation indicating that the department verified the applicant's citizenship.

(b) For each item of information specified in par. (a), the most recent date that the item of information was provided to or obtained by the department of transportation.

(3) The commission shall compare the information obtained under sub. (2) with the information in the registration list under s. 6.36 (1) (a). If the commission finds any discrepancy between the information obtained under sub. (2) regarding an elector and the information in the registration list under s. 6.36 (1) (a) regarding that elector, the commission shall attempt to contact the elector to resolve the discrepancy and update the registration list accordingly. If the commission is unable to resolve the discrepancy, the information in the registration list shall control.

(4) If the commission concludes that an individual appears eligible to vote in this state but is not registered and the commission has obtained from reliable sources all the information required under s. 6.33 (1) to complete the individual's registration, the commission shall enter the individual's name on the registration list maintained under s. 6.36 (1) (a). If the commission has not obtained from reliable sources all the information pertaining to an individual that is required under s. 6.33 (1), the commission shall attempt to obtain from reliable sources the necessary information under s. 6.33 (1) that is required to complete the individual's registration. If an elector's status has been changed from eligible to ineligible under s. 6.50 and the elector's eligibility, name, or residence has not changed, the commission may not change the individual's name to eligible status unless the

commission first verifies that the individual is eligible and wishes to change his or her status to eligible.

(5) The commission shall attempt to contact an individual described in sub. (4) if necessary to obtain all the information specified in s. 6.33 (1) pertaining to the individual that is required to complete the individual's registration.

(6) The commission shall mail a notice to each individual whose name the commission enters under sub. (4) on the registration list maintained under s. 6.36 (1) (a). The notice shall be printed in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the commission, and shall include all of the following:

(a) A statement informing the individual that his or her name has been entered on the registration list and showing the current address for the individual based on the commission's records.

(b) A statement informing the individual that he or she may request to have his or her name deleted from the registration list and instructions for doing so.

(c) Instructions for notifying the commission of a change in name or address.

(d) Instructions for obtaining a confidential listing under s. 6.47 (2) and a description of how an individual qualifies for a confidential listing.

(7) Any individual may file a request with the commission to exclude his or her name from the registration list maintained under s. 6.36 (1) (a). Any individual whose name is added to the registration list by the commission may file a request with the commission or a municipal clerk to have his or her name deleted from the list. A request for exclusion or deletion shall be filed in the manner prescribed by the commission. An individual who files an exclusion or deletion request under this subsection may revoke his or her request by the same means that an individual may

request an exclusion or deletion. The commission shall ensure that the name of any individual who has filed an exclusion or deletion request under this subsection is excluded from the registration list or, if the individual's name appears on the list, is removed from the registration list and is not added to the list at any subsequent time unless the individual files a revocation of his or her request under this subsection.

(8) If the commission removes from the registration list maintained under s. 6.36 (1) (a) the name of an elector who does not request that his or her name be deleted, or changes the elector's status from eligible to ineligible, other than to correct an entry that the commission determines to be a duplication or to change the name of an individual who is verified to be deceased to ineligible status, the commission shall mail the individual a notice of the removal or change in status by 1st class postcard at the individual's last-known address. The notice shall provide that the individual may apply to have his or her status changed to eligible if he or she is a qualified elector.

(9) The commission shall attempt to facilitate the initial registration of all eligible electors as soon as practicable.

(10) The commission shall maintain the confidentiality of all information obtained from the department of transportation under sub. (2) and may use this information only for the purpose of carrying out its functions under sub. (1) and s. 6.34 (2m) and in accordance with the agreement under s. 85.61 (1).

SECTION 1740. 6.29 (2) (a) of the statutes is amended to read:

6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the Friday before an election at the office

of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The registration form shall also contain the following certification: "I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least ~~28~~ 10 consecutive days immediately preceding this election, and I have not voted at this election". The elector shall also provide proof of residence under s. 6.34.

SECTION 1741. 6.29 (2) (e) of the statutes is created to read:

6.29 (2) (e) The municipal clerk or clerk's agent shall promptly add the names of qualified electors who register and vote under this section to the registration list maintained under s. 6.36 (1) (a). The clerk or clerk's agent shall add the names of qualified electors who vote at their polling places in the manner prescribed in s. 6.33 (5) (a).

SECTION 1742. 6.33 (2) (a) of the statutes is amended to read:

6.33 (2) (a) All information may be recorded by any person, except that the clerk shall record the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail, and the type of identifying document submitted by the elector as proof of residence under s. 6.34 or the indication of verification of information in lieu of proof of residence under s. 6.34 (2m). Except as provided in s. 6.30 (5), each elector shall sign his or her own name unless the elector is unable to sign his or her name due to physical disability. In such case, the elector may authorize another elector to sign the form on his or her behalf. If the elector so authorizes, the elector signing the form shall attest to a

statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

SECTION 1743. 6.35 (3) of the statutes is amended to read:

6.35 (3) ~~Original~~ Except for electronic registrations, original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times. The commission shall maintain records of registrations that are entered electronically under s. 6.30 (5) and make such records available for inspection by the municipal clerk, the clerk's designated agent, or the board of election commissioners.

SECTION 1744. 6.55 (2) (a) (form) of the statutes is amended to read:

6.55 (2) (a) (form) "I,, hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at for at least 28 10 consecutive days immediately preceding this election, and I have not voted at this election."

SECTION 1745. 6.85 (2) of the statutes is amended to read:

6.85 (2) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 10 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving.

SECTION 1746. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made ~~no earlier than 14 days preceding the election~~ and no later than the Sunday preceding the election. No application may be received on a legal holiday. A municipality shall specify the hours in the notice under s. 10.01 (2) (e). The

municipal clerk or an election official shall witness the certificate for any in-person absentee ballot cast. Except as provided in par. (c), if the elector is making written application for an absentee ballot at the partisan primary, the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the ~~polling place~~ election inspectors of the proper ward or election district or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 1747. 6.86 (3) (c) of the statutes is amended to read:

6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day of the election. A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used to check that the electors vote only once, and by

absentee ballot. ~~If~~ Except as provided in s. 6.34 (2m), if the elector is registering for the election after the close of registration or if the elector registered by mail and has not voted in an election in this state, the municipal clerk shall inform the agent that proof of residence under s. 6.34 is required and the elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot. The clerk shall verify that the name on any required proof of identification presented by the agent conforms to the name on the elector's application. The clerk shall then enter his or her initials on the carrier envelope indicating that the agent presented proof of identification to the clerk. The agent is not required to enter a signature on the registration list. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery to the polling place serving the hospitalized elector's residence before the closing hour or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

SECTION 1748. 6.87 (2) (form) of the statutes is amended to read:

6.87 (2) (form)

[STATE OF

County of]

or

[(name of foreign country and city or other jurisdictional unit)]

I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of the aldermanic district in the city of ..., residing at ...* in said city, the county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at

the election to be held on; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another later than ~~28~~ 10 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

Identification serial number, if any:

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Printed name)

....(Address)***

Signed

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of

Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.

*** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

SECTION 1749. 6.87 (6) of the statutes is amended to read:

6.87 (6) The ballot shall be returned so it is delivered to the ~~polling place~~ election inspectors of the proper ward or election district no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before 8 p.m. Any ballot not mailed or delivered as provided in this subsection may not be counted.

SECTION 1750. 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words "This envelope contains the ballot of an absent elector and must be opened ~~in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats~~ only as provided by law." If the elector is a military elector, as defined in s. 6.34 (1), or an overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, and the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a

certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office or at the alternate site, if applicable until delivered, as required in sub. (2).

SECTION 1751. 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Except in municipalities where absentee ballots are canvassed under s. 7.52, at any time between the opening and closing of the polls on election day, or between 7 a.m. and 8 p.m. on the day before the election if authorized for that election under s. 7.525, the inspectors shall, in the same room where votes are being cast, or in the place where absentee ballots begin being canvassed early under s. 7.525, in such a manner that members of the public can hear and see the procedures, open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that proof of residence under s. 6.34 is required and proof of residence is enclosed, the inspectors shall enter both the type of identifying document submitted by the absent elector and the name of the entity or institution that issued the identifying document on the poll list in the space

provided. If the poll list indicates that proof of residence under s. 6.34 is required and no proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

SECTION 1752. 6.94 of the statutes is amended to read:

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for ~~28~~ 10 consecutive days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election". If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

SECTION 1753. 7.52 (1) (a) of the statutes is amended to read:

7.52 (1) (a) The governing body of any municipality may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall, at each election held in the municipality, canvass all absentee ballots received by the municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this subsection, the municipal clerk or board of election commissioners of the municipality shall notify the elections commission in writing of the proposed enactment and shall consult with the elections commission concerning administration of this section. At every election held in the municipality following enactment of an ordinance under this subsection, the board of absentee ballot canvassers shall, between 7 a.m. and 8 p.m. on the day before the election if authorized for that election under s. 7.525 or any time after the opening of the polls and before 10 p.m. on election day, publicly convene to count the absentee ballots for the municipality. The municipal clerk shall give at least 48 hours' notice of any meeting under this subsection. Any member of the public has the same right of access to a meeting of the municipal board of absentee ballot canvassers under this subsection that the individual would have under s. 7.41 to observe the proceedings at a polling place. The board of absentee ballot canvassers may order the removal of any individual exercising the right to observe the proceedings if the individual disrupts the meeting.

SECTION 1754. 7.52 (5) (b) of the statutes is amended to read:

7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any reason, the board of absentee ballot canvassers may call before it any person whose absentee ballot is challenged if the person is available to be called. If the person challenged refuses to answer fully any relevant questions put to him or her by the

board of absentee ballot canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the members of the board of absentee ballot canvassers shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for ~~28~~ 10 consecutive days have been a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election." If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

SECTION 1755. 7.52 (10) of the statutes is created to read:

7.52 (10) If, subject to s. 7.525, absentee ballots begin being canvassed under this section on the day before the election, no action under subs. (4) to (8) may be performed before election day.

SECTION 1756. 7.525 of the statutes is created to read:

7.525 Early canvassing of absentee ballots. (1) AUTHORIZING EARLY CANVASSING; REQUIREMENTS. (a) 1. The municipal clerk or municipal board of election commissioners may elect to begin the canvassing of absentee ballots received by the municipal clerk on the day before any election.

2. Prior to the canvass under subd. 1., the municipal clerk or municipal board of election commissioners shall notify the elections commission in writing and shall consult with the elections commission concerning administration of this section.

(b) Ballots may be canvassed early under this section only between 7 a.m. and 8 p.m. on the day before the election and may not be tallied until after the polls close on election day.

(c) Any member of the public has the same right of access to a place where absentee ballots are being canvassed early under this section that the individual would have under s. 7.41 to observe the proceedings at a polling place.

(d) When not in use, automatic tabulating equipment used for purposes of this section and the areas where the programmed media, memory devices, and ballots are housed shall be secured with tamper-evident security seals in a double-lock location such as a locked cabinet inside a locked office.

(e) No person may act in any manner that would give him or her the ability to know or to provide information on the accumulating or final results from the ballots canvassed early under this section before the close of the polls on election day. A person who violates this paragraph is guilty of a Class I felony.

(2) NOTICE REQUIREMENTS. Absentee ballots may not begin being canvassed early under this section for any election unless all of the following apply:

(a) At least 70 days before the election the municipal clerk or executive director of the municipal board of election commissioners notifies in writing the county clerk or executive director of the county board of election commissioners that early canvassing of absentee ballots will take place in the election.

(b) The notice under s. 10.01 (2) (e) specifies the date and time during which, and each location where, the early canvassing of absentee ballots will be conducted.

SECTION 1757. 8.50 (intro.) of the statutes is amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor, lieutenant governor, and district attorney, judicial and legislative state offices, county, city, village, and town offices, and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). No Except as provided in sub. (4m), no special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after August 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the partisan primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 1758. 8.50 (2) (a) and (b) of the statutes are amended to read:

8.50 (2) (a) ~~The~~ Except as provided in sub. (4m), the date for the special election shall be not less than 62 nor more than 77 days from the date of the order except when ~~the special election is held to fill a vacancy in a national office or~~ the special election is held on the day of the general election or spring election. If a special election is held concurrently with the spring election, the special election may be ordered not earlier than 92 days prior to the spring primary and not later than 49 days prior to that primary. If a special election is held concurrently with the general election ~~or a special election is held to fill a national office,~~ the special election may be ordered not

earlier than 122 days prior to the partisan primary or special primary, respectively, and not later than 92 days prior to that primary.

(b) ~~If Except as provided in sub. (4m), if~~ a primary is required, the primary shall be on the day 4 weeks before the day of the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the partisan primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary, and except when the special election is held on the Tuesday after the first Monday in November of an odd-numbered year, the primary shall be held on the 2nd Tuesday of August in that year.

SECTION 1759. 8.50 (3) (a) of the statutes is amended to read:

8.50 (3) (a) ~~Nomination~~ Except as provided in sub. (4m), nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or no later than June 1 preceding the partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement

of economic interests with the ethics commission no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

SECTION 1760. 8.50 (4) (b) of the statutes is repealed.

SECTION 1761. 8.50 (4m) of the statutes is created to read:

8.50 (4m) SPECIAL ELECTIONS FOR NATIONAL OFFICE. (a) Except as provided in par. (b), a vacancy in the office of U.S. senator or representative in congress shall be filled as soon as practicable in the following manner:

1. At a special election to be held on the 3rd Tuesday in May following the first day of the vacancy. The special primary shall be held concurrently with the spring primary on the 3rd Tuesday in February. The first day for circulating nomination papers shall be November 1 and the papers shall be filed no later 5 p.m. on the first Tuesday in December preceding the primary.

2. At a special election to be held on the 2nd Tuesday in August following the first day of the vacancy. The special primary shall be held on the 3rd Tuesday in May in that year. The first day for circulating nomination papers shall be February 1 and the papers shall be filed no later than 5 p.m. on the first Tuesday in March.

3. At a special election to be held on the Tuesday after the first Monday in November following the first day of the vacancy. The special primary shall be held on the 2nd Tuesday in August in that year. Nomination papers shall be circulated and filed as provided under s. 8.15.

(b) A special election shall not be held under par. (a) 3. in any year in which the general election is held for that office, but, instead, the vacancy shall be filled at the partisan primary and general election.

(c) A vacancy filled under par. (a) shall be for the residue of the unexpired term.

SECTION 1762. 16.971 (2) (o) of the statutes is created to read:

16.971 (2) (o) Assist the elections commission with information technology systems development for purposes of facilitating the registration of eligible electors under s. 6.256.

SECTION 1763. 17.18 of the statutes is amended to read:

17.18 Vacancies, U.S. senator and representative in congress; how filled. Vacancies in the office of U.S. senator or representative in congress from this state shall be filled by election, as provided in s. 8.50 (4) (b), for the residue of the unexpired term (4m).

SECTION 1764. 20.510 (1) (f) of the statutes is created to read:

20.510 (1) (f) *Local aids for special elections.* A sum sufficient to reimburse counties and municipalities for certain special primary or election costs under s. 5.05 (11m).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1765. 20.510 (1) (g) of the statutes is amended to read:

20.510 (1) (g) *Recount fees.* ~~The amounts in the schedule All moneys received on account of recount petitions filed with the commission, to be apportioned to the commission and the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag). -All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1766. 85.61 (1) of the statutes is amended to read:

85.61 (1) The secretary of transportation and the administrator of the elections commission shall enter into an agreement to match personally identifiable information on the official registration list maintained by the commission under s.

6.36 (1) and the information specified in ~~s. ss. 6.256 (2) and 6.34 (2m)~~ with personally identifiable information in the operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission to verify the accuracy of the information provided for the purpose of voter registration. Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s. 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information under s. 6.256 (2) to the commission on a continuous basis, no less often than weekly.

SECTION 1767. 343.14 (2p) of the statutes is created to read:

343.14 **(2p)** (a) The forms for application for a license or identification card or for renewal thereof shall inform the applicant of the department's duty to make available to the elections commission the information described in s. 6.256 (2) for the purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an opportunity to elect not to have this information made available for these purposes.

(b) If the applicant elects not to have the information described in s. 6.256 (2) made available for the purposes specified in s. 6.256 (1) and (3), the department may not make this information available for these purposes. This paragraph does not preclude the department from making available to the elections commission information for the purposes specified in s. 6.34 (2m) or for any purpose other than those specified in s. 6.256 (1) and (3).

SECTION 1768. 343.50 (1) (c) 1. of the statutes is amended to read:

343.50 **(1)** (c) 1. The department may issue a receipt to any applicant for an identification card, and shall issue a receipt to an applicant requesting an identification card under sub. (5) (a) 3., which receipt shall constitute a temporary identification card while the application is being processed and shall be valid for a

period not to exceed ~~60~~ 180 days. If the application for an identification card is processed under the exception specified in s. 343.165 (7) or (8), the receipt shall include the marking specified in sub. (3) (b).

SECTION 9112. Nonstatutory provisions; Elections Commission.

(1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall enter into and begin transferring information under a revised agreement with the elections commission administrator pursuant to s. 85.61 (1) no later than the first day of the 9th month beginning after the effective date of this subsection.

(2) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July 1, 2025, the elections commission shall report to the appropriate standing committees of the legislature, in the manner specified in s. 13.172 (3), and to the governor its progress in initially implementing a system to ensure the complete and continuous registration of all eligible electors in this state, specifically including the operability and utility of information integration with the department of transportation and the feasibility and desirability of integrating public information maintained by other state agencies and by technical colleges with the commission's registration information to enhance the completeness and accuracy of the information. At a minimum, the report shall contain an assessment of the feasibility and desirability of the integration of registration information with information maintained by the departments of health services, children and families, workforce development, revenue, safety and professional services, and natural resources; the University of Wisconsin System; and the technical college system board, as well as the technical colleges within each technical college district.

SECTION 9142. Nonstatutory provisions; Technical College System.

(1) VOTER IDENTIFICATION. No later than August 1, 2023, each technical college in this state that is a member of and governed by the technical college system under ch. 38 shall issue student identification cards that qualify as identification under s. 5.02 (6m) (f).

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) VOTER IDENTIFICATION. No later than August 1, 2023, each University of Wisconsin System institution shall issue student identification cards that qualify as identification under s. 5.02 (6m) (f).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1271/P1
MPG&JK:cjs

DOA:.....Rice, BB0286 – Public records location fee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Public records location fee

Current law allows an authority to impose a fee on any person requesting a public record to cover the cost of locating that record, if the cost is \$50 or more. The location fee may not exceed the actual, necessary, and direct cost of locating the record. Current law defines an “authority” to include any elective official or state or local government agency that has custody of a public record.

Under the bill, the cost of locating a public record must be \$100 or more before an authority may impose a fee to cover the actual, necessary, and direct cost of locating the record.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1769. 19.35 (3) (c) of the statutes is amended to read:

19.35 (3) (c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 \$100 or more.

SECTION 9351. Initial applicability; Other.

(1) PUBLIC RECORDS LOCATION FEE. The treatment of s. 19.35 (3) (c) first applies to a public records request received on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1272/P4
SWB:skw

DOA:.....Lessner, BB0273 - Crisis urgent care and observation facilities grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Crisis urgent care and observation facilities

This bill requires DHS to award grants to individuals and entities to develop and support crisis urgent care and observation facilities. The bill also requires DHS to create a certification process for crisis urgent care and observation facilities. DHS may limit the number of certifications it grants to operate these facilities, and no person may operate a crisis urgent care and observation facility without a certification from DHS. The bill requires DHS to request any necessary federal approval to add services provided by a crisis urgent care and observation facility as a type of crisis intervention service reimbursable under the Medical Assistance program. Under the bill, if federal approval is either unnecessary or is necessary and is granted, DHS may provide reimbursement for these services. The bill also requires DHS to include a process for crisis urgent care and observation facilities to apply for certification of the facility for the reimbursement of services provided under the Medical Assistance program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1770. 20.435 (5) (cj) of the statutes is created to read:

20.435 (5) (cj) *Crisis urgent care and observation facilities.* The amounts in the schedule for grants to develop and support crisis urgent care and observation facilities under s. 51.036.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1771. 49.45 (41) (a) of the statutes is renumbered 49.45 (41) (a) (intro.) and amended to read:

49.45 (41) (a) (intro.) In this subsection, “crisis intervention services” means crisis intervention services for the treatment of mental illness, intellectual disability, substance abuse, and dementia that are provided by ~~a~~ any of the following:

2. A crisis intervention program operated by, or under contract with, a county, if the county is certified as a medical assistance provider.

SECTION 1772. 49.45 (41) (a) 1. of the statutes is created to read:

49.45 (41) (a) 1. A crisis urgent care and observation facility certified under s. 51.036.

SECTION 1773. 49.45 (41) (b) of the statutes is amended to read:

49.45 (41) (b) If a county elects to become certified as a provider of crisis intervention services under par. (a) 2., the county may provide crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall pay the amount of the allowable charges for the services under the medical

assistance program that is not provided by the federal government. The department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 1774. 49.45 (41) (c) (intro.) of the statutes is amended to read:

49.45 (41) (c) (intro.) Notwithstanding par. (b), if a county elects, pursuant to par. (a) 2., to deliver crisis intervention services under the Medical Assistance program on a regional basis according to criteria established by the department, all of the following apply:

SECTION 1775. 49.45 (41) (d) of the statutes is created to read:

49.45 (41) (d) The department shall request any necessary federal approval required to provide reimbursement to crisis urgent care and observation facilities certified under s. 51.036 for crisis intervention services under this subsection. If federal approval is granted or no federal approval is required, the department shall provide reimbursement under s. 49.46 (2) (b) 15. If federal approval is necessary but is not granted, the department may not provide reimbursement for crisis intervention services provided by crisis urgent care and observation facilities.

SECTION 1776. 51.036 of the statutes is created to read:

51.036 Crisis urgent care and observation facilities. (1) DEFINITIONS. In this section:

(a) “Crisis” means a situation caused by an individual’s apparent mental or substance use disorder that results in a high level of stress or anxiety for the individual, persons providing care for the individual, or the public and that is not resolved by the available coping methods of the individual or by the efforts of those providing ordinary care or support for the individual.

(b) “Crisis urgent care and observation facility” means a treatment facility that admits an individual to prevent, de-escalate, or treat the individual’s mental health or substance use disorder and includes the necessary structure and staff to support the individual’s needs relating to the mental health or substance use disorder.

(2) CERTIFICATION REQUIRED; EXEMPTION. (a) The department shall establish a certification process for crisis urgent care and observation facilities and may establish criteria by rule for the certification of crisis urgent care and observation facilities. The department may limit the number of certifications it grants to operate crisis urgent care and observation facilities. No person may operate a crisis urgent care and observation facility without a certification under this section. The department shall establish by rule a process for crisis urgent care and observation facilities to apply to the department for certification of the facility for the receipt of funds for services provided as a benefit to a recipient under the Medical Assistance program.

(b) A crisis urgent care and observation facility certified under this section is not subject to facility regulation under ch. 50, unless otherwise required due to the facility’s licensure or certification for other services or purposes. A crisis urgent care and observation facility is not a hospital under s. 50.32 and nothing in this paragraph limits services a hospital may provide under s. 50.32.

(c) A crisis urgent care and observation facility certified under this section shall do all of the following:

1. Accept referrals for crisis services for both youths and adults, including involuntary patients under emergency detention, voluntary patients, walk-ins, and individuals brought by law enforcement, emergency medical responders, and other emergency medical services practitioners.

2. Abstain from having a requirement for medical clearance before admission assessment.

3. Provide assessments for physical health, substance use disorder, and mental health.

4. Provide screens for suicide and violence risk.

5. Provide medication management and therapeutic counseling.

6. Provide coordination of services for basic needs.

7. Have adequate staffing 24 hours a day, 7 days a week, with a multidisciplinary team including, as needed, psychiatrists or psychiatric nurse practitioners, nurses, licensed clinicians capable of completing assessments and providing necessary treatment, peers with lived experience, and other appropriate staff.

8. Allow for voluntary and involuntary treatment of individuals in crisis as a means to avoid unnecessary placement of those individuals in hospital inpatient beds and allow for an effective conversion to voluntary stabilization when warranted in the same setting.

(3) ADMISSION. (a) A crisis urgent care and observation facility certified under this section may accept individuals for voluntary stabilization, observation and treatment, including for assessments for mental health or substance use disorder, screening for suicide and violence risk, and medication management and therapeutic counseling.

(b) A crisis urgent care and observation facility certified under this section may accept individuals for emergency detention under s. 51.15 if the facility agrees to accept the individual. A county crisis assessment under s. 51.15 (2) (c) is required prior to acceptance of an individual for purposes of emergency detention at a crisis

urgent care and observation facility certified under this section. Medical clearance is not required before admission, but the facility shall provide necessary medical services on site.

(4) GRANTS. From the appropriation under s. 20.435 (5) (cj), the department shall award grants to individuals and entities to develop and support crisis urgent care and observation facilities under this section.

(5) RULES. The department may promulgate rules to implement this section, including requirements for admitting and holding individuals for purposes of emergency detention. The department may promulgate the rules under this section as emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this subsection may remain in effect for not more than 24 months. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1273/P1
SWB&JPC:cjs

DOA:.....Lessner, BB0274 - Deaf and hard of hearing behavioral health treatment program grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Deaf, Hard of Hearing, and Deaf-Blind Behavioral Health Treatment Center

This bill allows DHS, as part of the grants DHS is required to award for community programs, to distribute up to \$1,936,000 in each fiscal year starting with fiscal year 2024-25 to a statewide provider of behavioral health treatment services for individuals who are deaf, hard of hearing, or deaf-blind.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1777. 46.48 (3m) of the statutes is created to read:

46.48 (3m) DEAF, HARD OF HEARING, AND DEAF-BLIND BEHAVIORAL HEALTH TREATMENT CENTER. The department may distribute not more than \$1,936,000 in

each fiscal year, beginning in fiscal year 2024-25, to a statewide provider of behavioral health treatment services for individuals who are deaf, hard of hearing, or deaf-blind.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1274/P1
MPG&JK:cjs

DOA:.....Rice, BB0287 - Legislature Record Retention Exemption

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Records and correspondence of legislators

Under current law, the Public Records Board prescribes policies and standards for the retention and disposition of public records made or received by a state officer or agency. However, for purposes of public records retention, the definition of “public records” does not include the records and correspondence of any legislator. This bill eliminates the exception for a legislator’s records and correspondence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1778. 16.61 (2) (b) 1. of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1275/P2
FFK:skw

DOA:.....Lessner, BB0275 - Peer run respite expenditures

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Peer run respite centers

This bill makes changes to how DHS may distribute grant moneys to regional peer run respite centers for individuals with mental health and substance abuse concerns. Under current law, DHS may distribute not more than \$1,200,000 in each fiscal year for this purpose and may use any of three appropriations to fund the grants. The bill removes the limitation on the amount that DHS may annually distribute and requires DHS to use only one appropriation to fund the grants.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1779. 46.48 (31) of the statutes is amended to read:

46.48 (31) PEER RUN RESPITE CENTERS. The ~~From the appropriation under s.~~
20.435 (5) (bc), the department may distribute not more than \$1,200,000 in each

~~fiscal year, beginning in fiscal year 2014-15, grants~~ to regional peer run respite centers for individuals with mental health and substance abuse concerns.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1276/P1
FFK:emw

DOA:.....Lessner, BB0276 - 988 suicide and crisis lifeline support

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

988 Suicide and Crisis Lifeline grants

This bill requires DHS to awards grants to organizations that provide crisis intervention services and crisis care coordination to individuals who contact the national 988 Suicide and Crisis Lifeline from anywhere within the state. Currently, DHS partners with Wisconsin Lifeline to provide statewide 988 crisis hotline services.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1780. 20.435 (5) (ch) of the statutes is created to read:

20.435 (5) (ch) *Suicide and crisis lifeline grants.* The amounts in the schedule for grants under s. 46.533.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1781. 46.533 of the statutes is created to read:

46.533 Suicide and crisis lifeline; grants. (1) In this section, “national crisis hotline” means the telephone or text access number “988,” or its successor, that is maintained under the federally administered program under 42 USC 290bb-36c.

(2) From the appropriation under s. 20.435 (5) (ch), the department shall award grants to organizations that provide crisis intervention services and crisis care coordination to individuals who contact the national crisis hotline from anywhere within this state.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1277/P2
SWB:cjs

DOA:.....Lessner, BB0277 - Detoxification facilities Medicaid
reimbursement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Medical Assistance program coverage for detoxification and stabilization services

This bill requires DHS to provide reimbursement for detoxification and stabilization services under the Medical Assistance program. The bill requires DHS to submit to the federal government any request for federal approval necessary to provide the reimbursement for detoxification and stabilization services under the Medical Assistance program, and makes reimbursement contingent upon any needed federal approval. The Medical Assistance program is a joint federal and state program administered by DHS that provides health care services to individuals with limited financial resources. The bill defines detoxification and stabilization services as adult residential integrated behavioral health stabilization service, residential withdrawal management service, or residential intoxication monitoring service.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1782. 49.45 (30p) of the statutes is created to read:

49.45 (30p) DETOXIFICATION AND STABILIZATION SERVICES. (a) In this subsection:

1. “Adult residential integrated behavioral health stabilization service” means a residential behavioral health treatment service, delivered under the oversight of a medical director, that provides withdrawal management and intoxication monitoring, as well as integrated behavioral health stabilization services, and includes nursing care on site for medical monitoring available on a 24-hour basis. “Adult residential integrated behavioral health stabilization service” may include the provision of services including screening, assessment, intake, evaluation and diagnosis, medical care, observation and monitoring, physical examination, determination of medical stability, medication management, nursing services, case management, drug testing, counseling, individual therapy, group therapy, family therapy, psychoeducation, peer support services, recovery coaching, recovery support services, and crisis intervention services, to ameliorate acute behavioral health symptoms and stabilize functioning.

2. “Community-based withdrawal management” means a medically managed withdrawal management service delivered on an outpatient basis by a physician or other service personnel acting under the supervision of a physician.

3. “Detoxification and stabilization services” means adult residential integrated behavioral health stabilization service, residential withdrawal management service, or residential intoxication monitoring service.

4. “Residential intoxication monitoring service” means a residential service that provides 24-hour observation to monitor the safe resolution of alcohol or sedative intoxication and to monitor for the development of alcohol withdrawal for intoxicated patients who are not in need of emergency medical or behavioral healthcare. “Residential intoxication monitoring service” may include the provision of services including screening, assessment, intake, evaluation and diagnosis, observation and monitoring, case management, drug testing, counseling, individual therapy, group therapy, family therapy, psychoeducation, peer support services, recovery coaching, and recovery support services.

5. “Residential withdrawal management service” means a residential substance use treatment service that provides withdrawal management and intoxication monitoring, and includes medically managed 24-hour on-site nursing care, under the supervision of a physician. “Residential withdrawal management service” may include the provision of services, including screening, assessment, intake, evaluation and diagnosis, medical care, observation and monitoring, physical examination, medication management, nursing services, case management, drug testing, counseling, individual therapy, group therapy, family therapy, psychoeducation, peer support services, recovery coaching, and recovery support services, to ameliorate symptoms of acute intoxication and withdrawal and to stabilize functioning. “Residential withdrawal management service” may also include community-based withdrawal management and intoxication monitoring services.

(b) Subject to par. (c), the department shall provide reimbursement for detoxification and stabilization services under the Medical Assistance program under s. 49.46 (2) (b) 14r. The department shall certify providers under the Medical

Assistance program to provide detoxification and stabilization services in accordance with this subsection.

(c) The department shall submit to the federal department of health and human services any request for a state plan amendment, waiver, or other federal approval necessary to provide reimbursement for detoxification and stabilization services as described in this subsection. If the federal department approves the request or if no federal approval is necessary, the department shall provide the reimbursement under par. 49.46 (2) (b) 14r. If the federal department disapproves the request, the department may not provide the reimbursement described in this subsection.

SECTION 1783. 49.46 (2) (b) 14r. of the statutes is created to read:

49.46 (2) (b) 14r. Detoxification and stabilization services as specified under s. 49.45 (30p).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1278/P2
MPG:skw

DOA:.....Rice, BB0288 - Senate Confirmation of Certain Board or Council
Nominations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Vacancies in certain appointive offices

Under current law, vacancies in public office may occur in a number of ways, including when the incumbent resigns, dies, or is removed from office, or, in the case of elected office, when the incumbent's term expires. However, as the Wisconsin Supreme Court held in *State ex rel. Kaul v. Prehn*, 2022 WI 50, expiration of an incumbent's term of office does not create a vacancy if the office is filled by appointment for a fixed term. Absent a vacancy or removal for cause, these incumbents may remain in office until their successors are appointed and qualified.

Under this bill, a vacancy in public office is created if the office is filled by appointment of the governor by and with the advice and consent of the senate for a fixed term and the incumbent's term expires or the governor submits his or her nomination for the office to the senate, whichever is later.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1784. 17.03 (10m) of the statutes is created to read:

17.03 **(10m)** If the office is filled by appointment of the governor for a fixed term by and with the advice and consent of the senate, the incumbent's term expires or, if later, the governor submits his or her nomination for the office to the senate.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1279/P2
SWB:cjs

DOA:.....Lessner, BB0278 - Double up food bucks pilot program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Healthy eating incentives program

Subject to certain conditions, this bill requires DHS to establish and implement a statewide healthy eating incentives Double Up Food Bucks pilot program under the Gus Schumacher Nutrition Incentive Program, which is a federal grant program administered by the National Institute of Food and Agriculture of the U.S. Department of Agriculture. Under the program, DHS would match amounts spent by FoodShare recipients under the program on fruits and vegetables from participating retailers. For every dollar a FoodShare recipient spends on fruits and vegetables at a participating retailer, the recipient would get an additional dollar to spend on fruits and vegetables. FoodShare, also known as the food stamp program and the federal Supplemental Nutrition Assistance Program, provides a monetary benefit to individuals who have limited financial resources for the purpose of purchasing food products. DHS administers the FoodShare program. Under the bill, DHS must, on a schedule it determines appropriate, seek any necessary federal approval and sufficient funding, including from the Gus Schumacher Nutrition Incentive Program, to support the program. If the U.S. Department of Agriculture does not approve the program, or if DHS is unable to obtain sufficient funding to support the program, DHS may not implement the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1785. 20.435 (4) (bu) of the statutes is created to read:

20.435 (4) (bu) *Healthy eating incentives.* The amounts in the schedule for the development and administration of the healthy eating incentives program under s. 49.79 (7m) and to provide electronic benefit transfer and credit and debit card processing equipment and services to farmers' markets and farmers who sell directly to consumers under s. 49.79 (7s).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: Per the instructions for BB0444 (LRB 23-1657), I have included in this draft language to accommodate the purpose created by LRB 23-1657. If that draft has changes or is eliminated, those changes will need to be reflected in this draft.

SECTION 1786. 49.79 (7m) of the statutes is created to read:

49.79 (7m) HEALTHY EATING INCENTIVES. (a) In this subsection, "fruit and vegetables" means "any variety of fresh, canned, dried, or frozen whole or cut fruits or vegetables without added sugars, fats, oils, or salt.

(b) Subject to pars. (c) and (d), from the appropriation under s. 20.435 (4) (bu), the department shall establish and implement a statewide healthy eating incentives Double Up Food Bucks pilot program under the federal Gus Schumacher Nutrition Incentive Program to match benefit amounts spent by recipients under the food stamp program on fruits and vegetables from participating retailers with additional benefit amounts to be used for the purchase of fruits and vegetables.

(c) The department shall do all of the following, on a schedule determined by the department:

1. Submit to the U.S. department of agriculture a request for a waiver or any other federal approval necessary to allow the department to implement the program under this subsection.

2. Seek any available moneys, including federal moneys under the federal Gus Schumacher Nutrition Incentive Program, to fund implementation of the program under this subsection.

(d) If the U.S. department of agriculture disapproves the request under par. (c) 1. or if the department is unable to obtain sufficient funding for the program, the department may not implement the program under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1281/P3
ARG:cdc&wlj

DOA:.....Martin, BB0282 - Small business retirement program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Small Business Retirement Savings Board; retirement savings program

This bill creates a Small Business Retirement Savings Board (board) attached to DFI and requires the board to establish and oversee a small business retirement savings program for certain privately employed individuals who are not eligible for an employer-sponsored retirement plan. The board must contract with a vendor (investment administrator) to provide specified services in administering the program, including investment services and record-keeping services.

Under the bill, the board consists of the following seven members: the secretary of financial institutions or his or her designee; two members appointed by the governor; two members appointed, respectively, by the speaker of the assembly and president of the senate; one member appointed by the secretary of financial institutions; and one member appointed by the State of Wisconsin Investment Board. The bill requires certain members to possess specified attributes or experience, and all members except the secretary of financial institutions or his or her designee serve four-year terms.

Under the bill, the board must design the program to meet certain requirements. Among these, the program must allow eligible employees to

contribute to their accounts through payroll deductions and require participating employers to withhold from employees' wages, through payroll deductions, employees' account contributions and remit those contributions directly to the investment administrator. A "participating employer" is a private employer that does not offer a retirement savings plan to all employees; has at least one employee who is a resident of this state; provides notice to the board of its election to participate in the program; and certifies that, on the date of this notice, it had 50 or fewer employees. An "eligible employee" is an individual who resides in this state and who is employed by a private employer that does not offer a retirement savings plan in which the individual may participate. The bill defines "account" as a retirement savings account established for an eligible employee under the program. Other requirements of the program are that the administrative costs must be low and the fee that the investment administrator may charge an eligible employee is limited to a fixed monthly fee in an amount approved by the board. The program must also allow an eligible employee who has established an account to continue the account after separating from employment with a participating employer if the account is maintained with a positive balance.

Under the bill, after electing to participate in the program, a participating employer must provide notice to each of its eligible employees of the eligible employee's right to opt out of the program. Unless the eligible employee opts out, the participating employer must enroll the eligible employee in the program and begin making payroll deductions, which amounts are remitted to the investment administrator as account contributions of the employee. Unless a different account type is offered and the employee selects another option, these contributions are made to a Roth IRA for the employee. Unless the employee directs otherwise, during the employee's first year of enrollment in the program, the participating employer must make a payroll deduction each pay period at a rate of 5 percent of the employee's gross wages, with this rate increasing by 1 percent per year until a maximum rate of 10 percent is reached. However, the participating employer must make a good faith effort to establish the payroll deduction at a rate that will not result in the employee's total annual contributions exceeding maximum contribution limits established by the board in accordance with the federal contribution limits for Roth IRAs, although the participating employer is not responsible if excess contributions occur. Under the program, the eligible employee must have certain investment options within each account type, including a stable value or capital preservation fund and a target date index fund or age-based fund. An eligible employee's first \$1,000 of contributions must be deposited in a stable value or capital preservation fund, and thereafter, unless the employee selects a different investment option, the employee's contributions must be deposited in a target date index fund or age-based fund.

The bill specifies that, in establishing the program, the board may create or impose any requirement or condition not inconsistent with the bill's requirements that the board considers necessary for the effective functioning and widespread utilization of the program. The bill also authorizes the board to enter into contracts for services necessary for establishing and overseeing the program, including services of financial institutions, attorneys, investment advisers, accountants,

consultants, and other professionals. The board may promulgate rules related to the program. DFI must provide the board with assistance necessary for the program, including staff, equipment, and office space. The board may delegate to DFI responsibility for carrying out any day-to-day board function related to the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1787. 15.185 (6) of the statutes is created to read:

15.185 (6) SMALL BUSINESS RETIREMENT SAVINGS BOARD. (a) There is created a small business retirement savings board that is attached to the department of financial institutions under s. 15.03. The board shall consist of the following members:

1. The secretary of financial institutions or his or her designee.
2. One member who has a favorable reputation for skill, knowledge, and experience in the field of retirement saving and investments, appointed by the governor.
3. One member who has a favorable reputation for skill, knowledge, and experience relating to small business, appointed by the governor.
4. One member who is a representative of an association representing employees or who has a favorable reputation for skill, knowledge, and experience in the interests of employees in retirement saving, appointed by the speaker of the assembly.
5. One member who has a favorable reputation for skill, knowledge, and experience in the interests of employers in retirement saving, appointed by the president of the senate.

6. One member who has a favorable reputation for skill, knowledge, and experience in retirement investment products or retirement plan designs, appointed by the secretary of financial institutions.

7. One member appointed by the investment board.

(b) The members under par. (a) 2. to 7. shall be appointed for 4-year terms.

SECTION 1788. 16.705 (1b) (d) of the statutes is amended to read:

16.705 **(1b)** (d) The department of financial institutions under s. 224.51 or the small business retirement savings board under s. 224.56.

SECTION 1789. 16.71 (5r) of the statutes is amended to read:

16.71 **(5r)** The department shall delegate authority to the department of financial institutions to enter into vendor contracts under s. 224.51 and to the small business retirement savings board to enter into vendor contracts under s. 224.56.

SECTION 1790. 20.144 (4) (title) of the statutes is created to read:

20.144 **(4)** (title) SMALL BUSINESS RETIREMENT SAVINGS PROGRAM.

SECTION 1791. 20.144 (4) (a) of the statutes is created to read:

20.144 **(4)** (a) *General program operations.* The amounts in the schedule for the small business retirement savings program under s. 224.56.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1792. 20.144 (4) (g) of the statutes is created to read:

20.144 **(4)** (g) *Program operations; other funds.* All moneys received for the small business retirement savings program under s. 224.56, for the purposes for which received.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1793. 224.56 of the statutes is created to read:

224.56 Small business retirement savings program. (1) DEFINITIONS. In this section:

(a) “Account” means a retirement savings account established for an eligible employee under the program under this section.

(b) “Board” means the small business retirement savings board.

(c) “Eligible employee” means an individual who resides in this state and who is any of the following:

1. Employed by a private employer that does not offer a retirement savings plan.

2. Employed by a private employer and not eligible to participate in a retirement savings plan offered by the private employer.

(d) “Investment administrator” means the vendor with which the board has contracted under sub. (2) (b).

(e) “Participating employer” means a private employer that qualifies for and has elected to participate in the program as provided in sub. (4) (a).

(f) “Roth IRA” has the meaning given in 26 USC 408A (b).

(g) “Traditional IRA” means an individual retirement account under 26 USC 408.

(2) ESTABLISHMENT OF PROGRAM. (a) Subject to par. (b), the board shall establish and oversee a small business retirement savings program that meets the requirements specified in this section.

(b) After soliciting competitive sealed proposals under s. 16.75 (2m), the board shall select and contract with a vendor to provide the following services in administering the small business retirement savings program:

1. Investment services.

2. Accounting and record-keeping services.

3. Any other professional services considered necessary by the board.

(3) GENERAL PROGRAM REQUIREMENTS. The board shall design the program under this section so that it meets all of the following requirements:

(a) The program allows eligible employees to contribute to their accounts through payroll deductions and requires participating employers to withhold from employees' wages, through payroll deductions, employees' account contributions and remit those contributions directly to the investment administrator.

(b) Subject to the record-keeping requirement under sub. (6) (b), the program allows the investment administrator to pool accounts for investment purposes and designates the investment administrator as the trustee of account contributions and earnings.

(c) The administrative costs of the program are low, and the fee that the investment administrator may charge an eligible employee is limited to a fixed monthly fee in an amount approved by the board.

(d) The program does not require an eligible employee to maintain a minimum account balance if the employee makes contributions to the account each pay period.

(e) The program allows account consolidation and roll over, including roll over to a retirement savings option not part of the program to the extent allowed under the Internal Revenue Code.

(f) The program allows an eligible employee who has established an account to continue the account after separating from employment with a participating employer if the account is maintained with a positive balance.

(g) The program incorporates maximum contribution limits established by the board in accordance with the Internal Revenue Code contribution limits for Roth

IRAs, separately and in combination with traditional IRAs, as well as any similar contribution limit for account types other than a Roth IRA if the account type is offered under sub. (5) (a) 2.

(4) PARTICIPATING EMPLOYERS; ELIGIBLE EMPLOYEES. (a) A private employer may participate in the program under this section if all of the following apply:

1. The employer does not offer a retirement savings plan to all employees.

2. The employer provides notice to the board, in the form and manner prescribed by the board, of the employer's election to participate in the program and the employer certifies that, on the date of this notice, the employer had 50 or fewer employees.

3. The employer has at least one employee who is a resident of this state.

(b) After a private employer has elected under par. (a) to participate in the program, the employer shall provide notice to each of its eligible employees of the eligible employee's right to decline participation in the program. After providing this notice, the employer shall enroll the eligible employee in the program unless the eligible employee informs the employer of the eligible employee's decision not to participate in the program.

(5) SPECIFIC PROGRAM REQUIREMENTS. (a) 1. Except as provided in subd. 2., the program under this section shall provide for an eligible employee who has enrolled in the program to make contributions to a Roth IRA account.

2. The program may also offer options for account types other than a Roth IRA, and if other options are offered, the program shall allow an enrolled eligible employee to select any of these other account types for investing contributions under the program.

(b) 1. The program under this section shall provide an eligible employee who has enrolled in the program with at least 5 investment options within each account type, including all of the following investment options:

a. A stable value or capital preservation fund.

b. A target date index fund or age-based fund that automatically rebalances asset allocations based on the eligible employee's age.

c. A low-cost fund focused on income generation.

d. A low-cost fund focused on asset growth.

e. A low-cost fund focused on balancing risk and return.

2. The program under this section shall require the investment administrator to offer to each enrolled eligible employee, before the employee makes his or her investment selections, a tool allowing the employee to identify the employee's risk tolerance and projected retirement date as an aid to the employee in selecting suitable investments under the program.

3. The program under this section shall require that the first \$1,000 of an enrolled eligible employee's contributions be deposited in a fund described in subd.

1. a. and thereafter, unless the employee selects a different investment option, the employee's contributions be deposited in a fund described in subd. 1. b.

(c) 1. Except as provided in subds. 3. and 4., during an eligible employee's first year of enrollment in the program, the participating employer's payroll deduction each pay period shall be at a rate of 5 percent of the employee's gross wages, and this deducted amount shall be remitted to the investment administrator as the employee's account contribution.

2. Except as provided in subds. 3. and 4., a participating employer shall increase the payroll deduction rate under subd. 1. by 1 percent per year until a maximum payroll deduction rate of 10 percent is reached.

3. An enrolled eligible employee may elect a different payroll deduction rate than that provided for in subds. 1. and 2., except the rate may not be less than 1 percent nor more than 10 percent.

4. A participating employer shall make a good faith effort to establish an employee's payroll deduction at a rate that will not result in the employee's total annual contributions exceeding the contribution limits established under sub. (3) (g), but the participating employer is not responsible if excess contributions occur.

(6) RECORD-KEEPING REQUIREMENTS. (a) Subject to par. (b), the board shall establish the record-keeping requirements for the investment administrator, including the nature and extent of the record-keeping services and performance metrics for measuring compliance with these requirements.

(b) The program shall require the maintenance of separate records and accounting for each account.

(7) ABANDONED ACCOUNTS. (a) An account is considered abandoned if any of the following applies:

1. There has been no account activity for at least 6 months and the account balance is less than \$250.

2. There has been no account activity for at least 2 years.

(b) If an account is considered abandoned under par. (a), the investment administrator shall close the account and disburse the account balance to the individual who established the account.

(8) POWERS OF BOARD; DEPARTMENTAL ASSISTANCE; RULES. (a) The board may do any of the following:

1. In establishing the program under this section, create or impose any requirement or condition not inconsistent with this section that the board considers necessary for the effective functioning and widespread utilization of the program.

2. Enter into contracts or other arrangements for any services necessary for establishing and overseeing the program under this section or for otherwise carrying out the purposes of this section, including the services of financial institutions, attorneys, investment advisers, accountants, consultants, and other professionals.

3. Exercise any other powers necessary to establish and oversee the program under this section or otherwise carry out the purposes of this section.

4. Promulgate rules to carry out the purposes of this section.

(b) The department shall provide the board with any assistance necessary to carry out the purposes of this section, including staff, equipment, and office space. The board may delegate to the department responsibility for carrying out any day-to-day board function related to the program under this section.

SECTION 9116. Nonstatutory provisions; Financial Institutions.

(1) SMALL BUSINESS RETIREMENT SAVINGS BOARD; STAGGERED TERMS. Notwithstanding the length of terms specified for the members of the small business retirement savings board under s. 15.185 (6) (b), the members appointed under s. 15.185 (6) (a) 2., 4., and 6. shall be appointed for initial terms expiring on May 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1282/P1
RAC&CMH:amn

DOA:.....Rice, BB0285 - Legislative Human Resources Office

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

Legislative Human Resources Office

This bill creates a Legislative Human Resources Office (LHRO), a nonpartisan legislative service agency, headed by a director. The Joint Committee on Legislative Organization appoints the director and the director reports to JCLO. The director is assigned to executive salary group six, and the director and all LHRO staff hold positions in the unclassified service of the state civil service system. The LHRO must perform all of the following duties:

1. Provide human resources services to the legislative branch, as directed by JCLO.
2. Establish a formal complaint process to review and investigate allegations of harassment, discrimination, retaliation, violence, or bullying by legislators, legislative employees, and legislative service agency employees. The office shall investigate all such allegations, unless the director designates another person or entity to review and investigate any specific allegation.

In addition, under the bill, the LHRO director must perform the following duties:

1. Direct the operations of the LHRO staff.
2. Employ, train, and supervise the personnel assigned to the director.
3. Supervise all expenditures of the LHRO.

4. Manage reviews and investigations of the formal complaint process. Upon completion of an investigation, report the findings to the appropriate legislative leader or employee supervisor.

5. On a periodic basis, recommend to JCLO improvements to human resources services and programs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1794. 13.90 (1) (intro.) of the statutes is amended to read:

13.90 (1) (intro.) The joint committee on legislative organization shall be the policy-making board for the legislative reference bureau, the legislative fiscal bureau, the legislative audit bureau, the legislative human resources office, and the legislative technology services bureau. The committee shall:

SECTION 1795. 13.90 (1m) (a) of the statutes is amended to read:

13.90 (1m) (a) In this subsection, “legislative service agency” means the legislative council staff, the legislative audit bureau, the legislative fiscal bureau, the legislative reference bureau, the legislative human resources office, and the legislative technology services bureau.

SECTION 1796. 13.97 of the statutes is created to read:

13.97 Legislative human resources office. There is created a service agency known as the “Legislative Human Resources Office,” headed by a director. The legislative human resources office shall be strictly nonpartisan.

(1) DUTIES OF THE OFFICE. The legislative human resources office shall:

(a) Provide human resources services to the legislative branch, as directed by the joint committee on legislative organization.

(b) Establish a formal complaint process to review and investigate allegations of harassment, discrimination, retaliation, violence, or bullying by legislators, legislative employees, and legislative service agency employees. The office shall investigate all such allegations, unless the director designates another person or entity to review and investigate any specific allegation.

(2) DUTIES OF THE DIRECTOR. The director of the legislative human resources office shall:

- (a) Report to the joint committee on legislative organization.
- (b) Direct the operations of the staff.
- (c) Employ, train, and supervise the personnel assigned to the director.
- (d) Supervise all expenditures of the legislative human resources office.
- (e) Manage reviews and investigations of the formal complaint process established under sub. (1) (b). Upon completion of an investigation, report the findings to the appropriate legislative leader or employee supervisor.
- (f) On a periodic basis, recommend to the joint committee on legislative organization improvements to human resources services and programs.

SECTION 1797. 20.923 (4) (f) 6f. of the statutes is created to read:

20.923 (4) (f) 6f. Legislature; legislative human resources office: director.

SECTION 1798. 20.923 (6) (fm) of the statutes is created to read:

20.923 (6) (fm) Legislative human resources office: all positions.

SECTION 1799. 230.08 (2) (fr) of the statutes is created to read:

230.08 (2) (fr) The director and staff of the legislative human resources office.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1283/P1
ARG:cdc

DOA:.....Martin, BB0283 - ABLE account program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Implementation by DFI of section 529A ABLE savings account program

This bill requires DFI to implement a qualified ABLE program under section 529A of the Internal Revenue Code allowing tax-exempt accounts for qualified expenses incurred by individuals with disabilities.

Under current federal law, states may create a qualified Achieving a Better Life Experience program under which an individual may establish a tax-exempt savings account to pay for qualified expenses, such as education, housing, and transportation costs, for a beneficiary who is an individual with disabilities, as defined under federal law. Although these accounts, commonly referred to as “ABLE accounts” or “section 529A accounts,” cannot be established under this state’s law, they can be established under another state’s law, and if so established, withdrawals from these accounts for payment of qualified disability expenses for the account beneficiary are exempt from taxation in this state.

Current law also requires DFI to study and report on establishing a qualified ABLE program, including examination of the advantages and disadvantages of certain options and review and evaluation of related issues. DFI was required to report to the legislature the results of the study, including DFI’s findings and recommendations, by September 1, 2022.

The bill requires DFI to implement and administer a qualified ABLE program, either directly or by entering into an agreement with another state or alliance of states to establish an ABLE program or otherwise administer ABLE program services for the residents of this state. DFI must, within approximately nine months, determine whether implementing the ABLE program directly or by entering into an agreement is the best option for this state's residents. If DFI enters into an agreement, the agreement may require the party contracting with DFI to do any of the following: 1) develop and implement an ABLE program in accordance with all requirements under federal law and modify the ABLE program as necessary for participants to qualify for federal income tax benefits; 2) contract for professional and technical assistance and advice in developing marketing plans and promotional materials to publicize the ABLE program; 3) work with organizations with expertise in supporting people with disabilities and their families in administering the agreement and ensuring accessibility of the ABLE program for people with disabilities; or 4) take any other action necessary to implement and administer the ABLE program. The bill also requires DFI to provide on its website information concerning ABLE accounts.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1800. 71.05 (6) (a) 28. of the statutes is amended to read:

71.05 (6) (a) 28. Upon the termination of an account as described under s. 16.643 or 224.55, any amount in the account that is returned to an account owner's estate.

SECTION 1801. 224.55 of the statutes is created to read:

224.55 Support accounts for individuals with disabilities. (1)

DEFINITIONS. In this section:

(a) "ABLE account" means an account established under an ABLE program.

(b) "ABLE program" means a qualified ABLE program under section 529A of the Internal Revenue Code.

(2) DEPARTMENT TO ESTABLISH ABLE PROGRAM. (a) *Implementation directly or by agreement.* The department shall implement and administer an ABLE program,

either directly or by entering into a formal or informal agreement with another state, or with an entity representing an alliance of states, to establish an ABLE program or otherwise administer ABLE program services for the residents of this state.

(b) *Review of other states' partnership programs.* The department shall review section 529A ABLE state partnership programs offered by other states and, no later than the first day of the 10th month beginning after the effective date of this subsection, determine whether, as the best option for Wisconsin residents, the department will implement the ABLE program under par. (a) directly or by entering into an agreement.

(c) *Agreement terms.* An agreement under par. (a) may require the party contracting with the department, in addition to providing any other services, to do any of the following:

1. Develop and implement an ABLE program in accordance with all requirements under section 529A of the Internal Revenue Code, and modify this ABLE program as necessary for participants in the ABLE program to qualify for the federal income tax benefits or treatment provided under section 529A of the Internal Revenue Code and rules adopted under section 529A.

2. Engage the services of vendors on a contractual basis for rendering professional and technical assistance and advice in developing marketing plans and promotional materials to publicize the ABLE program.

3. Work with organizations with expertise in supporting people with disabilities and their families in administering the agreement and ensuring accessibility of the ABLE program for people with disabilities.

4. Take any other action necessary to implement and administer the ABLE program.

(d) *Information about ABLE accounts.* The department shall include on its website information concerning ABLE accounts.

(3) CONFIDENTIALITY. The department shall keep confidential any personal and financial information maintained by the department relating to an ABLE account.

(4) FUNDING; RULES. (a) All expenses incurred by the department under this section shall be paid from the appropriation under s. 20.144 (1) (g).

(b) The department may promulgate rules to implement and administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1284/P1
MPG/JK/MED:emw

DOA:.....Rice, BB0290 - Extraordinary Session- General Provisions

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

LEGISLATURE

Retention of legal counsel by the legislature

Current law allows representatives to the assembly and senators, as well as legislative employees, to receive legal representation from DOJ in most legal proceedings. However, current law also provides all of the following:

1. With respect to the assembly, that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's legislative duties, and the speaker may obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

2. With respect to the senate, that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the senator's or employee's legislative duties, and the majority leader may obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

3. That the cochairpersons of the Joint Committee on Legislative Organization may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the employee's legislative duties, and the cochairpersons may obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

This bill eliminates these provisions. Under the bill, representatives to the assembly and senators, as well as legislative employees, may continue to receive legal representation from DOJ in most legal proceedings.

Advice and consent of the senate

Under current law, any individual nominated by the governor or another state officer or agency subject to the advice and consent of the senate, whose confirmation for the office or position is rejected by the senate, may not do any of the following during the legislative session biennium in which his or her nomination is rejected:

1. Hold the office or position for which he or she was rejected.
2. Be nominated again for that office or position.
3. Perform any duties of that office or position.

The bill eliminates those restrictions.

Capitol security

Under current law, DOA is required to submit any proposed changes to security at the capitol, including the posting of a firearm restriction, to JCLO for approval under passive review. The bill eliminates that requirement.

ADMINISTRATIVE RULES

Deference to agency interpretations of law

Under current law, courts are prohibited from giving deference to agency interpretations of law and agencies are prohibited from seeking such deference from a court. The bill repeals these prohibitions.

Suspension of administrative rules

Under current law, administrative rules that are in effect may be temporarily suspended by the Joint Committee for Review of Administrative Rules. If JCRAR suspends a rule, JCRAR must introduce bills in each house of the legislature to make the suspension permanent. If neither bill to support the suspension is ultimately enacted, the rule remains in effect. However, current law specifies that JCRAR may suspend a rule multiple times. The bill repeals the provision allowing JCRAR to suspend a rule multiple times.

Agency rule-making authority

Current law provides that a settlement agreement, consent decree, or court order does not confer rule-making authority and cannot be used by an agency as authority to promulgate rules. Additionally, no agency may agree to promulgate a rule as a term in any settlement agreement, consent decree, or stipulated order of a court unless the agency has explicit statutory authority to promulgate the rule at the time the settlement agreement, consent decree, or stipulated order of a court is executed. The bill repeals these limitations on agency rule-making authority.

Advisory committees for rule making

Current law requires that, whenever an agency appoints a committee to advise the agency on rule making, the agency must submit a list of the members of the committee to JCRAR. The bill repeals this requirement.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1802. 13.124 of the statutes is repealed.

SECTION 1803. 13.127 of the statutes is repealed.

SECTION 1804. 16.84 (2m) of the statutes is repealed.

SECTION 1805. 227.10 (2g) of the statutes is repealed.

SECTION 1806. 227.11 (title) of the statutes is amended to read:

227.11 (title) **Agency Extent to which chapter confers rule-making authority.**

SECTION 1807. 227.11 (3) of the statutes is repealed.

SECTION 1808. 227.13 of the statutes is amended to read:

227.13 Advisory committees and informal consultations. An agency may use informal conferences and consultations to obtain the viewpoint and advice of interested persons with respect to contemplated rule making. An agency may also appoint a committee of experts, interested persons or representatives of the public to advise it with respect to any contemplated rule making. ~~Such a~~ The committee shall have advisory powers only. ~~Whenever an agency appoints a committee under this section, the agency shall submit a list of the members of the committee to the joint committee for review of administrative rules.~~

SECTION 1809. 227.26 (2) (im) of the statutes is repealed.

SECTION 1810. 227.57 (11) of the statutes is amended to read:

227.57 (11) Upon review of an agency action or decision affecting a property owner's use of the property owner's property, the court shall accord no deference to the agency's interpretation of law if the agency action or decision restricts the property owner's free use of the property owner's property.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1285/P1
MJW:cjs

DOA:.....Schmidt, BB0291 - Treatment of Pregnant or Postpartum Person
in Prison and Jail

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Treatment of pregnant and postpartum person in prison and jail

This bill limits the use of physical restraints on pregnant and postpartum people who are in the custody of a correctional facility. Under the bill, a pregnant person may not be restrained unless the restraints are reasonably necessary for the legitimate safety and security needs of the person, correctional staff, other inmates, or the public, and any restraints used must be the least restrictive possible under the circumstances. In addition, the bill requires that every woman in the custody of a correctional facility be offered testing for pregnancy, and, if pregnant, be offered testing for sexually transmitted infections. The bill also requires the correctional facility where the pregnant or postpartum person is being confined to provide information related to pregnancy, labor, and the postpartum period, and to provide access to certain health services related to pregnancy, labor, and the postpartum period.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1811. 302.085 of the statutes is created to read:

302.085 Treatment of a pregnant or postpartum person. (1) DEFINITIONS.

In this section:

(a) “Correctional facility” has the meaning given in s. 101.123 (1) (ac).

(b) “Doula” means a nonmedical, trained professional who provides continuous physical, emotional, and informational support during pregnancy, labor, birth, and the postpartum period.

(c) “Doula services” means childbirth education and support services, including emotional, physical, and informational support provided during pregnancy, labor, birth, and the postpartum period.

(d) “Postpartum” means the period of time following the birth of an infant to 6 months after the birth.

(e) “Restrain” means to use a mechanical, chemical, or other device to constrain the movement of a person’s body or limbs.

(2) RESTRAINING A PREGNANT PERSON. (a) A representative of a correctional facility may not restrain a person known to be pregnant unless the representative makes an individualized determination that restraints are reasonably necessary to ensure safety and security of the person, the staff of the correctional facility, other inmates, or the public. If such a determination is made, the representative may use only the least restrictive effective type of restraint that is most reasonable under the circumstances.

(b) A representative of a correctional facility may not restrain a person known to be pregnant while the person is being transported if the restraint is through the use of leg irons, waist chains or other devices that cross or otherwise touch the

person's abdomen, or handcuffs or other devices that cross or otherwise touch the person's wrists when affixed behind the person's back.

(c) A representative of a correctional facility may not place a person known to be pregnant in solitary confinement for any punitive purpose.

(d) A representative of a correctional facility may restrain a person who is in labor or who has given birth in the preceding 3 days only if all of the following apply:

1. There is a substantial flight risk or some other extraordinary medical or security circumstance that requires restraints be used to ensure the safety and security of the person, the staff of the correctional or medical facility, other inmates, or the public.

2. The representative has made an individualized determination that restraints are necessary to prevent escape or ensure safety or security.

3. There is no objection to the use of restraints by the treating medical care provider.

4. The restraints used are the least restrictive effective type and are used in the least restrictive manner.

(e) All staff members who may come into contact with a pregnant or postpartum person at any correctional facility shall receive training on the requirements of this subsection on an annual basis.

(3) TREATMENT OF A PREGNANT OR POSTPARTUM PERSON. A correctional facility shall ensure all of the following for every person incarcerated at the facility:

(a) That every woman under 50 years of age is offered testing for pregnancy.

(b) That every pregnant person is offered testing for sexually transmitted infections, including HIV.

(c) That every pregnant person who is on a methadone treatment regimen be provided continuing methadone treatment.

(d) That every pregnant person and every person who has given birth in the past 6 weeks is provided appropriate educational materials and resources related to pregnancy, childbirth, breastfeeding, and parenting.

(e) That every pregnant person and every person who has given birth in the past 6 weeks has access to doula services if these services are provided by a doula without charge to the correctional facility or the incarcerated person pays for the doula services.

(f) That every pregnant person and every person who has given birth in the past 6 months has access to a mental health assessment and, if necessary, mental health treatment.

(g) That every pregnant person and every person who has given birth in the past 6 months who is determined to be suffering from a mental illness has access to evidence-based mental health treatment including psychotropic medication.

(h) That every pregnant person who is determined to be suffering from depression and every person who has given birth in the past 6 months who is determined to be suffering from postpartum depression has access to evidence-based therapeutic care for depression.

(i) That every person who has given birth in the past 12 months whose body is producing breast milk has access to the necessary supplies and is provided an opportunity to express the breast milk as needed to maintain an active supply of breast milk.

(j) That every pregnant person and every person who has given birth in the past 6 months is advised orally and in writing of all applicable laws and policies governing an incarcerated pregnant or postpartum person.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1287/P1
MED:emw

DOA:.....Kirschbaum, BB0248 - UI - receipt of SSDI

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; social security disability insurance payments

Under current law, in any week in any month that a claimant is issued a benefit under the federal Social Security Disability Insurance program (SSDI payment), that claimant is ineligible for unemployment insurance (UI) benefits. This bill repeals that prohibition and instead requires DWD to reduce a claimant's UI benefit payments by the amount of SSDI payments. The bill requires DWD to allocate a monthly SSDI payment by allocating to each week the fraction of the payment attributable to that week.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1812. 108.04 (2) (h) of the statutes is amended to read:

108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits under this chapter and during each subsequent week the claimant files for benefits

under this chapter, inform the department whether he or she is receiving social security disability insurance payments, as defined in ~~sub. (12) (f) 2m~~ s. 108.05 (7m) (b). If the claimant is receiving social security disability insurance payments, the claimant shall, in the manner prescribed by the department, report to the department the amount of the social security disability insurance payments.

SECTION 1813. 108.04 (12) (f) 1m. and 2m. of the statutes are renumbered 108.05 (7m) (a) and (b) and amended to read:

108.05 (7m) (a) The intent of the legislature in enacting this ~~paragraph~~ subsection is to prevent the payment of duplicative government benefits for the replacement of lost earnings or income, regardless of an individual's ability to work.

(b) In this ~~paragraph~~ subsection, "social security disability insurance payment" means a payment of social security disability insurance benefits under 42 USC ch. 7 subch. II.

SECTION 1814. 108.04 (12) (f) 3. of the statutes is repealed.

SECTION 1815. 108.04 (12) (f) 4. of the statutes is renumbered 108.05 (7m) (e).

SECTION 1816. 108.05 (7m) (title), (c) and (d) of the statutes are created to read:

108.05 (7m) (title) SOCIAL SECURITY DISABILITY INSURANCE PAYMENTS.

(c) If a monthly social security disability insurance payment is issued to a claimant, the department shall reduce benefits otherwise payable to the claimant for a given week in accordance with par. (d). This subsection does not apply to a lump sum social security disability insurance payment in the nature of a retroactive payment or back pay.

(d) The department shall allocate a monthly social security disability insurance payment by allocating to each week the fraction of the payment attributable to that week.

SECTION 1817. 108.05 (9) of the statutes is amended to read:

108.05 (9) ROUNDING OF BENEFIT AMOUNTS. Notwithstanding sub. (1), benefits payable for a week of unemployment as a result of applying sub. (1m), (3) ~~or~~, (7), or (7m) or s. 108.04 (11) or (12), 108.06 (1), 108.13 (4) or (5) or 108.135 shall be rounded down to the next lowest dollar.

SECTION 1818. 108.05 (10) (intro.) of the statutes is amended to read:

108.05 (10) DEDUCTIONS FROM BENEFIT PAYMENTS. (intro.) After calculating the benefit payment due to be paid for a week under subs. (1) to ~~(7)~~ (7m), the department shall make deductions from that payment to the extent that the payment is sufficient to make the following payments in the following order:

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SSDI PAYMENTS. The treatment of ss. 108.04 (2) (h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10) (intro.) first applies to determinations issued under s. 108.09 on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SSDI PAYMENTS. The treatment of ss. 108.04 (2) (h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10) (intro.) and SECTION 9350 (1) of this act take effect on the first Sunday of the 7th month beginning after publication.

***NOTE: It looks like we didn't have an initial applicability and effective date last time, which we usually do for UI benefit-related changes. I added these as a placeholder.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1288/P1
FFK:cdc

DOA:.....Kretschmann, BB0260 - Special Needs Scholarship Program
Accreditation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Special Needs Scholarship Program; accreditation or participation in another choice program

This bill provides that, with certain exceptions explained below, a private school may participate in the Special Needs Scholarship Program only if 1) the private school is accredited by August 1 of the school year in which the private school participates or 2) the private school participates in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school is participating in the SNSP in the 2023-24 school year and is not accredited by August 1, 2023, the private school must 1) obtain preaccreditation by August 1, 2024; 2) apply for accreditation by December 31, 2024; and 3) obtain accreditation by December 31, 2027.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1819. 115.7915 (1) (a) of the statutes is renumbered 115.7915 (1) (ah).

SECTION 1820. 115.7915 (1) (ad) of the statutes is created to read:

115.7915 (1) (ad) “Accrediting entity” has the meaning given in s. 118.60 (1) (ab).

SECTION 1821. 115.7915 (1) (ap) of the statutes is created to read:

115.7915 (1) (ap) “Preaccreditation” has the meaning given in s. 118.60 (1) (c).

SECTION 1822. 115.7915 (1) (at) of the statutes is created to read:

115.7915 (1) (at) “Preaccrediting entity” has the meaning given in s. 118.60 (1) (cm).

SECTION 1823. 115.7915 (2) (c) (intro.) of the statutes is created to read:

115.7915 (2) (c) (intro.) Any of the following applies to the eligible school:

SECTION 1824. 115.7915 (2) (c) of the statutes is renumbered 115.7915 (2) (c)

3. a. and amended to read:

115.7915 (2) (c) 3. a. The For the 2023-24 school year, the eligible school has been either is approved as a private school by the state superintendent under s. 118.165 (2) or is accredited by ~~Cognia, Inc., Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association of Christian Schools, National Lutheran School Accreditation, Christian Schools International, Association of Christian Schools International, the diocese or archdiocese within which the eligible school is located, or any other organization~~

~~recognized by the National Council for Private School Accreditation, as of the an accrediting entity on August 1 preceding the school term for which the scholarship is awarded, 2023.~~

SECTION 1825. 115.7915 (2) (c) 1. of the statutes is created to read:

115.7915 (2) (c) 1. The eligible school participates in a parental choice program under s. 118.60 or 119.23 for the school year for which the scholarship is awarded.

SECTION 1826. 115.7915 (2) (c) 2. of the statutes is created to read:

115.7915 (2) (c) 2. The eligible school is accredited by an accrediting entity by August 1 of the school year for which the scholarship is awarded.

SECTION 1827. 115.7915 (2) (c) 3. (intro.) of the statutes is created to read:

115.7915 (2) (c) 3. (intro.) If the eligible school participates in the program under this section in the 2023-24 school year, all of the following apply to the eligible school:

SECTION 1828. 115.7915 (2) (c) 3. b., c. and d. of the statutes are created to read:

115.7915 (2) (c) 3. b. If the eligible school is not accredited as provided under subd. 3. a., the eligible school obtains preaccreditation by a preaccrediting entity by August 1, 2024. The eligible school may apply for and seek to obtain preaccreditation from only one preaccrediting entity. If the eligible school fails to obtain preaccreditation as required under this subd. 3. b., the eligible school may not participate in the program under this section in the 2024-25 school year or in any school year thereafter until the eligible school obtains accreditation as provided under subd. 2.

c. If subd. 3. b. applies to the eligible school, the eligible school applies for accreditation by an accrediting entity by December 31, 2024, and obtains accreditation by an accrediting entity by December 31, 2027.

d. This subd. 3. does not apply after the 2027-28 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1289/P1
FFK:cjs

DOA:.....Kretschmann, BB0262 - Special Needs Scholarship Program
Religious Activity Opt out

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Special Needs Scholarship Program; religious opt out

This bill provides that a private school participating in the Special Needs Scholarship Program must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1829. 115.7915 (6) (L) of the statutes is created to read:

115.7915 (6) (L) Allow a child attending the private school under this section to refrain from participating in any religious activity if the child's parent submits to

the child's teacher or the private school's principal a written request that the child be exempt from such activities.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1291/P4
CMH:cjs&wlj

DOA:.....Rice, BB0289 - Passive review votes by the Joint Committee on
Finance

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

Passive review by JCF; objections to be public

Current law requires that JCF review certain proposed actions before an agency may execute the action. The review required often takes the form of a passive review. In other words, the agency must submit the proposed action to JCF and, if the cochairpersons of JCF do not notify the agency within a certain period, often 14 days, that a member of JCF has objected to the action, the agency may execute the proposed action. If, however, a member objects, the agency is limited to the action as approved or modified by JCF. This bill specifies that the name of any JCF member who objects to the proposed action, as well as the reason the member objects, must be recorded and made publicly available.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1830. 13.09 (7) of the statutes is created to read:

13.09 (7) If a member of the committee objects to a proposed action or item during a period of passive review required by law for the purpose of reviewing the

proposed action or item, the name of each objecting member, as well as the reason for each objection, shall be recorded and made publicly available.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1293/P2
MED:kms&amn

DOA:.....Mott, BB0264 - DSPS Revenue Retention

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Licensing fee revenue

Current law generally appropriates funding for the licensing, rule-making, and regulatory functions of DSPS for professional credentials and other approvals using 90 percent of revenues from the fees paid for those credentials and other approvals. The remaining 10 percent of these revenues are instead credited as GPR in the general fund.

The bill eliminates the exception whereby 10 percent of these revenues are credited as GPR and instead appropriates 100 percent of these revenues to DSPS for the purposes described above.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1831. 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) *General program operations.* The amounts in the schedule for the licensing, ~~rule-making~~ rule-making, and regulatory functions of the department, other than the licensing, rule-making, and credentialing functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board and except for preparing, administering, and grading examinations. ~~Ninety percent of all~~ All moneys received under chs. 440 to 480, except subchs. II and IV to IX of ch. 448, ch. 460 and ss. 440.03 (13), 440.05 (1) (b), 458.21, and 458.365, less \$10 of each renewal fee received under s. 452.12 (5); and all moneys transferred from the appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

***NOTE: Per my note in the previous version, I modified the appropriations to match their description so that the affiliated credentialing boards attached to the Medical Examining Board under ch. 448 are under the (hg) appropriation. In this version, I also realized that there is one other affiliated credentialing board attached to the MEB that is *not* in ch. 448, the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. I therefore also added references to ch. 460.

SECTION 1832. 20.165 (1) (gm) of the statutes is amended to read:

20.165 (1) (gm) *Applicant investigation reimbursement.* Ninety percent of all All moneys received from applicants for credentials under s. 440.03 (13), for the purpose of conducting investigations under s. 440.03 (13).

SECTION 1833. 20.165 (1) (hg) of the statutes is amended to read:

20.165 (1) (hg) *General program operations; medical examining board; interstate medical licensure compact; prescription drug monitoring program.* Biennially, the amounts in the schedule for the licensing, rule-making, and regulatory functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board, except for preparing, administering, and grading examinations; for any costs associated with the interstate medical licensure compact under s. 448.980, including payment of

assessments under s. 448.980 (13) (a); and for the controlled substances board's operation of the prescription drug monitoring program under s. 961.385. ~~Ninety percent of all All moneys received for issuing and renewing credentials under subchs. II and IV to IX of ch. 448 shall be credited to this appropriation. All and ch. 460 and all moneys received from the interstate medical licensure compact commission under s. 448.980 shall be credited to this appropriation.~~

SECTION 1834. 20.165 (1) (i) of the statutes is amended to read:

20.165 (1) (i) *Examinations; general program operations.* ~~Ninety percent of all All moneys received under s. 440.05 (1) (b) for the purposes of preparing, administering, and grading examinations. Notwithstanding s. 20.001 (3) (c), any unencumbered balance in this appropriation account, excluding any amount specified by the secretary of administration that is reserved for the payment of future employee compensation or fringe benefit costs, at the end of each fiscal year which exceeds 30 percent of the estimated amount shown in the schedule under s. 20.005 for that fiscal year shall be transferred to the appropriation account under par. (g).~~

SECTION 1835. 20.165 (1) (jr) of the statutes is amended to read:

20.165 (1) (jr) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs under s. 440.52. ~~Ninety percent of all All moneys received from the issuance of solicitor's permits under s. 440.52 (8) and from the fees under s. 440.52 (10) and all moneys received from the fees under s. 440.52 (13) (d) shall be credited to this appropriation account.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1294/P4
MED:wlj/emw/amn

DOA:.....Mott, BB0265 - DSPS Renewal Dates

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

DSPS renewal dates; continuing education; nursing workforce survey

Under current law, a two-year renewal period applies to many health and business credentials administered by DSPS or a credentialing board. The renewal date for each two-year period is specified by statute. In addition, the laws governing some professions specify continuing education requirements, either by statute or by rule, as part of credentialing renewal.

This bill eliminates statutory renewal dates for these credentials and instead allows DSPS, in consultation with the credentialing boards, to establish renewal dates. The bill makes various changes to continuing education requirements for various professions to account for the flexible renewal periods allowed in the bill, including allowing DSPS and the credentialing boards to adjust continuing education requirements and to establish interim continuing education or other reporting requirements as needed to align with changes to renewal cycles.

Under current law, in order to renew a registered nurse or licensed practical nurse license, a licensee must complete and submit to DSPS with the application for renewal of the license a nursing workforce survey developed by DWD, completed to the satisfaction of the Board of Nursing, along with a nursing workforce survey fee

of \$4. The bill modifies this requirement so that it no longer applies specifically as a condition of renewal of a nurse license.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1836. 20.165 (1) (jm) of the statutes is amended to read:

20.165 (1) (jm) *Nursing workforce survey administration.* Biennially, the amounts in the schedule for administrative expenses related to distributing a nursing workforce survey to ~~applicants for renewal of credentials~~ nurse licensees under s. 441.01 (7). All moneys received from the fee under s. 441.01 (7) (a) 2. shall be credited to this appropriation account. Annually, there is transferred from this appropriation account to the appropriation account under s. 20.445 (1) (km) all moneys received from the fee under s. 441.01 (7) (a) 2. that are not appropriated to this appropriation account.

SECTION 1837. 106.30 (2) of the statutes is amended to read:

106.30 (2) SURVEY FORM. ~~Each odd-numbered year~~ Biennially, the department of workforce development shall develop and submit to the department of safety and professional services a survey form to gather data under s. 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the supply of, demand for, and turnover among nurses in this state and in determining whether there are any regional shortages of nurses, shortages of nurses in any speciality areas, or impediments to entering the nursing profession in this state.

SECTION 1838. 227.01 (13) (zxm) of the statutes is created to read:

227.01 (13) (zxm) Establishes or adjusts a renewal date or renewal cycle for credentials that are subject to periodic renewal under s. 440.08 (2) (a) 1n.

SECTION 1839. 440.01 (1) (dL) of the statutes is created to read:

440.01 (1) (dL) “Renewal cycle” means the period of time between 2 successive renewal dates.

SECTION 1840. 440.01 (1) (dm) of the statutes is amended to read:

440.01 (1) (dm) “Renewal date” means the date, determined by the department under s. 440.08 (2), on which a credential expires and before which it must be renewed for the holder to maintain without interruption the rights, privileges and authority conferred by the credential.

SECTION 1841. 440.03 (14) (c) of the statutes is amended to read:

440.03 (14) (c) The renewal dates for certificates granted under par. (a) and licenses granted under par. (am) ~~are specified in~~ shall be determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person’s certification, registration, or accreditation specified in par. (a) 1. a., 2. a., or 3. a. has not been revoked.

SECTION 1842. 440.03 (15) of the statutes is amended to read:

440.03 (15) The department shall promulgate rules that establish the fees specified in ss. 440.05 (10) and 440.08 ~~(2)-(d)~~ (2m) (c).

SECTION 1843. 440.032 (5) of the statutes is amended to read:

440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (3) ~~are specified in~~ shall be as determined by the department under s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that

the person's certification or membership specified in sub. (3) that is required for the license has not been revoked or invalidated.

SECTION 1844. 440.08 (2) (title) of the statutes is amended to read:

440.08 (2) (title) ~~RENEWAL DATES, FEES AND APPLICATIONS.~~

SECTION 1845. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, ~~the renewal dates for credentials are as follows~~ all of the following apply with respect to renewals of credentials:

SECTION 1846. 440.08 (2) (a) 1. to 37. of the statutes, as affected by 2023 Wisconsin Act (this act), are repealed.

****NOTE: This is reconciled s. 440.08 (2) (a) 1. to 37. This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1105/P2.

SECTION 1847. 440.08 (2) (a) 1n. and 2n. of the statutes are created to read:

440.08 (2) (a) 1n. The department shall establish renewal dates and renewal cycles for credentials that are subject to periodic renewal and may adjust the renewal dates and renewal cycles so established. For practicality and expediency, the department may stagger renewal cycles among credential holders. The department shall consult with the relevant credentialing boards in establishing renewal dates and renewal cycles under this subdivision and shall notify each credential holder of any renewal date or renewal cycle established or adjusted under this subdivision. The department shall publish a schedule of renewal dates and renewal cycles on its website.

2n. The department or a credentialing board may promulgate rules to do any of the following:

a. Establish interim continuing education or other reporting requirements between renewal dates established under subd. 1n. as needed to account for the length of a renewal cycle established under subd. 1n.

b. Notwithstanding any specific continuing education or similar requirement in chs. 440 to 480, adjust or prorate the requirement to align it with the length of a renewal cycle established under subd. 1n.

SECTION 1848. 440.08 (2) (a) 37m. of the statutes, as created by 2021 Wisconsin Act 251, is repealed.

SECTION 1849. 440.08 (2) (a) 38. to 72. of the statutes are repealed.

SECTION 1850. 440.08 (2) (ar) of the statutes is created to read:

440.08 (2) (ar) 1. Notwithstanding par. (a) and chs. 440 to 480, the department may, in cooperation with credentialing boards, establish a system or process to transition credential holders from 2-year renewal cycles under chs. 440 to 480, 2021 stats., to renewal cycles established by the department under par. (a) 1n.

2. Notwithstanding the fees for credential renewals determined under s. 440.03 (9), if the department under subd. 1. transitions credential holders from 2-year renewal cycles under chs. 440 to 480, 2021 stats., to different renewal cycles under par. (a) 1n. before revised renewal fees can be determined under s. 440.03 (9), the department may adjust the applicable renewal fee accordingly, in cooperation with credentialing boards, until a revised fee can be determined under s. 440.03 (9).

SECTION 1851. 440.08 (2) (b) of the statutes is amended to read:

440.08 (2) (b) ~~The renewal fee for an apprentice, journeyman, student or temporary credential is \$10. The renewal dates specified in par. (a) determined~~

under par. (a) do not apply to apprentice, journeyman, student or temporary credentials.

SECTION 1852. 440.08 (2) (c) of the statutes is renumbered 440.08 (2m) (a) and amended to read:

440.08 **(2m)** (a) Except as provided in par. ~~(e)~~ (d) and sub. (3), renewal applications shall include the applicable renewal fee as determined by the department under s. 440.03 (9) (a) or as specified in par. (b).

SECTION 1853. 440.08 (2) (d) of the statutes is renumbered 440.08 (2m) (c).

SECTION 1854. 440.08 (2) (e) of the statutes is renumbered 440.08 (2m) (d).

SECTION 1855. 440.08 (2m) (title) of the statutes is created to read:

440.08 **(2m)** (title) RENEWAL FEES AND APPLICATIONS.

SECTION 1856. 440.08 (2m) (b) of the statutes is created to read:

440.08 **(2m)** (b) The renewal fee for an apprentice, journeyman, student, or temporary credential is \$10.

SECTION 1857. 440.08 (4) (a) of the statutes is amended to read:

440.08 **(4)** (a) *Generally.* If the department or the interested examining board or affiliated credentialing board, as appropriate, determines that an applicant for renewal has failed to comply with sub. ~~(2)~~ ~~(e)~~ (2m) (a) or (3) or with any other applicable requirement for renewal established under chs. 440 to 480 or that the denial of an application for renewal of a credential is necessary to protect the public health, safety or welfare, the department, examining board or affiliated credentialing board may summarily deny the application for renewal by mailing to the holder of the credential a notice of denial that includes a statement of the facts or conduct that warrant the denial and a notice that the holder may, within 30 days after the date on which the notice of denial is mailed, file a written request with the

department to have the denial reviewed at a hearing before the department, if the department issued the credential, or before the examining board or affiliated credentialing board that issued the credential.

SECTION 1858. 440.09 (3) (a) of the statutes is amended to read:

440.09 (3) (a) A reciprocal credential granted under this section expires on the applicable renewal date ~~specified in~~ determined by the department under s. 440.08 (2) (a), except that if the first renewal date ~~specified in s. 440.08 (2) (a)~~ after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date ~~specified in s. 440.08 (2) (a)~~ after the date on which the credential is granted.

SECTION 1859. 440.26 (3) of the statutes is amended to read:

440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). ~~No license shall be issued for a longer period than 2 years, and the~~ The license of a private detective shall expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full ~~2 years~~ licensure period. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the applicable fees specified in s. 440.08 or determined by the department under s. 440.03 (9) (a). The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

SECTION 1860. 440.26 (5m) (b) of the statutes is amended to read:

440.26 **(5m)** (b) The renewal dates for permits issued under this subsection are ~~specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1861. 440.313 (1) of the statutes is amended to read:

440.313 **(1)** The renewal date for licenses granted under this subchapter is ~~specified in~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1862. 440.415 (2) (a) of the statutes is amended to read:

440.415 **(2)** (a) The renewal date for a license granted under sub. (1) ~~is specified in~~ shall be as determined by the department under s. 440.08 (2) ~~(a) 69m~~. A renewal application shall be submitted to the department on a form prescribed by the department and shall include any information required by the department by rule.

SECTION 1863. 440.71 (3) of the statutes is amended to read:

440.71 **(3)** RENEWAL. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) ~~(a)~~ and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1864. 440.88 (4) of the statutes is amended to read:

440.88 (4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for certification as a substance abuse counselor, clinical supervisor, or prevention specialist ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certifications is determined by the department under s. 440.03 (9) (a). ~~Renewal of~~ The department shall by rule prescribe the number of times that a certification as a substance abuse counselor-in-training, a clinical supervisor-in-training, or a prevention specialist-in-training may be made only twice renewed.

SECTION 1865. 440.905 (2) of the statutes is amended to read:

440.905 (2) The board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers. ~~The board may determine, by rule, a fee under s. 440.05 (1) (a) and under s. 440.08 (2) (a) 21. that is sufficient to fund the board's operating costs.~~

SECTION 1866. 440.91 (1) (c) of the statutes is amended to read:

440.91 (1) (c) The renewal dates for licenses granted under par. (b) ~~are specified in~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a).

SECTION 1867. 440.91 (1m) (c) of the statutes is amended to read:

440.91 (1m) (c) The renewal date ~~and renewal fee for a registration granted under par. (b) are specified in~~ shall be as determined by the department under s.

440.08 (2). The department shall determine the renewal fee for a registration granted under par. (b) under s. 440.03 (9) (a).

SECTION 1868. 440.91 (4) of the statutes is amended to read:

440.91 (4) Renewal applications shall be submitted to the board on a form provided by the board on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1869. 440.92 (1) (c) of the statutes is amended to read:

440.92 (1) (c) Renewal applications shall be submitted to the board on a form provided by the board on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1870. 440.972 (2) of the statutes is amended to read:

440.972 (2) The renewal date for certificates granted under this section is ~~specified~~ shall be as determined by the department under s. 440.08 (2) (a) ~~38g.~~, and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a).

SECTION 1871. 440.974 (2) of the statutes is amended to read:

440.974 (2) The department shall promulgate rules establishing continuing education requirements for individuals registered under this subchapter. The rules promulgated under this subsection shall require the completion of at least 40 hours of continuing education every ~~2 years, except that the rules may not require continuing education for an applicant for renewal of a registration that expires on the 1st and 2nd renewal dates after the date on which the department initially granted the registration~~ 2-year period, except that the department shall shall, for

up to a 2-year period, exempt new registrants from the requirement under this subsection.

SECTION 1872. 440.98 (6) of the statutes is amended to read:

440.98 (6) APPLICATIONS. An application for a sanitarian registration under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for a sanitarian registration ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such registration is determined by the department under s. 440.03 (9) (a).

SECTION 1873. 440.983 (1) of the statutes is amended to read:

440.983 (1) The renewal date for licenses granted under this subchapter is ~~specified in~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1874. 440.992 (6) of the statutes is repealed.

SECTION 1875. 440.9935 of the statutes is amended to read:

440.9935 Renewal. The renewal date for certificates of registration issued under this subchapter ~~is specified in~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a). Renewal applications shall be submitted to the department on a form provided by the department.

SECTION 1876. 441.01 (7) (a) (intro.) and 1. of the statutes are amended to read:

441.01 (7) (a) (intro.) ~~The board shall require each applicant for the renewal~~
~~Biennially, each holder~~ of a registered nurse or licensed practical nurse license issued
under this chapter to shall do all of the following as a condition for renewing the
license:

1. Complete and submit to the department ~~with the application for renewal of~~
~~the license~~ a nursing workforce survey developed by the department of workforce
development under s. 106.30 (2).

SECTION 1877. 441.01 (7) (b) of the statutes is amended to read:

441.01 (7) (b) ~~The board may not renew a registered nurse or licensed practical~~
~~nurse license under this chapter unless the renewal applicant has completed the~~
~~nursing workforce survey to the satisfaction of the board.~~ The board shall establish
standards to determine whether the nursing workforce survey has been completed.
The board shall, by no later than June 30 of each odd-numbered year, submit all
completed nursing workforce survey forms to the department of workforce
development.

SECTION 1878. 441.06 (3) of the statutes is amended to read:

441.06 (3) A registered nurse practicing for compensation shall, on or before
the applicable renewal date specified determined by the department under s. 440.08
(2) (a), submit to the board on furnished forms a statement giving name, residence,
and other facts that the board requires, with ~~the nursing workforce survey and fee~~
~~required under s. 441.01 (7) and the applicable renewal fee determined by the~~
department under s. 440.03 (9) (a).

SECTION 1879. 441.10 (6) of the statutes is amended to read:

441.10 (6) On or before the applicable renewal date specified determined by the
department under s. 440.08 (2) (a), a licensed practical nurse practicing for

compensation shall submit to the board, on forms furnished by the department, an application for license renewal, together with a statement giving name, residence, nature and extent of practice as a licensed practical nurse during the prior year and prior unreported years, ~~the nursing workforce survey and fee required under s. 441.01 (7),~~ and other facts bearing upon current competency that the board requires, accompanied by the applicable license renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1880. 441.15 (3) (b) of the statutes is amended to read:

441.15 (3) (b) On or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) ~~(a),~~ a person issued a license under par. (a) and practicing nurse-midwifery shall submit to the board on furnished forms a statement giving his or her name, residence, and other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). If applicable, the person shall also submit evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee determined by the department under s. 440.03 (9) (a) for renewal of a license to practice nurse-midwifery and who satisfies the requirements of this paragraph the renewal of his or her license to practice nurse-midwifery and the renewal of his or her license to practice as a registered nurse.

SECTION 1881. 442.083 (1) of the statutes is amended to read:

442.083 (1) The renewal dates for licenses issued under this chapter ~~are specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a),~~ and the renewal fees for such licenses are determined by the department under s. 440.03 (9)

(a). The department may not renew a license issued to a firm unless, at the time of renewal, the firm satisfies the requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the department, that the firm has complied with the requirements under s. 442.087.

SECTION 1882. 442.083 (2) (a) of the statutes is amended to read:

442.083 (2) (a) The examining board shall promulgate rules establishing continuing education requirements for ~~renewal of licenses granted to individuals licensed~~ under this chapter. The rules promulgated under this paragraph may not require an individual to complete more than 80 continuing education credits ~~during the per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a).~~

SECTION 1883. 443.015 (1e) of the statutes is amended to read:

443.015 (1e) The rules promulgated under sub. (1) by the registered interior designer section of the examining board shall require a Wisconsin registered interior designer to complete at least 15 hours of continuing education ~~during the per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a).~~ At least 10 of the 15 hours shall be in subjects related to the practice of interior design that safeguard the public's health, safety, and welfare.

SECTION 1884. 443.07 (6) of the statutes is amended to read:

443.07 (6) The renewal date for permits under this section ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

SECTION 1885. 443.08 (3) (b) of the statutes is amended to read:

443.08 (3) (b) The renewal date for certificates of authorization under this section ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a),

and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

SECTION 1886. 443.10 (2) (e) of the statutes is amended to read:

443.10 (2) (e) The renewal date dates for certificates of registration for architects, landscape architects, professional engineers, and Wisconsin registered interior designers ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

SECTION 1887. 443.10 (5) of the statutes is amended to read:

443.10 (5) FEES; RENEWALS. The professional land surveyor section shall grant a license to engage in the practice of professional land surveying to any applicant who has met the applicable requirements of this chapter. The renewal date for the license ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for the license is determined by the department under s. 440.03 (9) (a).

SECTION 1888. 445.06 (1) of the statutes is amended to read:

445.06 (1) The renewal date for a funeral director's license ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such license is determined by the department under s. 440.03 (9) (a).

SECTION 1889. 445.07 (1) of the statutes is repealed.

SECTION 1890. 445.07 (2) of the statutes is amended to read:

445.07 (2) (a) The examining board may waive the requirement under sub. (1) ~~(a) (3) (b)~~ in cases where the examining board is satisfied that an applicant would be unable to satisfy the requirement prior to the ~~renewal date~~ by which the requirement must be satisfied.

(b) Subsection ~~(1)(a)~~ (3)(b) does not apply to an applicant who was granted a reciprocal license under s. 445.08.

SECTION 1891. 445.07 (3) of the statutes is renumbered 445.07 (3) (a) and amended to read:

445.07 **(3)** (a) The examining board shall promulgate rules to ~~implement this section~~ establish continuing education requirements for an applicant licensed under this chapter. The rules shall, except as required in par. (b) and sub. (2), require completion of 15 hours of continuing education per 2-year period.

SECTION 1892. 445.07 (3) (b) of the statutes is created to read:

445.07 **(3)** (b) The examining board shall establish separate continuing education requirements for new licensees. The examining board shall specify permitted or required subjects for the continuing education under this paragraph, which shall be subjects that the examining board determines prepare a new licensee for practice as a funeral director.

SECTION 1893. 445.095 (1) (c) of the statutes is amended to read:

445.095 **(1)** (c) A certificate of apprenticeship issued under this section shall be renewable annually upon the payment on January 1 of each year of the renewal fee specified in s. 440.08 ~~(2)~~ (2m) (b).

SECTION 1894. 445.105 (3) of the statutes is amended to read:

445.105 **(3)** Applications for funeral establishment permits shall be made on forms provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for a funeral establishment permit ~~is specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~, and the renewal fee for such permit is determined by the department under s. 440.03 (9) (a).

SECTION 1895. 446.02 (1) (b) of the statutes is amended to read:

446.02 (1) (b) Submits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require, which requirements shall include current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction. The person shall include the approval number assigned under sub. (5) (b) to each educational program completed by the person to satisfy the requirements of this paragraph. ~~During the time between initial licensure and commencement of a full 2-year licensure period~~ The examining board shall, for up to a 2-year period, exempt new licensees ~~shall not be required to meet continuing education requirements from the requirements under this paragraph.~~ Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board or both.

SECTION 1896. 446.02 (4) of the statutes is amended to read:

446.02 (4) The renewal date for all licenses granted by the examining board is ~~specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

SECTION 1897. 446.025 (3) (a) of the statutes is renumbered 446.025 (3) (a) 1. and amended to read:

446.025 (3) (a) 1. The renewal date and fees for a certificate issued under this section are specified in shall be as determined by the department under s. 440.08 (2) (a).

SECTION 1898. 446.025 (3) (a) 2. of the statutes is created to read:

446.025 (3) (a) 2. The renewal fees for a certificate issued under this section are determined by the department under s. 440.03 (9) (a).

SECTION 1899. 446.025 (3) (b) of the statutes is amended to read:

446.025 (3) (b) A chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board, which shall require at least 12 credit hours per 2-year period.

SECTION 1900. 446.026 (3) (a) of the statutes is renumbered 446.026 (3) (a) 1. and amended to read:

446.026 (3) (a) 1. The renewal date and fees for a certificate issued under this section are specified in shall be as determined under s. 440.08 (2) (a).

SECTION 1901. 446.026 (3) (a) 2. of the statutes is created to read:

446.026 (3) (a) 2. The renewal fees for a certificate issued under this section are determined by the department under s. 440.03 (9) (a).

SECTION 1902. 446.026 (3) (b) of the statutes is amended to read:

446.026 (3) (b) A chiropractic technician shall, at the time that he or she applies for renewal of a certificate under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated by the examining board, which shall require at least 6 credit hours per 2-year period.

SECTION 1903. 447.05 (1) (a) of the statutes is amended to read:

447.05 (1) (a) Except as provided in par. (b), renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1904. 447.055 (1) (a) of the statutes is amended to read:

447.055 (1) (a) 1. Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental hygiene, other than a permit issued under s. 447.02 (3), unless the person has ~~taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of~~ satisfied the applicable continuing education relating to the clinical practice of dental hygiene that is sponsored or recognized by a local, state, regional, national, or international dental, dental hygiene, dental assisting, or medical-related professional organization. requirements established under subd. 2.

2. ~~Notwithstanding subd. 1., the~~ The examining board ~~may~~ shall promulgate ~~a rule~~ rules requiring not more than 20 nor less than 12 credit hours of continuing education for ~~eligibility for renewal of a license to practice dental hygiene to be~~ taught, prepared, attended, or otherwise completed per 2-year period. The rules shall require that continuing education be sponsored or recognized by a local, state, regional, national, or international dental, dental hygiene, dental assisting, or medical-related professional organization in order to qualify under this paragraph.

SECTION 1905. 447.055 (1) (b) 1. of the statutes is amended to read:

447.055 (1) (b) 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) per 2-year period may be satisfied by such training.

SECTION 1906. 447.055 (1) (b) 2. of the statutes is amended to read:

447.055 (1) (b) 2. Infection control. Not less than 2 of the credit hours required under par. (a) per 2-year period must be satisfied by such training.

SECTION 1907. 447.055 (3) of the statutes is repealed and recreated to read:

447.055 (3) The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this section.

SECTION 1908. 447.056 (1) (intro.) of the statutes is amended to read:

447.056 (1) (intro.) Except as provided in subs. (2) ~~to~~ and (4), a person is not eligible for renewal of a license to practice dentistry, other than a permit issued under s. 447.02 (3), unless the person has ~~taught, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 30 credit hours of~~ satisfied the applicable continuing education related to the ~~practice of dentistry or the practice of medicine, including requirements established under this subsection. The examining board shall promulgate rules requiring 30 credit hours of continuing education to be taught, prepared, attended, or otherwise completed per 2-year period. The rules shall require that not less than 25 credit hours of instruction per 2-year period be~~ in clinical dentistry or clinical medicine. ~~Not~~ The rules may not allow more than 4 of the 30 hours may per 2-year period to be from teaching. Continuing education does not satisfy the requirements under this subsection unless the continuing education is one of the following:

SECTION 1909. 447.056 (2) of the statutes is repealed and recreated to read:

447.056 (2) The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this section.

SECTION 1910. 447.056 (3) of the statutes is repealed.

SECTION 1911. 447.057 (1) (a) and (b) 1. and 2. of the statutes, as created by 2023 Wisconsin Act (this act), are amended to read:

447.057 (1) (a) Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental therapy, other than a permit issued under s. 447.02 (3), unless the person has ~~taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of~~ satisfied the applicable continuing education ~~relating to the clinical practice of dental therapy that is sponsored or recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical-related professional organization requirements established under subd. 2.~~

(b) 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) per 2-year period may be satisfied by such training.

2. Infection control. Not less than 2 of the credit hours required under par. (a) per 2-year period must be satisfied by such training.

***NOTE: This is reconciled s. 447.057 (1) (a) and (b) 1. and 2. This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1105/P3.

SECTION 1912. 447.057 (3) of the statutes, as created by 2023 Wisconsin Act (this act), is repealed and recreated to read:

447.057 (3) The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this section.

***NOTE: This is reconciled s. 447.057 (1) (a) and (b) 3. This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1105/P3.

SECTION 1913. 447.058 (2) (b) of the statutes is amended to read:

447.058 (2) (b) A mobile dentistry program registrant shall submit an application for renewal, and the applicable renewal fee determined by the department under s. 440.03 (9) (a), to the department on a form provided by the department on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a).

SECTION 1914. 448.07 (1) (a) of the statutes is amended to read:

448.07 (1) (a) Every person licensed or certified under this subchapter shall register ~~on or before November 1 of each odd-numbered year following issuance of the license or certificate with the board~~ on or before his or her renewal date determined by the department under s. 440.08 (2). Registration shall be completed in such manner as the board shall designate and upon forms the board shall provide, except that registration with respect to a compact license shall be governed by the renewal provisions in s. 448.980 (7). ~~The secretary of the board, on or before October 1 of each odd-numbered year, shall mail or cause to be mailed to every person required to register a registration form.~~ The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.

SECTION 1915. 448.13 (title) of the statutes is repealed and recreated to read:

448.13 (title) Continuing education and professional development.

SECTION 1916. 448.13 (1) (a) 1. of the statutes is amended to read:

448.13 (1) (a) 1. Continuing education programs or courses of study approved for at least 30 hours of credit required by the board within the 2 calendar years preceding the calendar year for which the registration is effective by rule under s. 448.40 (2).

SECTION 1917. 448.13 (1) (a) 2. of the statutes is amended to read:

448.13 (1) (a) 2. Professional development and maintenance of certification or performance improvement or continuing medical education programs or courses of study required by the board by rule under s. 448.40 (1) and completed within the 2 calendar years preceding the calendar year for which the registration is effective.

SECTION 1918. 448.13 (1m) of the statutes is amended to read:

448.13 (1m) The board shall, on a random basis, verify the accuracy of proof submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar years specified in sub. (1) (a), require a physician to submit proof of any continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs or courses of study that he or she has attended and completed at that time during the 2 calendar years since he or she last registered under s. 448.07.

SECTION 1919. 448.40 (1) of the statutes is amended to read:

448.40 (1) The board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.

SECTION 1920. 448.40 (2) (e) of the statutes is amended to read:

448.40 (2) (e) Establishing continuing education or continuing medical education requirements for renewal of a license to practice medicine and surgery under s. 448.13 (1). The board shall require 30 hours of continuing education to be completed every 2-year period. The examining board shall establish the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health services for some or all of the hours of continuing education credits required under s. 448.13 (1) (a) 1. for physicians specializing in psychiatry. The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health services.

SECTION 1921. 448.55 (2) of the statutes is amended to read:

448.55 (2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 (2), ~~are specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

SECTION 1922. 448.65 (2) (intro.) of the statutes is amended to read:

448.65 (2) (intro.) The renewal date for a license granted under this subchapter, other than a temporary license granted under rules promulgated under s. 448.63 (3), ~~is specified~~ shall be as determined by the department under s. 440.08 (2) ~~(a)~~. Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

SECTION 1923. 448.665 of the statutes is amended to read:

448.665 Continuing education. The affiliated credentialing board shall promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter. The rules shall require a licensee to complete at least 30 hours of continuing education programs or courses of study ~~within each per 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a).~~ The affiliated credentialing board may waive all or part of these requirements for the completion of continuing education programs or courses of study if the affiliated credentialing board determines that prolonged illness, disability or other exceptional circumstances have prevented a licensee from completing the requirements.

SECTION 1924. 448.86 (2) of the statutes is amended to read:

448.86 (2) The renewal dates for certificates granted under this subchapter, other than temporary certificates granted under s. 448.80, ~~are specified~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1925. 448.9545 (1) (a) of the statutes is amended to read:

448.9545 (1) (a) To be eligible for renewal of a license issued under s. 448.953 (1) or (2), a licensee shall, ~~during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a),~~ complete not less than 30 credit hours of continuing education in courses of study approved by the affiliated credentialing board. The examining board shall promulgate rules to establish the continuing education requirements under this section. The rules shall require completion of not less than 30 credit hours of continuing education per 2-year period.

SECTION 1926. 448.9545 (1) (b) (intro.) of the statutes is amended to read:

448.9545 (1) (b) (intro.) No more than 10 credit hours of the continuing education required under par. (a) per 2-year period may be on any of the following subject areas or combination of subject areas:

SECTION 1927. 448.955 (1) of the statutes is amended to read:

448.955 (1) The renewal dates for licenses granted under this subchapter are specified shall be as determined by the department under s. 440.08 (2) (a).

SECTION 1928. 448.955 (2) (a) of the statutes is amended to read:

448.955 (2) (a) ~~Completed, during the 2-year period immediately preceding the renewal date specified in s. 440.08 (2) (a), the applicable~~ continuing education requirements specified in established under s. 448.9545.

SECTION 1929. 448.955 (3) (a) of the statutes is amended to read:

448.955 (3) (a) A place for the licensee to describe his or her work history, including the average number of hours worked each week, for the 2-year period immediately preceding the renewal date specified in determined by the department under s. 440.08 (2) (a).

SECTION 1930. 448.956 (1) (c) of the statutes is amended to read:

448.956 (1) (c) A protocol established under par. (a) shall be updated no later than 30 days before the licensee's renewal date ~~specified in s. 440.08 (2) (a) 14f.~~

SECTION 1931. 448.967 (2) of the statutes is amended to read:

448.967 (2) The renewal dates for licenses granted under this subchapter are specified shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under

s. 440.03 (9) (a) and a statement attesting compliance with the continuing education requirements established in rules promulgated under s. 448.965 (1) (b).

SECTION 1932. 448.9703 (3) (a) of the statutes is amended to read:

448.9703 (3) (a) ~~Successfully completed at least 30 hours of applicable continuing education in the prior 2-year period requirements established under this paragraph. The rules promulgated under this paragraph shall require at least 30 hours of continuing education per 2-year period. The board may provide for an exemption from or a reduction of the requirement under this paragraph for new licensees, as the board determines is appropriate.~~

SECTION 1933. 448.9706 (2) of the statutes is amended to read:

448.9706 (2) Except as provided in s. 448.9705, the renewal dates for licenses granted under this subchapter are ~~specified~~ determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department, and shall include the renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a) and proof of compliance with the requirements established by rules promulgated by the board under s. 448.9703 (3).

SECTION 1934. 448.974 (2) (a) of the statutes is amended to read:

448.974 (2) (a) The renewal date for a license issued under this subchapter is ~~specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a). Renewal of a license is subject to par. (b).

SECTION 1935. 449.06 (1) of the statutes is amended to read:

449.06 (1) Persons practicing optometry shall, on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a), register

~~with, submit a renewal application to the department, pay the applicable renewal fee determined by the department under s. 440.03 (9) (a), and provide evidence satisfactory to the examining board that he or she has complied with the rules promulgated under sub. (2m).~~

SECTION 1936. 449.06 (2m) of the statutes is amended to read:

449.06 **(2m)** The examining board shall promulgate rules requiring a person who is issued a license to practice optometry to ~~complete, during the 2-year period immediately preceding the renewal date specified in s. 440.08 (2) (a), satisfy continuing education requirements. The rules shall require the completion of~~ not less than 30 hours of continuing education per 2-year period. The rules shall include requirements that apply only to optometrists who are allowed to use topical ocular diagnostic pharmaceutical agents under s. 449.17 or who are allowed to use therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an appendage to the eye under s. 449.18.

SECTION 1937. 450.08 (1) of the statutes is amended to read:

450.08 **(1)** The renewal dates for all licenses and registrations granted by the board are ~~specified~~ determined by the department under s. 440.08 (2) (a). Except as provided under sub. (2) (a), only a holder of an unexpired license or registration may engage in his or her licensed activity.

SECTION 1938. 450.08 (2) (a) of the statutes is amended to read:

450.08 **(2)** (a) A pharmacist's license may be renewed by complying with continuing education requirements under s. 450.085 and paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a). Notwithstanding s. 440.08 (3) (a), if a pharmacist fails to obtain renewal by that date,

the board may suspend the pharmacist's license, and the board may require the pharmacist to pass an examination to the satisfaction of the board to restore that license.

SECTION 1939. 450.08 (2) (b) of the statutes is amended to read:

450.08 (2) (b) A pharmacy, pharmacy technician's, manufacturer's, distributor's, or home medical oxygen provider's license or registration may be renewed by paying the applicable fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a).

SECTION 1940. 450.085 (1) of the statutes is amended to read:

450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall submit proof that he or she has ~~completed, within the 2-year period immediately preceding the date of his or her application,~~ satisfied the applicable continuing education requirements established by the board under this subsection. The board shall require the completion of 30 hours of continuing education per 2-year period in courses conducted by a provider that is approved by the Accreditation Council for Pharmacy Education or in courses approved by the board. Courses specified in s. 450.035 (1r) and (2) are courses in continuing education for purposes of this subsection. ~~This subsection does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license~~ The board shall, for up to a 2-year period, exempt new licensees from the requirements under this subsection.

SECTION 1941. 451.04 (4) of the statutes is amended to read:

451.04 (4) EXPIRATION AND RENEWAL. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable

renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1942. 452.10 (2) of the statutes is repealed.

SECTION 1943. 452.12 (1) of the statutes is amended to read:

452.12 (1) EXPIRATION. A license granted by the board entitles the holder to act as a broker or salesperson, as the case may be, until the applicable renewal date ~~specified under s. 440.08 (2) (a).~~

SECTION 1944. 452.12 (5) (a) of the statutes is amended to read:

452.12 (5) (a) Renewal applications for all licenses shall be submitted with the applicable renewal fee determined by the department under s. 440.03 (9) (a) on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a). The department shall pay \$10 of each renewal fee received under this paragraph to the Board of Regents of the University of Wisconsin System for research and educational, public outreach, and grant activities under s. 36.25 (34).

SECTION 1945. 452.132 (2) (c) of the statutes is amended to read:

452.132 (2) (c) Before a licensee becomes associated with the firm and at the beginning of each ~~biennial~~ licensure period, ensure that the licensee holds a valid license.

SECTION 1946. 454.06 (8) of the statutes is amended to read:

454.06 (8) EXPIRATION AND RENEWAL. The renewal date for licenses issued under subs. (2) to (6) ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a). The examining board may not renew a license issued to a

person under subs. (2) to (6) unless the person certifies to the examining board that the person has reviewed the current digest under s. 454.125.

SECTION 1947. 454.08 (9) of the statutes is amended to read:

454.08 (9) The renewal date for licenses issued under this section ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

SECTION 1948. 454.23 (5) of the statutes is amended to read:

454.23 (5) EXPIRATION AND RENEWAL. The renewal date for a license granted under sub. (2) ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for that license is determined by the department under s. 440.03 (9) (a). The department may not renew a license granted to a person under this section unless the person certifies to the department that the person has reviewed the current digest under s. 454.267.

SECTION 1949. 454.25 (9) of the statutes is amended to read:

454.25 (9) The renewal date for a barbering establishment license ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for a barbering establishment license is determined by the department under s. 440.03 (9) (a).

SECTION 1950. 455.06 (1) (a) of the statutes is amended to read:

455.06 (1) (a) Except as provided in par. (b), the renewal dates for licenses issued under this subchapter or under s. 455.04 (4), 2019 stats., ~~are specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a).

SECTION 1951. 455.06 (1) (b) of the statutes is amended to read:

455.06 (1) (b) A license issued under s. 455.04 (2) is valid for 2 years or until the individual obtains a license under s. 455.04 (1) and may not be renewed, except that the examining board may promulgate rules specifying circumstances in which the examining board, in cases of hardship, may allow an individual to renew a license issued under s. 455.04 (2). Notwithstanding sub. (2), an individual holding a license issued under s. 455.04 (2) is not required to complete continuing education the examining board shall, for up to a 2-year period, exempt new licensees from the requirements under sub. (2).

SECTION 1952. 455.065 (7) of the statutes is amended to read:

455.065 (7) Grant an exemption from the continuing education requirements under this section to a psychologist who certifies to the examining board that he or she has permanently retired from the practice of psychology. A psychologist who has been granted an exemption under this subsection may not return to active practice without submitting evidence satisfactory to the examining board of having completed the required continuing education credits within the ~~2~~-year period specified by the board prior to the return to the practice of psychology.

SECTION 1953. 456.07 (title) of the statutes is repealed and recreated to read:

456.07 (title) Renewal.

SECTION 1954. 456.07 (1) and (3) of the statutes are repealed.

SECTION 1955. 456.07 (2) of the statutes is amended to read:

456.07 (2) ~~The application for a new certificate of registration~~ The renewal date for a license issued under this subchapter shall be as determined by the department under s. 440.08 (2). A renewal application shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a), a report of any facts requested by the examining board on forms provided for such purpose, and evidence

satisfactory to the examining board that ~~during the biennial period immediately preceding application for registration~~ the applicant has attended a continuing education program or course of study. ~~During the time between initial licensure and commencement of a full 2-year licensure period,~~ new licensees shall not be required to meet continuing education requirements. All registration fees are payable on or before the applicable renewal date specified under s. 440.08 (2) (a). The examining board shall, for up to a 2-year period, exempt new licensees from the continuing education requirements under this subsection.

SECTION 1956. 456.07 (5) of the statutes is amended to read:

456.07 (5) Only an individual who ~~has qualified as a~~ is licensed and registered ~~as a nursing home administrator under this chapter and who holds a valid current registration certificate under this section for the current registration period~~ may use the title “Nursing Home Administrator”, and the abbreviation “N.H.A.” after the person’s name. No other person may use or be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed ~~and registered~~ nursing home administrator.

SECTION 1957. 457.20 (2) of the statutes is amended to read:

457.20 (2) The renewal dates for certificates and licenses granted under this chapter, other than training certificates and licenses or temporary certificates or licenses, ~~are specified~~ shall be as determined by the department under s. 440.08 (2) (a).

SECTION 1958. 457.22 (2) of the statutes is amended to read:

457.22 (2) The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study ~~in order to qualify for renewal~~ per 2-year period. The appropriate section of the

examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

SECTION 1959. 458.085 (3) of the statutes is amended to read:

458.085 (3) Continuing education requirements for ~~renewal of certificates issued~~ individuals certified under this subchapter.

SECTION 1960. 458.09 (3) of the statutes is amended to read:

458.09 (3) The number of hours of attendance at and completion of continuing education programs or courses of study required under the rules promulgated under s. 458.085 (3) shall be reduced by one hour for each hour of attendance at and completion of, within the ~~2 years immediately preceding the date on which the renewal application is submitted~~ current reporting period, continuing education programs or courses of study that the applicant has attended and completed in order to continue to qualify for employment as an assessor and that the department determines is substantially equivalent to attendance at and completion of continuing education programs or courses of study for certified general appraisers, certified residential appraisers or licensed appraisers, as appropriate.

SECTION 1961. 458.11 of the statutes is amended to read:

458.11 Expiration and renewal. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a). Renewal of an appraiser certificate automatically renews the individual's appraiser license without payment of the renewal fee for the appraiser

license or completion of any additional continuing education requirements that would otherwise be required for renewal of the appraiser license. Renewal applications shall be accompanied by proof of completion of the continuing education requirements in s. 458.13. Notwithstanding s. 458.06 (3) (b) 2. and (4) (b) 2., 1989 stats., and s. 458.08 (3) (b) 2. and (c) 2., 1991 stats., the department may not renew a certificate that was granted under s. 458.06 (3) or (4) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable educational requirements specified in rules promulgated under s. 458.085 (1) and the department may not renew a certificate that was granted under s. 458.08 (3) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable education and experience requirements specified in rules promulgated under s. 458.085 (1) and (2).

SECTION 1962. 458.13 of the statutes is amended to read:

458.13 Continuing education requirements. At the time of renewal of a certificate issued under this subchapter, each applicant shall submit proof that, ~~within the 2 years immediately preceding the date on which the renewal application is submitted,~~ he or she has satisfied the continuing education requirements specified in the rules promulgated under s. 458.085 (3).

SECTION 1963. 458.33 (5) of the statutes is amended to read:

458.33 (5) RENEWALS. A licensed appraisal management company shall submit a renewal application, along with the applicable renewal fee determined by the department under s. 440.03 (9) (a), but not to exceed \$2,000, to the department on a form prescribed by the department by the applicable renewal date ~~specified~~

determined by the department under s. 440.08 (2) (a). A renewal under this subsection is subject to sub. (4).

SECTION 1964. 459.09 (1) (intro.) of the statutes is amended to read:

459.09 (1) (intro.) Each person issued a license under this subchapter shall, on or before the applicable renewal date ~~specified~~ determined by the department under s. 440.08 (2) (a), do all of the following:

SECTION 1965. 459.09 (1) (b) of the statutes is amended to read:

459.09 (1) (b) Submit with the renewal application proof that he or she ~~completed, within the 2 years immediately preceding the date of his or her application, 20 hours of~~ satisfied applicable continuing education programs or courses of study approved or required under requirements specified in rules promulgated under s. 459.095. ~~This paragraph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.~~

SECTION 1966. 459.095 (1) of the statutes is amended to read:

459.095 (1) Promulgate rules establishing continuing education requirements for individuals licensed under s. 459.09. The rules shall require the completion of 20 hours per 2-year period in programs or courses of study approved under this subsection. The rules shall establish the criteria for approval of continuing education programs or courses of study ~~required for renewal of a license under s. 459.09~~ and for approval of the sponsors and cosponsors of continuing education programs or courses of study. The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this section.

SECTION 1967. 459.24 (5) (intro.) of the statutes is amended to read:

459.24 (5) EXPIRATION AND RENEWAL. (intro.) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under sub. (6), ~~are specified in~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include all of the following:

SECTION 1968. 459.24 (5) (b) of the statutes is amended to read:

459.24 (5) (b) Proof that the applicant ~~completed, within the 2 years immediately preceding the date of his or her application, 20 hours of~~ satisfied continuing education programs or courses of study approved or required under requirements specified in rules promulgated under sub. (5m). ~~This paragraph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.~~

SECTION 1969. 459.24 (5m) (a) 1. of the statutes is amended to read:

459.24 (5m) (a) 1. Promulgate rules establishing continuing education requirements for individuals licensed under this subchapter. The rules shall require the completion of 20 hours in programs or courses of study approved under this subsection. The examining board shall, for up to a 2-year period, exempt new licensees from the requirements under this subdivision. The rules shall establish the criteria for approval of continuing education programs or courses of study required for renewal of a license under sub. (5) and the criteria for approval of the sponsors and cosponsors of continuing education programs or courses of study.

SECTION 1970. 460.07 (2) (intro.) of the statutes is amended to read:

460.07 (2) (intro.) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date

~~specified~~ determined by the department under s. 440.08 (2) (a) and shall include all of the following:

SECTION 1971. 460.10 (1) (a) of the statutes is amended to read:

460.10 (1) (a) Requirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license. The rules promulgated under this paragraph may not require a license holder to complete more than 24 hours of continuing education programs or courses of study ~~in order to qualify for renewal of his or her license~~ per 2-year period.

SECTION 1972. 462.05 (1) of the statutes is amended to read:

462.05 (1) The renewal date for licenses and limited X-ray machine operator permits granted under this chapter ~~is specified in~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

SECTION 1973. 466.04 (3) (a) (intro.) of the statutes is amended to read:

466.04 (3) (a) (intro.) The renewal date for licenses granted under this chapter ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department. The application shall include all of the following in order for the license to be renewed:

SECTION 1974. 470.045 (3) (b) of the statutes is amended to read:

470.045 (3) (b) The renewal date for certificates of authorization under this section ~~is specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a).

SECTION 1975. 470.07 of the statutes is amended to read:

470.07 Renewal of licenses. The renewal dates for licenses granted under this chapter ~~are specified~~ shall be as determined by the department under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the appropriate section of the examining board that the applicant has completed any continuing education requirements specified in rules promulgated under s. 470.03 (2).

SECTION 1976. 480.08 (5) of the statutes is amended to read:

480.08 (5) EXPIRATION AND RENEWAL. The renewal date for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is ~~specified~~ shall be as determined by the department under s. 440.08 (2) (a), and the renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is determined by the department under s. 440.03 (9) (a). Renewal applications shall include evidence satisfactory to the department that the applicant holds a current permit issued under s. 77.52 (9). A renewal application for an auctioneer certificate shall be accompanied by proof of completion of continuing education requirements under sub. (6).

SECTION 9438. Effective dates; Safety and Professional Services.

(1) **RENEWAL DATES.** The treatment of ss. 20.165 (1) (jm), 106.30 (2), 227.01 (13) (zxm), 440.01 (1) (dL) and (dm), 440.03 (14) (c) and (15), 440.032 (5), 440.08 (2) (title), (a) (intro.), 1n., 2n., 1. to 37., 37m., 38. to 72., (ar), (b), (c), (d), and (e), (2m) (title) and (b), and (4) (a), 440.09 (3) (a), 440.26 (3) and (5m) (b), 440.313 (1), 440.415 (2) (a), 440.71 (3), 440.88 (4), 440.905 (2), 440.91 (1) (c), (1m) (c), and (4), 440.92 (1) (c), 440.972 (2), 440.974 (2), 440.98 (6), 440.983 (1), 440.992 (6), 440.9935, 441.01 (7) (a)

(intro.) and 1. (by SECTION 1876) and (b), 441.06 (3) (by SECTION 1878), 441.10 (6), 441.15 (3) (b) (by SECTION 1880), 442.083 (1) and (2) (a), 443.015 (1e), 443.07 (6), 443.08 (3) (b), 443.10 (2) (e) and (5), 445.06 (1), 445.07 (1) and (2), 445.095 (1) (c), 445.105 (3), 446.02 (1) (b) and (4), 446.025 (3) (b), 446.026 (3) (b), 447.05 (1) (a), 447.055 (1) (a) and (b) 1. and 2. and (3), 447.056 (1) (intro.), (2), and (3), 447.057 (1) (a) and (b) 1. and 2. (by SECTION 1911) and (3) (by SECTION 1912), 447.058 (2) (b), 448.07 (1) (a), 448.13 (title), (1) (a) 1. and 2., and (1m), 448.40 (1) and (2) (e), 448.55 (2), 448.65 (2) (intro.), 448.665, 448.86 (2), 448.9545 (1) (a) and (b) (intro.), 448.955 (1), (2) (a), and (3) (a), 448.956 (1) (c), 448.967 (2), 448.9703 (3) (a), 448.9706 (2), 448.974 (2) (a), 449.06 (1) and (2m), 450.08 (1) and (2) (a) and (b), 450.085 (1), 451.04 (4), 452.10 (2), 452.12 (1) and (5) (a), 452.132 (2) (c), 454.06 (8), 454.08 (9), 454.23 (5), 454.25 (9), 455.06 (1) (a) and (b), 455.065 (7), 456.07 (title), (1), (2), (3), and (5), 457.20 (2), 457.22 (2), 458.085 (3), 458.09 (3), 458.11, 458.13, 458.33 (5), 459.09 (1) (intro.) and (b), 459.095 (1), 459.24 (5) (intro.) and (b) and (5m) (a) 1., 460.07 (2) (intro.), 460.10 (1) (a), 462.05 (1), 466.04 (3) (a) (intro.), 470.045 (3) (b), 470.07, and 480.08 (5), the renumbering and amendment of ss. 445.07 (3), 446.025 (3) (a), and 446.026 (3) (a), and the creation of ss. 445.07 (3) (b), 446.025 (3) (a) 2., and 446.026 (3) (a) 2. take effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1295/P1
JPC&MED:emw

DOA:.....Mott, BB0266 - DSPS Legal Authority for Licensure Review

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Reviews of criminal records

This bill requires DSPS, when conducting an investigation of the arrest or conviction record of a credential applicant, to review and obtain information to determine the circumstances of each case or offense, except that the bill allows DSPS, in its discretion, to complete its investigation of an arrest or conviction record without reviewing the circumstances of certain types of offenses specified in the bill. These offenses include certain first offense operating while intoxicated and related violations; certain underage alcohol violations; and minor, nonviolent ordinance violations, as determined by DSPS.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1977. 440.03 (13) (br) of the statutes is created to read:

440.03 (13) (br) When conducting an investigation of an arrest or conviction record under par. (a) or (bm), the department shall review and obtain information to determine the circumstances of each case or offense, except that the department may, in its discretion, complete its investigation of an arrest or conviction record without reviewing the circumstances of any of the following types of violations:

1. If the violation occurred more than 5 years before the application date, a first violation of s. 346.63 (1) (a), (am), or (b) or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) (a), (am), or (b) or the law of another jurisdiction prohibiting driving or operating a motor vehicle while intoxicated or under the influence of alcohol, a controlled substance, a controlled substance analog, or a combination thereof or under the influence of any drug that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.

2. A violation of s. 125.07 (4) (a) or (b) or a local ordinance that strictly conforms to s. 125.07 (4) (a) or (b) or of a substantially similar law of another jurisdiction.

3. A minor, nonviolent ordinance violation, as determined by the department.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) DSPTS CREDENTIAL INVESTIGATIONS; EMERGENCY RULES. Using the procedure under s. 227.24, the department of safety and professional services and any credentialing board, as defined in s. 440.01 (2) (bm), may promulgate rules that are necessary to implement s. 440.03 (13) (br). Notwithstanding s. 227.24 (1) (a) and (3), the department or credentialing board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the

preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2025, or the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under s. 227.24 (2).

***NOTE: The language in this draft is based upon 2019 SB 746 and 2021 AB 1171, but I omitted subdivision 4., which did not appear in your request, and added references to arrests. In addition, the Legislative Study Committee on Occupational Licensing has a version of this proposal for which introduction was recommended, 2023 LRB-0363. Let me know if you'd like a copy of the committee's proposal.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1296/P1
MED:cjs

DOA:.....Mott, BB0267 - DSPS Licensure Portability

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Rules; license portability

This bill provides that DSPS or a credentialing board in DSPS may promulgate rules to facilitate enhanced license portability to help facilitate streamlined pathways to licensure for internationally trained professionals and increased reciprocity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1978. 440.03 (18) of the statutes is created to read:

440.03 (18) The department may promulgate rules to facilitate enhanced credential portability to help facilitate streamlined pathways to credentialing for internationally trained professionals and increased reciprocity.

SECTION 1979. 440.035 (3) of the statutes is created to read:

440.035 (3) A credentialing board may promulgate rules to facilitate enhanced credential portability to help facilitate streamlined pathways to credentialing for internationally trained professionals and increased reciprocity.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1297/P1
EHS:skw

DOA:.....Hutter, BB0257 - Dam licensing fees

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

NAVIGABLE WATERS

Dam permit and approval fees

This bill changes the fees charged for permits and approvals for large dams. Under current law, a large dam is a dam that either has a structural height of 25 feet or more and impounds more than 15 acre-feet of water or has a structural height of more than six feet and impounds 50 acre-feet or more of water. Under the bill, the fees for large dams are based on the dam's hazard classification: \$1,000 for a large, high hazard dam; \$500 for a large, significant hazard dam; and \$200 for a large, low hazard dam. Current law requires DNR to classify the hazard level of each dam in the state for purposes of inspection regulations.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1980. 31.39 (2) (a) (intro.) of the statutes is amended to read:

31.39 (2) (a) (intro.) ~~For~~ Except as provided under par. (am), for fees charged for permits and approvals under ss. 31.02 to 31.185 and 31.33 to 31.38, the department shall classify the types of permits and approvals based on the estimated time spent by the department in reviewing, investigating, and making determinations whether to grant the permits or approvals. The department shall then set the fees as follows:

SECTION 1981. 31.39 (2) (am) of the statutes is created to read:

31.39 (2) (am) 1. In this paragraph:

- a. "High hazard dam" has the meaning given under s. 31.19 (1g) (a).
- b. "Large dam" means a dam determined to be large under s. 31.19 (1m).
- c. "Low hazard dam" has the meaning given under s. 31.19 (1g) (b).
- d. "Significant hazard dam" has the meaning given under s. 31.19 (1g) (c).

2. For fees charged for permits and approvals under ss. 31.02 to 31.185 and 31.33 to 31.38 for large dams, the department shall classify the types of permits and approvals based on the dam's hazard classification under s. 31.19 (2) (ar). The department shall then set the fees as follows:

a. For a permit or approval for a large dam that is a high hazard dam, the fee shall be \$1,000.

b. For a permit or approval for a large dam that is a significant hazard dam, the fee shall be \$500.

c. For a permit or approval for a large dam that is a low hazard dam, the fee shall be \$200.

SECTION 9432. Effective dates; Natural Resources.

(1) DAM LICENSING FEES. The treatment of s. 31.39 (2) (a) (intro.) and (am) takes effect on the first day of the 9th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1298/P1
JK:cjs

DOA:.....Kretschmann, BB0261 - Property tax transparency

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

School aid reduction information

This bill requires that a person's property tax bill include information from the school district where the property is located regarding the amount of any gross reduction in state aid to the district as a result of pupils enrolled in the statewide choice program, the Racine choice program, or the Milwaukee choice program or as a result of making payments to private schools under the special needs scholarship program.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1982. 74.09 (3) (gb) of the statutes is created to read:

74.09 (3) (gb) 1. Include information from the school district where the property is located regarding the amount of any gross reduction in state aid to the district

under ss. 115.7915 (4m), 118.60 (4d), and 121.08 (4) (b) in the previous year and the current year and the percentage change between those years, except that this paragraph does not apply in any year in which such a reduction does not occur.

2. In addition to the information provided under subd. 1., include the following insert in substantially similar form:

“The gross reduction in state aid to your school district in the ... (current year) is \$... as a result of pupils enrolled in the ... (statewide choice program) (Racine choice program) (Milwaukee choice program) or as a result of payments to ... (a private school) under the special needs scholarship program. Your school district had the option to increase property taxes to replace this aid reduction.”

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1302/P2
JAM:cdc

DOA:.....Hutter, BB0252 - Water stewardship grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Water stewardship certification

The bill creates a grant program under which DATCP may provide grants to reimburse the costs for agricultural producers to apply for a certification of water stewardship from the Alliance for Water Stewardship. The grants must be made directly to the producer, and may not be used to pay the costs of operational changes needed to achieve certification.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1983. 20.115 (4) (cm) of the statutes is created to read:

20.115 (4) (cm) *Water stewardship certification grants.* As a continuing appropriation, the amounts in the schedule for water certification grants under s. 93.475.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1984. 93.475 of the statutes is created to read:

93.475 Water stewardship certification grant program. The department may award grants from the appropriation under s. 20.115 (4) (cm) to agricultural producers to reimburse the amounts that a producer pays to the Alliance for Water Stewardship to obtain a certification of water stewardship. The department shall award grants under this section directly to the agricultural producer. Grants under this section may not be used to reimburse any costs of operational changes needed to obtain the certification of water stewardship.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1303/P2
MCP:cjs&amn

DOA:.....Hutter, BB0293 - PFAS standards

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

PFAS standards

This bill requires DNR to establish and enforce various standards for per- and poly-fluoroalkyl substances (PFAS). The PFAS group of substances includes several thousand chemicals; two of the most well known are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS).

The bill requires DNR to establish, by rule, acceptable levels and standards, monitoring requirements, and required response actions for any PFAS in drinking water, groundwater, surface water, air, solid waste, beds of navigable waters, and soil and sediment, if the department determines that the substance may be harmful to human health or the environment. These rules must cover, at a minimum, PFOA and PFOS, as well as perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluorobutane sulfonic acid (PFBS).

The bill also requires DNR to establish air emission standards for PFAS to provide adequate protection for public health and welfare, taking into account energy, economic, and environmental impacts and other costs related to the emission source.

Under current law, DNR maintains a list of substances that have a reasonable probability of entering the groundwater resources of the state and that are shown to

involve public health concerns. Under this bill, DNR is required to add to this list PFOA, PFOS, PFHxS, PFNA, PFBS, and all other PFAS that have a reasonable probability of entering the groundwater resources of the state and that are shown to involve public health concerns. Under current law, DHS recommends enforcement standards for substances on this list, which DNR then proposes as DNR rules in its rule-making process. Until DNR establishes such rules, the bill requires DNR to apply any DHS-recommended groundwater enforcement standard for any PFAS as an interim standard for groundwater and as an interim maximum containment level for drinking water.

The bill also provides that DNR may, if it determines doing so is necessary to protect human health or the environment, require a person who possesses or controls PFAS to provide proof of financial responsibility for remediation and long-term care to address contamination by a potential discharge of PFAS or environmental pollution that may be caused by a discharge of PFAS.

In addition, the bill requires DNR to set criteria for certifying laboratories to test for PFAS, and to certify laboratories that meet these criteria. Before these criteria are set, the bill allows DNR to require testing for PFAS to be done according to nationally recognized standards.

Finally, the bill requires a person who generates solid or hazardous waste at a site or facility under investigation by DNR to provide DNR with access to information relating to any transportation to or treatment, storage, or disposal at another site, facility, or location.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1985. 160.07 (4) (f) of the statutes is created to read:

160.07 (4) (f) In recommending an enforcement standard for a perfluoroalkyl or polyfluoroalkyl substance, the department of health services may recommend an individual standard for a substance, a standard for a class of substances, a standard for a group of substances, or any combination of individual, class, or group standards for substances or class or group of substances.

SECTION 1986. 160.07 (7) of the statutes is created to read:

160.07 (7) If the department of health services recommends an enforcement standard for a perfluoroalkyl or polyfluoroalkyl substance or a group or class of such

substances under this section, the department shall apply the standard as an interim enforcement standard for that substance, including through sampling, monitoring, and testing, and any other actions required by rules promulgated by the department, unless emergency or permanent rules that establish an enforcement standard for that substance are in effect.

SECTION 1987. 160.15 (4) of the statutes is created to read:

160.15 (4) Notwithstanding sub. (1), if an interim enforcement standard for a perfluoroalkyl or polyfluoroalkyl substance is applied under s. 160.07 (7), the department shall apply an interim preventive action limit for that substance of 20 percent of the concentration established as the interim enforcement standard, unless emergency or permanent rules that establish a preventive action limit for that substance are in effect.

SECTION 1988. 281.17 (8) (c) of the statutes is created to read:

281.17 (8) (c) If the department of health services recommends an enforcement standard for a perfluoroalkyl or polyfluoroalkyl substance or a group or class of such substances under s. 160.07, the department shall apply the standard as an interim maximum contaminant level for public water systems, water suppliers, and laboratories certified to analyze drinking water, in accordance with rules promulgated by the department, unless emergency or permanent rules that establish maximum contaminant levels for that substance are in effect.

SECTION 1989. 285.27 (2) (bm) of the statutes is created to read:

285.27 (2) (bm) *Standards for PFAS.* Emission standards for known perfluoroalkyl or polyfluoroalkyl substances are needed to provide adequate protection for public health and welfare under par. (b). The department shall promulgate emission standards for any known perfluoroalkyl or polyfluoroalkyl

substances to provide adequate protection for public health and welfare, taking into account energy, economic, and environmental impacts and other costs related to the emission source.

SECTION 1990. 292.31 (1) (d) (intro.) of the statutes is amended to read:

292.31 (1) (d) *Access to information.* (intro.) Upon the request of any officer, employee, or authorized representative of the department, any person who generated, transported, treated, stored, or disposed of solid or hazardous waste ~~which~~ that may have been disposed of at a site or facility under investigation by the department and any person who generated solid or hazardous waste at a site or facility under investigation by the department that was transported to, treated at, stored at, or disposed of at another site, facility, or location shall provide the officer, employee, or authorized representative access to any records or documents in that person's custody, possession, or control which relate to:

SECTION 1991. 292.31 (1) (d) 1m. of the statutes is created to read:

292.31 (1) (d) 1m. The type and quantity of waste generated at the site or facility that was transported to, treated at, stored at, or disposed of at another site, facility, or location, and the dates and locations of these activities.

SECTION 1992. 292.74 of the statutes is created to read:

292.74 Financial responsibility for PFAS. The department may, if it determines doing so is necessary to protect human health or the environment, require a person who possesses or controls a perfluoroalkyl or polyfluoroalkyl substance to provide proof of financial responsibility for conducting emergency response actions, remedial actions, environmental repair, and long-term care to address contamination by a potential discharge of perfluoroalkyl or polyfluoroalkyl substances or environmental pollution that may be caused by a discharge of such

substances. The department shall establish, by rule, the procedure for determining whether requiring a proof of financial responsibility is necessary to protect human health or the environment, and may establish requirements for types of financial responsibility, methods for calculating amounts of financial responsibility, access and default, bankruptcy notifications, and any other requirements the department determines are necessary under this section. The proof of financial responsibility required under this section shall be in addition to any other proof of financial responsibility or financial assurance required under this chapter.

SECTION 1993. 299.15 (2m) of the statutes is created to read:

299.15 (2m) The department shall consider all known perfluoroalkyl or polyfluoroalkyl substances to be air contaminants for purposes of sub. (2) (a) 2. The reporting level for these substances is zero pounds per year.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) EMERGENCY RULES FOR PFAS IN DRINKING WATER, GROUNDWATER, SURFACE WATER, SOLID WASTE, BEDS OF NAVIGABLE WATERS, AND CONTAMINATED SOIL AND SEDIMENT.

(a) The department of natural resources shall promulgate emergency rules under s. 227.24 establishing acceptable levels and standards, performance standards, monitoring requirements, and required response actions for any perfluoroalkyl or polyfluoroalkyl substance or group or class of such substances that the department determines may be harmful to human health or the environment in the following:

1. Drinking water under s. 281.17 (8).
2. Groundwater under ss. 160.07 (5) and 160.15.
3. Surface water from point sources under ss. 283.11 (4) and 283.21 and from nonpoint sources under s. 281.16.

4. Air under s. 285.27 (2) (bm), if the standards are needed to provide adequate protection for public health or welfare.

5. Solid waste and solid waste facilities under chs. 289 and 291.

6. Beds of navigable waters under s. 30.20.

7. Soil and sediment under chs. 289 and 292.

(b) The department of natural resources shall promulgate emergency rules under s. 227.24 to do all of the following:

1. Add any perfluoroalkyl or polyfluoroalkyl substance or group or class of such substances that the department determines may be harmful to human health or the environment to the list of toxic pollutants under s. 283.21 (1) (a) for purposes of setting toxic effluent standards or prohibitions under s. 283.11 (4).

2. Add to the list of hazardous constituents under s. 291.05 (4) any perfluoroalkyl or polyfluoroalkyl substance or group or class of such substances for which the department determines that the listing is necessary to protect public health, safety, or welfare.

3. Administer and enforce ch. 292 in relation to remedial actions involving perfluoroalkyl or polyfluoroalkyl substances or a group or class of such substances.

(c) Notwithstanding any finding required under par. (a) or (b), emergency rules promulgated under pars. (a) and (b) shall include, at a minimum, perfluorooctane sulfonic acid, perfluorooctanoic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluorobutane sulfonic acid and shall include provisions for enforcing these standards, including requiring sampling, monitoring, testing, and response actions.

(d) Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under pars. (a) and (b) remain in effect until July 1, 2024, or the date on which

permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) **WATER QUALITY STANDARDS FOR PFAS.** The department of natural resources shall promulgate, under s. 281.15, water quality standards for perfluorooctane sulfonic acid, perfluorooctanoic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, and perfluorobutane sulfonic acid and any other perfluoroalkyl or polyfluoroalkyl substance or group or class of such substances that the department determines may be harmful to human health and necessary to protect a water's designated use.

(3) **LIST OF GROUNDWATER CONTAMINANTS.** The department of natural resources shall add to the list of groundwater contaminants under s. 160.05 any perfluoroalkyl and polyfluoroalkyl substance or group or class of such substances that is shown to involve public health concerns and that has a reasonable probability of entering the groundwater and shall categorize and rank those substances according to the provisions of s. 160.05.

(4) **TESTING LABORATORIES; EMERGENCY RULES.**

(a) The department of natural resources shall promulgate emergency rules under s. 227.24 establishing criteria for certifying laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including the standards and methods for such testing, and shall certify laboratories that meet these criteria. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2024, or the date on which permanent rules

take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(b) Before emergency rules are promulgated under par. (a), the department of natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl substance to be done according to any nationally recognized procedures.

SECTION 9432. Effective dates; Natural Resources.

(1) INTERIM MAXIMUM CONTAMINANT LEVELS FOR PFAS. The treatment of s. 281.17 (8) (c) takes effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1304/P6
MCP:cdc/wlj/emw

DOA:.....Hutter, BB0294 - Revitalize Wisconsin

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Dry cleaner response program and revitalize Wisconsin program

This bill eliminates the existing dry cleaner environmental response program and its associated fund and council and creates the revitalize Wisconsin program, which is administered by DNR.

The revitalize Wisconsin program created under the bill provides aid, in the form of grants or direct services to local governments, dry cleaners, and private parties, to address the discharge of a hazardous substance or the existence of environmental pollution on the government's or person's property. Aid may be provided for sites for which the site's owner or operator applied for assistance under the dry cleaner environmental response program before its repeal; brownfields; sites that are exempt from the state's hazardous substance remediation laws (often called the "spill law"); and sites that are subject to the spill law but that are owned by private parties. The bill defines "private party" to include a bank, trust company, savings bank, or credit union; a developer; a nongovernmental organization; and an innocent landowner. The bill defines an "innocent landowner" as a property owner that either 1) acquired the property prior to November 1, 2006, has continuously owned the property since the date of acquisition, and can demonstrate, through

documentation, that the discharge or environmental pollution being addressed was caused by another person and that the property owner did not know and had no reason to know of the discharge or pollution when the owner acquired the property; or 2) acquired the property on or after November 1, 2006, meets all of the previously stated requirements, and can demonstrate, through documentation, that the property owner conducted all appropriate inquiries in compliance with the federal All Appropriate Inquiries rule under 40 CFR part 312 prior to acquiring the property.

The bill provides that DNR may not award aid to an applicant under the revitalize Wisconsin program if the applicant caused the discharge or environmental pollution unless the applicant is a dry cleaner that applied for assistance under the dry cleaner environmental response program before its repeal. The bill also provides that DNR may require an applicant to provide a match, either in cash or in-kind, for any aid that is awarded under the program.

Activities for which aid may be provided under the program include removing hazardous substances from contaminated media such as surface waters, groundwater, or soil; investigating and assessing the discharge or environmental pollution; removing abandoned containers; asbestos abatement; and restoring or replacing a private potable water supply.

The bill also allows DNR to inspect any document in the possession of an applicant or any other person if the document is relevant to an application for financial assistance under the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1994. 15.347 (2) of the statutes is repealed.

SECTION 1995. 20.320 (1) (sm) of the statutes is amended to read:

20.320 (1) (sm) *Land recycling loan program financial assistance.* From the clean water fund program federal revolving loan fund account in the environmental improvement fund, a sum sufficient, not to exceed ~~a total of \$20,000,000 less the maximum transfer amount specified in any agreement under s. 25.43 (2s),~~ to provide land recycling loan program financial assistance under s. 281.60.

SECTION 1996. 20.370 (4) (eq) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1997. 20.370 (6) (eq) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1998. 20.370 (6) (et) of the statutes is created to read:

20.370 (6) (et) *Environmental aids—revitalize Wisconsin program.* Biennially, from the environmental fund, the amounts in the schedule for aid awards under s. 292.66 and to make any required payments under s. 25.43 (2s).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 1999. 20.370 (6) (eu) of the statutes is created to read:

20.370 (6) (eu) *Environmental aids—waste removal and sampling.* Biennially, from the environmental fund, the amounts in the schedule to provide financial assistance for the purpose of removing waste materials that have accumulated or been dumped on abandoned properties and to conduct sampling and testing to determine if those properties pose a risk to public health and safety or the environment.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2000. 20.370 (9) (nq) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2001. 20.566 (1) (r) of the statutes is amended to read:

20.566 (1) (r) *Administration of dry cleaner fees.* From the ~~dry-cleaner environmental response~~ environmental fund, the amounts in the schedule for the purpose of administering the fees under subch. XII of ch. 77.

SECTION 2002. 25.17 (1) (d) of the statutes is repealed.

SECTION 2003. 25.43 (2s) of the statutes is repealed and recreated to read:

25.43 (2s) The secretary of administration and the secretary of natural resources shall ensure that any moneys required to be repaid to the environmental improvement fund as a result of a transfer under s. 25.43 (2s), 2021 stats., shall be paid from the environmental fund to the environmental improvement fund.

SECTION 2004. 25.46 (1) (s) of the statutes is created to read:

25.46 (1) (s) All moneys received under s. 77.9964 (3) for environmental management.

SECTION 2005. 25.46 (2m) of the statutes is amended to read:

25.46 (2m) Of the moneys described in sub. (1) that are received for the purpose of environmental management, except the moneys described in sub. (1) (ej), (ek), (hm), (j), (jj), (s), (t), and (u), \$6,150,000 shall, in each fiscal year, be considered to have been received for the purpose of nonpoint source water pollution abatement.

SECTION 2006. 25.48 of the statutes is repealed.

SECTION 2007. 77.9964 (3) of the statutes is amended to read:

77.9964 (3) The department shall deposit all of the revenue that it collects under this subchapter in the environmental fund ~~under s. 25.48~~.

SECTION 2008. 292.65 (14) of the statutes is amended to read:

292.65 (14) SUNSET. This section does not apply after ~~June 30, 2032~~ the effective date of this subsection [LRB inserts date].

SECTION 2009. 292.66 of the statutes is created to read:

292.66 Revitalize Wisconsin program. (1) DEFINITIONS. In this section:

(a) “Brownfield” means a property that is abandoned, idle, or underused, the expansion or redevelopment of which is adversely affected by actual or perceived discharge or environmental pollution.

(b) “Discharge” has the meaning given in s. 292.01 (3).

(c) “Innocent landowner” means any of the following:

1. A property owner that acquired the property prior to November 1, 2006, has continuously owned the property since the date of acquisition, and can demonstrate, through documentation, that the discharge or environmental pollution on the property was caused by another person and that the property owner did not know and had no reason to know of the discharge or environmental pollution when the owner acquired the property.

2. A property owner that acquired the property on or after November 1, 2006, has continuously owned the property since the date of acquisition, and can demonstrate, through documentation, that the property owner conducted all appropriate inquiries in compliance with 40 CFR part 312 prior to acquisition, that the discharge or environmental pollution on the property was caused by another person, and that the property owner did not know and had no reason to know of the discharge or environmental pollution when the owner acquired the property.

(d) “Interim action” means a response action that is taken to contain or stabilize a discharge or environmental pollution at a site or facility, in order to minimize any threats to public health, safety, or welfare or to the environment, while other response actions are being taken or planned for the site or facility.

(e) “Local governmental unit” has the meaning given under s. 292.11 (9) (e) 1.

(f) “Private party” means any of the following:

1. A bank, trust company, savings bank, or credit union.

2. A developer, as defined in s. 66.0617 (1) (b).

3. An organization or enterprise, other than a sole proprietorship, that is operated for profit or that is nonprofit and nongovernmental, including an

association, business trust, corporation, joint venture, limited liability company, limited liability partnership, partnership, or syndicate.

4. An innocent landowner.

(g) “Remedial action” has the meaning given in s. 292.12 (1) (d).

(2) POWERS AND DUTIES OF THE DEPARTMENT. (a) The department shall administer a program to award aids from the appropriation under s. 20.370 (6) (et) to eligible entities under sub. (5).

(b) The department may not award aid to an entity under this section if that entity caused the discharge or environmental pollution at the site or facility for which aid is awarded, except to eligible entities for sites or facilities under sub. (4) (a).

(c) The department may award aid to eligible entities in the form of grants or direct services or, for sites or facilities under sub. (4) (a), in the form of reimbursements.

(d) The department may require a match from an eligible entity for an awarded aid in the form of cash or in-kind services, except from an eligible entity for a site or facility for which funds are designated under sub. (3) (a).

(3) ALLOCATION OF FUNDS. (a) In any fiscal year, if there remain any sites or facilities under sub. (4) (a) for which a claim for reimbursement was submitted before the effective date of this paragraph [LRB inserts date], but for which the claim has not been paid, the department shall designate \$1,000,000 of the funds appropriated under s. 20.370 (6) (et), or the total amount of such unpaid claims, whichever is less, to the payment of those claims.

(b) In any fiscal year, if there remain any sites or facilities under sub. (4) (a) for which an application for eligibility was submitted before the effective date of this paragraph [LRB inserts date], but for which a claim has not been made to the

department, the department shall designate \$450,000 of the funds appropriated under s. 20.370 (6) (et) to the payment of claims for such sites or facilities, until all such sites or facilities have received a case closure letter under s. 292.12.

(c) The department shall designate 15 percent of the funds appropriated under s. 20.370 (6) (et) to provide aid in small or disadvantaged communities.

(d) The department may not provide more than one award of aid for a site or facility in a single fiscal year, except for sites or facilities under sub. (4) (a).

(4) ELIGIBLE SITES AND FACILITIES. An eligible applicant under sub. (5) may receive aid under this section for any the following sites or facilities:

(a) Sites or facilities for which an application for eligibility was submitted under the dry cleaner environmental response program under s. 292.65, 2021 stats., and that were deemed eligible for that program before the effective date of this paragraph [LRB inserts date].

(b) Brownfields.

(c) Sites or facilities regulated under s. 292.11 that are owned by entities that are exempt from s. 292.11 (3), (4), and (7) (b) and (c) as provided under s. 292.11 (9) (e), 292.13, or 292.21.

(d) Sites or facilities regulated under s. 292.11 that are owned by private parties.

(5) ELIGIBLE ENTITIES. The following entities are eligible for an award under this section.

(a) Local governmental units that did not cause the discharge or environmental pollution.

(b) Owners or operators of dry cleaning facilities that own or operate an eligible site or facility under sub. (4) (a).

(c) Private parties, other than a dry cleaning facility under par. (b), that did not cause the discharge or environmental pollution and can demonstrate that the party's property was fairly acquired through an arm's-length transaction.

(6) ELIGIBLE ACTIVITIES; INELIGIBLE COSTS. (a) All activities for which aid is provided under this section shall comply with all state and federal laws and rules promulgated by the department, unless otherwise provided under this section or rules promulgated under this section.

(b) The department may award aid under this section to cover the costs of any of the following activities:

1. Assessment and investigation of a discharge or environmental pollution.
2. Interim and remedial actions to remove hazardous substances from contaminated media.
3. Treatment and disposal of contaminated media.
4. Vapor intrusion assessment and mitigation.
5. Removal of abandoned containers, as defined in s. 292.41 (1).
6. Asbestos abatement activities, as defined in s. 254.11 (2), conducted as part of redevelopment activities.
7. Environmental monitoring.
8. Restoration or replacement of a private potable water supply, if eligible for temporary emergency water supplies under rules promulgated by the department.
9. The removal of underground hazardous substance or petroleum product storage tanks.
10. Preparation of documentation to apply for case closure under s. 292.11.

11. Other costs identified by the department as reasonable and necessary for proper investigation, analysis of remedial action options, remedial action planning, and remedial action to meet the requirements of s. 292.11.

(c) The department may not award aid under this section to cover any of the following costs:

1. The cost of activities conducted prior to the award of aid under this section, except for activities conducted at a site or facility under sub. (4) (a).

2. The cost of activities that the department determines are not integral to the investigation and remediation of a discharge or environmental pollution.

3. Legal fees.

4. The cost of investigations or remedial action conducted outside this state.

5. Costs for financing eligible activities.

(7) APPLICATION FOR AID. Eligible applicants shall submit an application on a form prescribed by the department and shall include any information the department finds necessary to evaluate the eligibility of the project and amount of aid to be awarded.

(8) RULES; RECORDS. The department shall promulgate rules to administer the program under this section, including rules prescribing the criteria for determining the amount of aid to be awarded, the records that must be maintained by an applicant, and the periods for which those records must be retained. The department may inspect any document in the possession of an applicant or any other person if the document is relevant to an application for aid under this section.

SECTION 9232. Fiscal changes; Natural Resources.

(1) DRY CLEANER ENVIRONMENTAL RESPONSE FUND TRANSFER. The unencumbered balance in the dry cleaner environmental response fund under s. 25.48, 2021 stats., is transferred to the environmental fund under s. 25.46.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1305/P2
MCP:skw

DOA:.....Hutter, BB0295 - Well compensation grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Well compensation grant program

This bill makes changes to the well compensation grant program currently administered by DNR.

Under current law, an individual owner or renter of a contaminated private well may apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. To be eligible for a grant, the well owner's or renter's annual family income may not exceed \$65,000. A grant awarded under the program may not cover any portion of a project's eligible costs in excess of \$16,000 and, of those costs, may not exceed 75 percent of a project's eligible costs, meaning that a grant may not exceed \$12,000. In addition, if the well owner's or renter's annual family income exceeds \$45,000, the amount of the award is reduced by 30 percent of the amount by which the annual family income exceeds \$45,000.

The bill increases the family income limit to \$100,000. In addition, under the bill, a well owner or renter whose family income is below the state's median income may receive a grant of up to 100 percent of a project's eligible costs, not to exceed \$16,000. The bill also eliminates the requirement to reduce an award by 30 percent if the well owner's or renter's family income exceeds \$45,000.

The bill also expands the grant program to allow an owner or renter of a “transient noncommunity water supply” to apply for a grant. A “transient noncommunity water supply” is defined in the bill as a water system that serves at least 25 persons at least 60 days of the year but that does not regularly serve at least 25 of the same persons over 6 months per year.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates these restrictions for claims based on nitrates, and instead allows grants to be issued for wells based on contamination by at least 10 parts per million of nitrate nitrogen. The bill also allows grants to be issued for wells contaminated by at least 10 parts per billion of arsenic, or by a perfluoroalkyl or polyfluoroalkyl substance in an amount that exceeds any applicable health advisory or standard for that substance.

Under current law, DNR must issue grants in the order in which completed claims are received. Under the bill, if there are insufficient funds to pay claims, DNR may, for claims based on nitrate contamination, prioritize claims that are based on higher levels of nitrate contamination.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2010. 20.370 (6) (cf) of the statutes is created to read:

20.370 (6) (cf) *Environmental aids - compensation for well contamination and abandonment - general fund.* The amounts in the schedule to pay compensation under s. 281.75.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2011. 281.75 (1) (b) (intro.), 1., 2. and 3. of the statutes are amended to read:

281.75 (1) (b) (intro.) “Contaminated well” or “contaminated private water supply” means a well or private water supply ~~which~~ that does any of the following:

1. Produces water containing one or more substances of public health concern in excess of a primary maximum contaminant level promulgated in the national drinking water standards in 40 CFR 141 and 143;

2. Produces water containing one or more substances of public health concern in excess of an enforcement standard under ch. 160;

3. Is subject to a written advisory opinion, issued by the department or the department of health services, containing a specific descriptive reference to the well or private water supply and recommending that the well or private water supply not be used because of potential human health risks.

SECTION 2012. 281.75 (1) (b) 4. of the statutes is created to read:

281.75 (1) (b) 4. Produces water containing at least 10 parts per billion of arsenic or at least 10 parts per million of nitrate nitrogen.

SECTION 2013. 281.75 (1) (b) 5. of the statutes is created to read:

281.75 (1) (b) 5. Produces water containing levels of a perfluoroalkyl or polyfluoroalkyl substance in excess of the maximum level set out in any applicable federal or state health advisory for that substance, if no primary maximum contaminant level under 40 CFR 141 and 143 or enforcement standard under ch. 160 for that substance has been promulgated.

SECTION 2014. 281.75 (1) (f) of the statutes is amended to read:

281.75 (1) (f) “Private water supply” means a residential water supply or a livestock water supply, or a transient noncommunity water supply.

SECTION 2015. 281.75 (1) (gm) of the statutes is created to read:

281.75 (1) (gm) “Transient noncommunity water supply” means a water system that serves at least 25 persons at least 60 days of the year but does not regularly serve at least 25 of the same persons over 6 months per year. “Transient noncommunity

water supply” does not include a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

SECTION 2016. 281.75 (4m) (a) of the statutes is amended to read:

281.75 (4m) (a) In order to be eligible for an award under this section, the annual family income of the landowner or lessee of property on which is located a contaminated water supply or a well subject to abandonment may not exceed ~~\$65,000~~ \$100,000.

SECTION 2017. 281.75 (5) (f) of the statutes is amended to read:

281.75 (5) (f) ~~The Except as provided in par. (g), the~~ department shall allocate money for the payment of claims according to the order in which completed claims are received. The department may conditionally approve a completed claim even if the appropriation under s. 20.370 (6) (cr) is insufficient to pay the claim. The department shall allocate money for the payment of a claim which is conditionally approved as soon as funds become available.

SECTION 2018. 281.75 (5) (g) of the statutes is created to read:

281.75 (5) (g) If the appropriations under s. 20.370 (6) (cf) or (cr) are insufficient to pay claims, the department may, for claims based on nitrate levels, allocate money for the payment of those claims in the following order of priority:

1. Claims based on water containing more than 40 parts per million of nitrate nitrogen.
2. Claims based on water containing more than 30 but not more than 40 parts per million of nitrate nitrogen.
3. Claims based on water containing more than 25 but not more than 30 parts per million of nitrate nitrogen.

4. Claims based on water containing more than 20 but not more than 25 parts per million of nitrate nitrogen.

5. Claims based on water containing more than 10 but not more than 20 parts per million of nitrate nitrogen.

SECTION 2019. 281.75 (6) (a) of the statutes is amended to read:

281.75 (6) (a) Contamination of a private water supply, as defined under sub. (1) (b) 1. ~~or~~, 2., 4., or 5. is required to be established by analysis of at least 2 samples of water, taken at least 2 weeks apart, in a manner which assures the validity of the test results. The samples shall be tested by a laboratory certified under s. 299.11.

SECTION 2020. 281.75 (7) (a) of the statutes is amended to read:

281.75 (7) (a) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated or that the well is a well subject to abandonment, the department shall issue an award. The Except as provided under par. (am), the award may not pay more than 75 percent of the eligible costs. The award may not pay any portion of eligible costs in excess of \$16,000.

SECTION 2021. 281.75 (7) (am) of the statutes is created to read:

281.75 (7) (am) An award under this subsection may pay up to 100 percent of the eligible costs if the annual family income of the claimant is below the median family income for the state, as determined by U.S. bureau of the census.

SECTION 2022. 281.75 (7) (b) of the statutes is repealed.

SECTION 2023. 281.75 (9) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1306/P5
MCP:all

DOA:.....Hutter, BB0297 - PFAS municipal grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

PFAS municipal grant program

The bill creates a municipal grant program, administered by DNR, to address perfluoroalkyl and polyfluoroalkyl substances (PFAS). Under the program, DNR must provide grants to cities, towns, villages, counties, tribal governments, utility districts, lake protections districts, sewerage districts, and municipal airports (municipalities). DNR may award a grant only if the applicant tested or trained with a PFAS-containing fire fighting foam in accordance with applicable state and federal law, or a third party tested or trained with PFAS-containing fire fighting foam within the boundaries of the municipality; the applicant applied biosolids to land under a water pollution permit issued by DNR; or PFAS are impacting the applicant's drinking water supply or surface water or groundwater within the municipality and the responsible party is unknown or is unwilling or unable to take the necessary response actions.

Under the bill, grants provided under this program may be used to investigate potential PFAS impacts in order to reduce or eliminate environmental contamination; treat or dispose of PFAS-containing fire fighting foam containers; sample a private water supply within three miles of a site or facility known to contain

PFAS or to have caused a PFAS discharge; provide a temporary emergency water supply, a water treatment system, or bulk water to replace water contaminated with PFAS; conduct emergency, interim, or remedial actions to mitigate, treat, dispose of, or remove PFAS contamination; remove or treat PFAS in public water systems in areas where PFAS levels exceed the maximum contaminant level for PFAS in drinking water or an enforcement standard for PFAS groundwater or in areas where the state has issued a health advisory for PFAS; or sample and test water in schools and daycares for PFAS contamination.

An applicant that receives a grant under this program must contribute matching funds equal to at least 20 percent of the amount of the grant. The applicant must apply for a grant on a form prescribed by DNR and must include any information that DNR finds is necessary to determine the eligibility of the project, identify the funding requested, determine the priority of the project, and calculate the amount of a grant. In awarding grants under this program, DNR must consider the applicant's demonstrated commitment to performing and completing eligible activities, including the applicant's financial commitment and ability to successfully administer grants; the degree to which the project will have a positive impact on public health and the environment; and any other criteria that DNR finds necessary to prioritize the funds available for awarding grants.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2024. 20.370 (6) (ed) of the statutes is created to read:

20.370 (6) (ed) *Environmental aids — PFAS municipal grant program — general fund.* As a continuing appropriation, the amounts in the schedule for the municipal grant program under s. 292.67.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2025. 20.370 (6) (es) of the statutes is created to read:

20.370 (6) (es) *Environmental aids — PFAS municipal grant program — environmental fund.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for the municipal grant program under s. 292.67.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2026. 292.67 of the statutes is created to read:

292.67 PFAS municipal grant program. (1) DEFINITIONS. In this section:

(a) “Class B fire fighting foam” has the meaning given in s. 299.48 (1) (a).

(b) “Municipality” means a city, village, town, county, tribal governing body, utility district, lake protection district, sewerage district, or municipal airport.

(c) “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance.

(2) FINANCIAL ASSISTANCE. The department shall administer a program to provide grants from the appropriations under s. 20.370 (6) (ed) and (es) to municipalities that meet the requirements under sub. (3) for the purpose of conducting any of the eligible activities under sub. (4).

(3) ELIGIBILITY PREREQUISITES. A grant may be awarded under sub. (2) only if one of the following has occurred:

(a) The municipality tested or trained with a class B fire fighting foam that contained intentionally added PFAS in accordance with applicable state and federal law, or a 3rd party tested or trained with a class B fire fighting foam that contained intentionally added PFAS within the area controlled by the municipality.

(b) The municipality applied biosolids to land under a permit issued by DNR under s. 283.31.

(c) PFAS are impacting the municipality’s drinking water supply or surface water or groundwater within the area controlled by the municipality and the responsible party is unknown or is unwilling or unable to take the necessary response actions.

(4) ELIGIBLE ACTIVITIES. The department may award a grant under sub. (2) for any of the following activities:

(a) Investigating potential PFAS impacts to the air, land, or water at a site or facility for the purpose of reducing or eliminating environmental contamination.

(b) Treating or disposing of PFAS-containing fire fighting foam containers from a municipal site or facility.

(c) Sampling a private water supply within 3 miles of a site or facility known to contain PFAS or to have caused a PFAS discharge.

(d) Providing a temporary emergency water supply, a water treatment system, or bulk water to replace water contaminated with PFAS.

(e) Conducting emergency, interim, or remedial actions to mitigate, treat, dispose of, or remove PFAS contamination to the air, land, or waters of the state.

(f) Removing or treating PFAS in a public water system using the most cost-effective method to provide safe drinking water in areas where PFAS levels exceed the maximum contaminant level for PFAS under ch. 281 or an enforcement standard for PFAS under ch. 160 or where the state has issued a health advisory for PFAS.

(g) Sampling and testing water for PFAS contamination in a public, private, or tribal elementary or secondary school, a child care center that is licensed under s. 48.65, a child care program that is established or contracted for under s. 120.13 (14), or a child care provider that is certified under s. 48.651.

(5) APPLICATION. A municipality shall apply for a grant on a form prescribed by the department and shall include any information that the department finds necessary to determine the eligibility of the project, identify the funding requested, determine the priority of the project, and calculate the amount of a grant.

(6) EVALUATION CRITERIA. The department, in awarding grants under this section, shall consider all of the following criteria:

(a) The municipality's demonstrated commitment to performing and completing eligible activities, including the municipality's financial commitment and ability to successfully administer grants.

(b) The degree to which the project will have a positive impact on public health and the environment.

(c) Other criteria that the department finds necessary to prioritize the funds available for awarding grants.

(7) MATCHING FUNDS. The department may not distribute a grant under this section unless the applicant contributes matching funds equal to at least 20 percent of the amount of the grant. Matching funds may be in the form of cash, in-kind contributions, or both.

SECTION 9132. Nonstatutory provisions; Natural Resources

(1) **EMERGENCY RULES FOR PFAS MUNICIPAL GRANT PROGRAM.** The department of natural resources may use the procedure under s. 227.24 to promulgate emergency rules relating to the municipal grant program under s. 292.67. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., for emergency rules promulgated under this subsection, the department is not required to prepare a statement of scope of the rules or to submit the proposed rules in final draft form to the governor for approval.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1307/P1
MCP:cde

DOA:.....Hutter, BB0249 - Urban nonpoint bonding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Bonding for urban storm water, flood control, and riparian restoration

Under current law, the state may contract up to \$61,600,000 in public debt to provide financial assistance for projects that manage urban storm water and runoff and for flood control and riparian restoration projects. This bill increases the bonding authority for these projects by \$11,000,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2027. 20.866 (2) (th) of the statutes is amended to read:

20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From the capital improvement fund, a sum sufficient for the department of natural

resources to provide cost-sharing grants for urban nonpoint source water pollution abatement and storm water management projects under s. 281.66, to provide municipal flood control and riparian restoration cost-sharing grants under s. 281.665, and to make the grant under 2007 Wisconsin Act 20, section 9135 (1i). The state may contract public debt in an amount not to exceed ~~\$53,600,000~~ \$72,600,000 for this purpose. ~~The state may contract additional public debt in an amount up to \$4,000,000 for this purpose. The state may contract additional public debt in an amount up to \$4,000,000 for this purpose.~~ Of those amounts, \$500,000 is allocated in fiscal biennium 2001-03 for dam rehabilitation grants under s. 31.387.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1308/P2
JPC:cjs

DOA:.....Lessner, BB0299 - Peer Recovery Centers

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Grants for peer recovery centers

This bill allows DHS to distribute not more than \$260,000 in each fiscal year to regional recovery centers for individuals experiencing mental health and substance abuse issues.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2028. 46.48 (37) of the statutes is created to read:

46.48 (37) PEER RECOVERY CENTERS. The department may distribute not more than \$260,000 in each fiscal year to regional peer recovery centers for individuals experiencing mental health and substance abuse issues.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1309/P1
SWB:wlj

DOA:.....Lessner, BB0298 - Stimulant prevention and treatment response programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Stimulant prevention and treatment response programs

Under current law, DHS awards grants for certain community programs. This bill allows DHS to distribute up to \$1,644,000 in each fiscal year to support stimulant use prevention and treatment programs and services.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2029. 46.48 (34) of the statutes is created to read:

46.48 (34) STIMULANT PREVENTION AND TREATMENT RESPONSE PROGRAMS. The department may distribute not more than \$1,644,000 in each fiscal year to support stimulant use prevention and treatment programs and services.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1312/P2
KP:cjs&wlj

DOA:.....Martin, BB0279 - Define manufacturer's list price

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Definition of "manufacturer's list price"

Current law imposes a tax on tobacco products based on the "manufacturer's established list price," without defining the term. This bill removes the word "established" and defines "manufacturer's list price" to mean the total price of tobacco products charged by the manufacturer or other seller to an unrelated distributor. The bill specifies that the total price must include all charges by the manufacturer or other seller that are necessary to complete the sale, without reduction for any cost or expense incurred by the manufacturer or other seller or for the value or cost of discounts or free promotional or sample products. The bill provides that a manufacturer or other seller is related to a distributor if they have significant common purposes and either substantial common membership or substantial common direction or control.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2030. 139.75 (5b) of the statutes is created to read:

139.75 **(5b)** “Manufacturer’s list price” means the total price of tobacco products charged by the manufacturer or other seller to an unrelated distributor. The total price shall include all charges by the manufacturer or other seller that are necessary to complete the sale. The total price may not be reduced by any cost or expense, regardless of whether the cost or expense is separately stated on an invoice, that is incurred by the manufacturer or other seller, including fees, delivery, freight, transportation, packaging, handling, marketing, federal excise taxes, and import fees or duties. The total price may not be reduced by the value or cost of discounts or free promotional or sample products. For purposes of this subsection, a manufacturer or other seller is related to a distributor if the 2 parties have significant common purposes and either substantial common membership or, directly or indirectly, substantial common direction or control.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1313/P1
KP:cjs

DOA:.....Martin, BB0280 - Certified mail requirement for ad valorem tax assessments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Providing notices for public utility taxes

Under current law, public utility companies, including railroads and air carriers, are exempt from local property taxes and instead subject to special state taxes. Current law requires DOR to send certain notices regarding these taxes by certified mail. Under this bill, DOR must still provide the notices but is no longer required to send them by certified mail.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2031. 76.07 (3) of the statutes is amended to read:

76.07 (3) ASSESSMENT. For the purpose of determining the full market value of the property of each company appearing on the assessment roll, the department may

view and inspect the property of such ~~the~~ the company and shall consider the reports filed in compliance with s. 76.04 and the reports and returns of the company filed in the office of any officer of this state, and other evidence or information bearing upon the full market value of the property of the company assessed. ~~In case of For~~ For companies ~~which that~~ that own or use property lying partly within and partly without the state, the department shall value and assess only the property within this state, using the methods under subs. (4g) and (4r). When the full market value of the property of a company within this state has been determined, the amount shall be entered upon the assessment roll opposite the name of the company and shall be the assessment of the entire property of such ~~the~~ the company within this state for the levy of taxes thereon, subject to review and correction. The department shall thereupon give notice ~~by certified mail~~ to each company assessed of the amount of its assessment as entered upon such ~~the~~ the roll.

SECTION 2032. 76.08 (1) of the statutes is amended to read:

76.08 (1) Notice of the assessments determined under s. 76.07 and of adjustments under s. 76.075 shall be given ~~by certified mail~~ to each company the property of which has been assessed, and the notice of assessment shall be ~~mailed~~ provided on or before the assessment date specified in s. 76.07 (1). Any company aggrieved by the assessment or adjustment of its property thus made may have its assessment or adjustment redetermined by the Dane County circuit court if, within 30 days after notice of assessment or adjustment is ~~mailed~~ provided to the company under s. 76.07 (3), an action for the redetermination is commenced by filing a summons and complaint with that court, and service of authenticated copies of the summons and complaint is made upon the department of revenue. No answer need be filed by the department and the allegations of the complaint in opposition to the

assessment or adjustment shall be deemed denied. Upon the filing of the summons and complaint, the court shall set the matter for hearing without a jury. If the plaintiff fails to file the summons and complaint within 5 days of service upon the department, the department may file a copy thereof with the court in lieu of the original. The department may be named as the defendant in any such action and shall appear and be represented by its counsel in all proceedings connected with the action but, on the request of the secretary of revenue, the attorney general may participate with or serve in lieu of departmental counsel. In an action for redetermination of an adjustment, only the issues raised in the department's adjustment under s. 76.075 may be raised.

SECTION 2033. 76.10 (1) of the statutes is amended to read:

76.10 (1) Every company defined in s. 76.02 shall, on or before October 1 in each year, be entitled, on its own motion, to present evidence before the department relating to the state assessment made in the preceding year pursuant to s. 70.575. On written request, ~~in writing~~, for such hearing or presentation, the department shall fix a time therefor within 60 days after ~~such~~ the application is filed, the same to be conducted in such manner as the department directs. Notice of ~~such~~ the hearing shall be ~~mailed~~ provided to any company requesting a hearing and shall be published in the official state paper. Within 30 days after the conclusion of ~~such~~ the hearing, the department shall enter an order either affirming the state assessment or ordering correction thereof as provided in sub. (2). A copy of ~~such~~ the order shall be ~~sent by certified mail~~ provided to the company or companies requesting ~~such~~ the hearing and to any interested party who has made an appearance in ~~such~~ the proceeding. The department may, on its own motion, correct ~~such~~ the state assessment. Any company having filed application for review of the state

assessment pursuant to this section, or any other interested party participating in such the hearing, if aggrieved by the order entered by the department, may bring an action in the circuit court for Dane County within 30 days after the entry of such the order to have said order set aside and a redetermination made of the state assessment. In any such action or in any hearing before the department pursuant to this section, any interested party may appear and be heard. An interested party includes any division of government whose revenues would be affected by any adjustment of the state assessment.

SECTION 2034. 76.13 (2) of the statutes is amended to read:

76.13 (2) Every tax roll upon completion shall be delivered to the secretary of administration. The department shall notify, ~~by certified mail,~~ all companies listed on the tax roll of the amount of tax due, which shall be paid to the department. The payment dates provided for in sub. (2a) shall apply. The payment of one-fourth of the tax of any company may, if the company has brought an action in the Dane County circuit court under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time prior to the date upon which the appeal becomes final, but any part of the tax ultimately required to be paid shall bear interest from the original due date to the date the appeal became final at the rate of 12 percent per year and at 1.5 percent per month thereafter until paid. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of the company prior to all other liens, claims, and demands ~~whatsoever,~~ except as provided in ss. 292.31 (8) (i) and 292.81, ~~which~~ and the lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of the company within the state as an entirety.

SECTION 2035. 76.15 (2) of the statutes is amended to read:

76.15 (2) The power to reassess the property of any company defined in s. 76.02 and the general property of the state, and to redetermine the average rate of taxation, may be exercised under sub. (1) as often as ~~may be~~ necessary until the amount of taxes legally due from any such company for any year under ss. 76.01 to 76.26 has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under ss. 76.01 to 76.26 so set aside has been paid and not refunded, the payment ~~so made~~ shall be applied upon the reassessment upon the property, and the reassessment of taxes to that extent shall be deemed to be satisfied. When the tax roll on the reassessment is completed and delivered to the secretary of administration, the department shall immediately notify ~~by certified mail~~ each of the several companies taxed to pay the amount of the taxes extended on the tax roll within 30 days.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1314/P1
KP:skw

DOA:.....Martin, BB0281 - Manufacturing property assessment charges

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

Manufacturing property assessment fees

Under current law, DOR assesses manufacturing property for property tax purposes and imposes a fee on each municipality in which the property is located to cover part of the assessment costs. If a municipality does not pay by March 31 of the following year, DOR reduces the municipality's July and November shared revenue distribution by the amount of the fee. Under the bill, if DOR is unable to collect the fee from a municipality in this manner, then the fee is directly imposed on the municipality.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2036. 70.995 (14) (b) of the statutes is amended to read:

70.995 (14) (b) If the department of revenue does not receive the fee imposed on a municipality imposes a fee under par. (a) by ~~March 31 of each year~~ on a municipality, the department shall reduce ~~the~~ a distribution made to the municipality under s. 79.02 (1) in the following year by the amount of the fee. Any amount that is not able to be deducted from a distribution under s. 79.02 (1) shall be directly imposed upon the municipality.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1321/P1
KP:cjs

DOA:.....Quinn, BB0300 - Family and individual reinvestment credit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Family and individual reinvestment credit

This bill creates a new family and individual reinvestment income tax credit for taxable years beginning in 2023. The credit is nonrefundable and may be claimed only up to the amount of the taxpayer's income tax liability. Under the bill, for a single individual or an individual who files as a head of household whose adjusted gross income is less than \$100,000, for a married couple filing jointly whose combined AGI is less than \$150,000, or for a married individual filing separately whose AGI is less than \$75,000, the credit is equal to 10 percent of the claimant's net tax liability or, for a single individual, head of household, or married couple filing jointly, \$100, and for a married individual filing separately, \$50, whichever is greater. Net tax liability is a claimant's income tax liability after the application of most nonrefundable income tax credits. Under the bill, the credit phases out to zero as a single individual or head of household filer's AGI increases from \$100,000 to \$120,000. A similar phaseout occurs for a married joint filer whose combined AGI increases from \$150,000 to \$175,000 and a married separate filer whose AGI increases from \$75,000 to \$87,500. Also, under the bill, no new claims for the working families tax credit may be filed for a taxable year that begins after December 31, 2022.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2037. 71.07 (5m) (e) of the statutes is created to read:

71.07 (5m) (e) *Sunset.* No credit may be claimed under this subsection for taxable years beginning after December 31, 2022.

SECTION 2038. 71.07 (5me) of the statutes is created to read:

71.07 (5me) FAMILY AND INDIVIDUAL REINVESTMENT CREDIT. (a) *Definitions.* In this subsection:

1. “Claimant” means an individual who is eligible to claim the credit under this subsection.

2. “Household” means a claimant and an individual related to the claimant as husband or wife.

3. “Net tax liability” means a claimant’s income tax liability after he or she completes the computations for nonrefundable credits listed in s. 71.10 (4) (a) to (gy).

(b) *Filing claims.* For taxable years beginning after December 31, 2022, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, one of the following amounts:

1. If the claimant is single or files as a head of household and his or her adjusted gross income is less than \$100,000 in the year to which the claim relates, the greater of \$100 or an amount equal to 10 percent of his or her net tax liability.

2. If the claimant is single or files as a head of household and his or her adjusted gross income is at least \$100,000 but less than \$120,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is \$20,000 and the numerator of which is the difference between the claimant's adjusted gross income and \$100,000.

b. Subtract from 1.0 the amount that is calculated under subd. 2. a.

c. Multiply the amount that is calculated under subd. 2. b. by 10 percent.

d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 2. c.

3. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is less than \$150,000 in the year to which the claim relates, the greater of \$100 or an amount equal to 10 percent of the married couple's net tax liability.

4. If the claimant is married and filing jointly and the sum of the claimant's adjusted gross income and his or her spouse's adjusted gross income is at least \$150,000 but less than \$175,000 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is \$25,000 and the numerator of which is the difference between the married couple's adjusted gross income and \$150,000.

b. Subtract from 1.0 the amount that is calculated under subd. 4. a.

c. Multiply the amount that is calculated under subd. 4. b. by 10 percent.

d. Multiply the amount of the married couple's net income tax liability by the amount that is calculated under subd. 4. c.

5. If the claimant is married and filing separately and his or her adjusted gross income is less than \$75,000 in the year to which the claim relates, the greater of \$50 or an amount equal to 10 percent of his or her net tax liability.

6. If the claimant is married and filing separately and his or her adjusted gross income is at least \$75,000 but less than \$87,500 in the year to which the claim relates, an amount that is calculated as follows:

a. Calculate the value of a fraction, the denominator of which is \$12,500 and the numerator of which is the difference between the claimant's adjusted gross income and \$75,000.

b. Subtract from 1.0 the amount that is calculated under subd. 6. a.

c. Multiply the amount that is calculated under subd. 6. b. by 10 percent.

d. Multiply the amount of the claimant's net income tax liability by the amount that is calculated under subd. 6. c.

(c) *Limitations.* 1. No credit may be allowed under this subsection unless it is claimed within the period under s. 71.75 (2).

2. Part-year residents and nonresidents of this state are not eligible for the credit under this subsection.

3. Except as provided in subd. 4., only one credit per household is allowed each year.

4. If a married couple files separately, each spouse may claim the credit calculated under par. (b) 5. or 6., except a married person living apart from the other spouse and treated as single under section 7703 (b) of the Internal Revenue Code may claim the credit under par. (b) 1. or 2.

5. The credit under this subsection may not be claimed by a person who may be claimed as a dependent on the individual income tax return of another taxpayer.

(d) *Administration.* The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding, and proceed as it is authorized in respect to taxes under this chapter. The income tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest, and penalties apply to the credit under this subsection.

SECTION 2039. 71.10 (4) (gye) of the statutes is created to read:

71.10 (4) (gye) Family and individual reinvestment credit under s. 71.07 (5me).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1322/P1
KP:wlj

DOA:.....Quinn, BB0301 - Net operating loss carryback repeal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Repeal net operating loss carryback

This bill repeals the provision under which an individual may carry back a net operating loss to the two prior taxable years in order to reduce the amount of income subject to tax in those years.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2040. 71.05 (8) (a) of the statutes is amended to read:

71.05 (8) (a) ~~The carry back of losses to reduce income of prior years may be permitted for 2 taxable years.~~ There shall be added any amount deducted as a federal

net operating loss ~~carry-back or carry-over~~ and there shall be subtracted for the first taxable year for which the subtraction may be made any Wisconsin net operating loss ~~carry-back or carry-forward~~ allowable under par. (b) in an amount not in excess of the Wisconsin taxable income computed before the deduction of the Wisconsin net operating loss ~~carry-back or carry-forward~~.

SECTION 2041. 71.05 (8) (b) 1. of the statutes is renumbered 71.05 (8) (b) and amended to read:

71.05 (8) (b) Except as provided in s. 71.80 (25), a Wisconsin net operating loss may be ~~carried back against Wisconsin taxable income of the previous 2 years and then carried forward against Wisconsin taxable incomes of the next 20 taxable years,~~ if the taxpayer was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset against other income of the year of loss and to the extent not offset against Wisconsin modified taxable income ~~of the 2 years preceding the loss and of any year between the loss year and the taxable year for which the loss carry-forward is claimed.~~ In this paragraph, “Wisconsin modified taxable income” means Wisconsin taxable income with the following exceptions: a net operating loss deduction or offset for the loss year or any taxable year ~~before or thereafter~~ is not allowed, the deduction for long-term capital gains under subs. (6) (b) 9. and 9m., (25), and (25m) is not allowed, the amount deductible for losses from sales or exchanges of capital assets may not exceed the amount includable in income for gains from sales or exchanges of capital assets and “Wisconsin modified taxable income” may not be less than zero.

SECTION 2042. 71.05 (8) (b) 2. of the statutes is repealed.

SECTION 2043. 71.05 (8) (c) of the statutes is repealed.

SECTION 2044. 71.80 (25) (a) of the statutes is renumbered 71.80 (25) and amended to read:

71.80 (25) NET OPERATING AND BUSINESS LOSS CARRY-FORWARD AND CARRY-BACK.
No offset of Wisconsin income may be made under s. 71.05 (8) (b) ~~1.~~, 71.26 (4) (a), or 71.45 (4) (a) unless the incurred loss was computed on a return that was filed within 4 years of the unextended due date for filing the original return for the taxable year in which the loss was incurred.

SECTION 2045. 71.80 (25) (b) of the statutes is repealed.

SECTION 9337. Initial applicability; Revenue.

(1) NET OPERATING LOSSES. The treatment of ss. 71.05 (8) (a), (b) 1. and 2., and (c) and 71.80 (25) (a) and (b) first applies to taxable years beginning after December 31, 2022.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1323/P1
KP:wlj

DOA:.....Quinn, BB0304 - Capital gains exclusion limitation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Limitation on capital gains exclusion

Current law allows individuals, when computing their income for state tax purposes, to subtract 30 percent of the net capital gains realized from the sale of assets held more than one year or acquired from a decedent. The subtraction is increased to 60 percent for gains realized from the sale of farm assets held more than one year or acquired from a decedent.

Under this bill, an individual may not make the 30 percent subtraction if his or her federal adjusted gross income (AGI) exceeds \$400,000 for a single individual or head of household filer; \$533,000 for a married couple who files jointly; or \$266,500 for a married individual who files separately. The bill creates an exception for individuals whose federal AGI, after subtracting 30 percent of net capital gains from nonfarm assets, is below the threshold amount. These individuals may make the subtraction, subject to the 30 percent limitation, but must reduce the amount subtracted by the amount that federal AGI exceeds the threshold amount. The bill makes no changes to the 60 percent subtraction. The bill applies to taxable years beginning after December 31, 2022.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2046. 71.05 (6) (b) 9. of the statutes is renumbered 71.05 (6) (b) 9. (intro.) and amended to read:

71.05 (6) (b) 9. (intro.) On assets held more than one year and on all assets acquired from a decedent, 30 percent of the capital gain as computed under the ~~internal revenue code~~ Internal Revenue Code, not including capital gains for which the federal tax treatment is determined under section 406 of P.L. 99-514; not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason; and not including amounts treated as capital gain for federal income tax purposes from the sale or exchange of a lottery prize. For purposes of this subdivision, the capital gains and capital losses for all assets shall be netted before application of the percentage. For taxable years beginning after December 31, 2022, no subtraction may be made under this subdivision by an individual whose federal adjusted gross income in the taxable year exceeds the applicable threshold amount, except that an individual whose federal adjusted gross income, less 30 percent of the capital gains otherwise eligible for subtraction under this subdivision, is below the applicable threshold amount may make the subtraction reduced by the amount that the individual's federal adjusted gross income exceeds the applicable threshold amount. In this subdivision, "applicable threshold amount" means:

SECTION 2047. 71.05 (6) (b) 9. a. of the statutes is created to read:

71.05 (6) (b) 9. a. For an estate, a trust, a single individual, or an individual who files as a head of household, \$400,000.

SECTION 2048. 71.05 (6) (b) 9. b. of the statutes is created to read:

71.05 (6) (b) 9. b. For a married couple who files a joint return, \$533,000.

SECTION 2049. 71.05 (6) (b) 9. c. of the statutes is created to read:

71.05 (6) (b) 9. c. For a married individual who files a separate return, \$266,500.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1325/P2
JK:cjs&amn

DOA:.....Quinn, BB0305 - Manufacturing and agriculture credit limitation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Manufacturing and agriculture credit limitation

Currently, a person may claim a tax credit on the basis of the person's income from manufacturing or agriculture. A taxpayer may claim a credit equal to 7.5 percent of the income derived from either the sale of tangible personal property manufactured in whole or in part on property in this state that is assessed as manufacturing property or from the sale of tangible personal property produced, grown, or extracted in whole or in part from property in this state assessed as agricultural property. If the amount of the credit exceeds the taxpayer's income tax liability, the taxpayer does not receive a refund, but may apply the balance to the taxpayer's tax liability in subsequent taxable years.

This bill limits to \$300,000 the amount of income from manufacturing that a person may use as the basis for claiming the credit. The bill does not affect the amount of income from agriculture that may be used as a basis for claiming the credit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2050. 71.07 (5n) (d) 2. of the statutes is amended to read:

71.07 (5n) (d) 2. For Except as provided in subd. 2m., for purposes of determining a claimant's eligible qualified production activities income under this subsection, the claimant shall multiply the claimant's qualified production activities income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or extracted by the claimant by the agriculture property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

****NOTE: This is reconciled s. 71.07 (5n) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: -1325/P1 and -1739/P2.

SECTION 2051. 71.07 (5n) (d) 2m. of the statutes is created to read:

71.07 (5n) (d) 2m. For taxable years beginning after December 31, 2022, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant shall multiply the claimant's qualified production activities income, not exceeding \$300,000, from property manufactured by the claimant by the manufacturing property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

****NOTE: This is reconciled s. 71.07 (5n) (d) 2m. This SECTION has been affected by drafts with the following LRB numbers: -1325/P1 and -1739/P2.

SECTION 2052. 71.28 (5n) (d) 2. of the statutes is amended to read:

71.28 (5n) (d) 2. Except as provided in ~~subd. subds. 2m. and 3.~~, for purposes of determining a claimant's eligible qualified production activities income under this subsection, the claimant shall multiply the claimant's qualified production activities income from property manufactured by the claimant by the manufacturing property factor and qualified production activities income from property produced, grown, or extracted by the claimant by the agriculture property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

****NOTE: This is reconciled s. 71.28 (5n) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: -1325/P1 and -1739/P2.

SECTION 2053. 71.28 (5n) (d) 2m. of the statutes is created to read:

71.28 (5n) (d) 2m. Except as provided in subd. 3., for taxable years beginning after December 31, 2022, for purposes of determining a claimant's eligible qualified production activities income from manufacturing under this subsection, the claimant shall multiply the claimant's qualified production activities income, not exceeding \$300,000, from property manufactured by the claimant by the manufacturing property factor. This subdivision does not apply if the claimant's entire qualified production activities income results from the sale of tangible personal property that was manufactured, produced, grown, or extracted wholly in this state by the claimant.

****NOTE: This is reconciled s. 71.28 (5n) (d) 2m. This SECTION has been affected by drafts with the following LRB numbers: -1325/P1 and -1739/P2.

SECTION 2054. 71.28 (5n) (d) 3. a. of the statutes is amended to read:

71.28 **(5n)** (d) 3. a. The eligible qualified production activities income determined under subd. 2. or 2m.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1328/P1
ZDW:skw

DOA:.....Hutter, BB0296 - Ballast water

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Ballast water discharge

Under current law, DNR may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. DNR may charge an application fee of \$1,200 and a \$345 annual fee for the permit. DNR must use collected fees to administer the permit program.

This bill repeals these provisions and provides that the owner or operator of any commercial vessel subject to the requirements of the federal Vessel Incidental Discharge Act that has operated outside this state must pay DNR \$650 per arrival to a port of this state. Under the bill, the owner or operator of a commercial vessel subject to these requirements, including a vessel engaged in coastwise trade, may not be required to pay more than \$3,250 in fees per calendar year. DNR must use collected fees for management, administration, inspection, monitoring, and enforcement activities relating to incidental discharges, including ballast water discharges.

Under current law, an employee or agent of DNR may board and inspect any vessel that is subject to requirements relating to environmental protection requirements for tank vessels or open burning on commercial vessels to determine compliance with those requirements.

The bill provides that DNR may enter into a memorandum of agreement with the U.S. Coast Guard authorizing an employee or agent of DNR to board and inspect any vessel that is subject to the requirements under the bill to determine compliance with the federal Vessel Incidental Discharge Act.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2055. 20.370 (4) (aj) of the statutes is amended to read:

20.370 (4) (aj) *Water resources—ballast water discharge permits commercial vessel arrival fees*. From the general fund, all moneys received from fees collected under s. 283.35 (1m) ~~to administer and enforce the ballast water discharge permit program under s. 283.35 (1m) and for grants under 2009 Wisconsin Act 28, section 9137 (3w) s. 299.65 for management, administration, inspection, monitoring, and enforcement activities relating to incidental discharges, including ballast water discharges.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2056. 283.35 (1m) of the statutes is repealed.

SECTION 2057. 299.65 of the statutes is created to read:

***NOTE: Rather than create a definition for a word that is only used once, I incorporated the reference to “coastwise vessel” in the text of sub. (1).

***NOTE: Rather than create a definition for the federal act, I cross-referenced it directly in sub. (1) (a) and (c).

299.65 Commercial vessels subject to federal Vessel Incidental Discharge Act. (1) (a) Subject to pars. (b) and (c), the owner or operator of any commercial vessel subject to the requirements of the federal Vessel Incidental Discharge Act under 33 USC 1322 (p) that has operated outside this state shall pay to the department, no later than 5 days prior to arriving in a port of this state, \$650 per arrival to a port of this state.

(b) The owner or operator of a commercial vessel engaged in coastwise trade that is subject to the requirements of 46 USC 55101 to 55103 may not be required to pay more than \$3,250 in fees per calendar year under this subsection.

(c) The owner or operator of a commercial vessel that is subject to the requirements of the federal Vessel Incidental Discharge Act under 33 USC 1322 (p) may not be required to pay more than \$3,250 in fees per calendar year under this subsection.

(2) The department may adjust the amount of the fee under sub. (1) (a) once every 5 years to account for any changes in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor for the month of October immediately preceding the date of adjustment, as provided under 33 USC 1322 (p) (9) (A) (iv) (III) (aa).

(3) The department shall credit all fees collected under sub. (1) (a) to the appropriation account under s. 20.370 (4) (aj).

SECTION 2058. 299.66 of the statutes is renumbered 299.66 (1).

SECTION 2059. 299.66 (2) of the statutes is created to read:

299.66 (2) (a) The department may enter into a memorandum of agreement with the U.S. Coast Guard concerning implementation and enforcement of the provisions of 33 USC 1322 and any regulations promulgated by the secretary of the U.S. department of homeland security under 33 USC 1322 (p) (5).

(b) If the department enters into a memorandum of agreement with the U.S. Coast Guard under par. (a), an employee or agent of the department may board and inspect any vessel that is subject to s. 299.65 to determine the state of compliance with the federal Vessel Incidental Discharge Act under 33 USC 1322 (p) and any regulations promulgated thereunder.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) NOTIFICATION OF U.S. COAST GUARD RULES FOR VESSEL DISCHARGE. When the department of natural resources determines that the secretary of the U.S. department of homeland security has promulgated final, effective, and enforceable rules under 33 USC 1322 (p) (5), the department shall notify the legislative reference bureau. The legislative reference bureau shall publish a notice in the Wisconsin Administrative Register that specifies that date.

SECTION 9432. Effective dates; Natural Resources.

(1) COMMERCIAL VESSELS SUBJECT TO FEDERAL VESSEL INCIDENTAL DISCHARGE ACT. The treatment of ss. 20.370 (4) (aj), 283.35 (1m), and 299.65, the renumbering of s. 299.66, and the creation of s. 299.66 (2) take effect on the date specified in the notice published in the Wisconsin Administrative Register under SECTION 9132 (1) of this act.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1329/P1
ZDW:emw

DOA:.....Potts, BB0222 - Municipal flood control mapping

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

GENERAL ENVIRONMENT

Municipal flood control aid

This bill requires DNR to award, from the amounts appropriated to DNR to provide assistance for municipal flood control, \$1,000,000 in grants in each fiscal year of the 2023-25 fiscal biennium for the preparation of flood insurance studies and other flood mapping projects.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2060. 20.370 (6) (dq) of the statutes is amended to read:

20.370 (6) (dq) *Environmental aids — urban nonpoint source.* Biennially, from the environmental fund, the amounts in the schedule to provide financial assistance

for urban nonpoint source water pollution abatement and storm water management under s. 281.66 and for municipal flood control and riparian restoration under s. 281.665, for the flood risk reduction pilot project under 2019 Wisconsin Act 157, section 2 (1), and to make the grants under 2009 Wisconsin Act 28, section 9137 (5q) and (6i) and, 2017 Wisconsin Act 59, section 9133 (8t), and 2023 Wisconsin Act ... (this act), section 9132 (1).

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) MUNICIPAL FLOOD CONTROL AID. Notwithstanding eligibility requirements for receiving aid or limitations on the amount and use of aid provided under s. 281.665, from the appropriation under s. 20.370 (6) (dq), the department of natural resources shall award \$1,000,000 in fiscal year 2023-24 and \$1,000,000 in fiscal year 2024-25 for the preparation of flood insurance studies and other flood mapping projects.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1331/P1
MCP:cdc

DOA:.....Hutter, BB0302 - PFAS fire fighting foam appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

PFAS-containing fire fighting foam appropriation

Current law establishes a continuing appropriation from the environmental fund for the collection of PFAS-containing fire fighting foam. The bill allows this appropriation to also be used to provide assistance to local fire departments in replacing PFAS-containing fire fighting foam with PFAS-free fire fighting foam.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2061. 20.370 (4) (ps) of the statutes is amended to read:

20.370 (4) (ps) *Fire PFAS-containing fire fighting foam*. As a continuing appropriation, from the environmental fund, the amounts in the schedule for fire

fighting foam collection and for providing assistance to local fire departments in replacing fire fighting foam that contains perfluoroalkyl or polyfluoroalkyl substances with fire fighting foam that does not contain such substances.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1361/P5
EHS:kms

DOA:.....Sherwin, BB0226 - Broadband expansion grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Broadband expansion grant program

This bill makes various changes to the broadband expansion grant program.

Current law requires PSC to administer the broadband expansion grant program, under which PSC designates as “underserved” areas of the state that are served by fewer than two broadband service providers and awards grants to eligible applicants for the purpose of constructing broadband infrastructure in underserved areas. This bill changes the purpose of the grant program to constructing broadband infrastructure in “unserved areas.” Under current law, “unserved areas” are areas not served by an Internet service provider (ISP) that 1) is a fixed wireless service or wired service and 2) provides service at actual speeds of at least 20 percent of the upload and download speeds for advanced telecommunications capability as designated by the Federal Communications Commission. The bill adds that the service must be available, reliable, and affordable and changes the speed standard for an unserved area to at least actual download speeds of 100 megabits per second and upload speeds of 20 megabits per second. The bill also allows PSC to adjust those speed standards every two years if it determines there is good cause to do so in order to align with changes in technology and actual market conditions, in which case it must publish the adjusted speed thresholds on its website.

Current law requires PSC to establish criteria for evaluating applications and awarding grants under the broadband expansion grant program and requires that the criteria give priority to projects meeting various standards, such as including matching funds and involving public-private partnerships. Under the bill, the criteria must require that projects serve unserved areas. The bill specifies that the criteria must give priority to projects with at least 40 percent matching funds and higher priority to projects with more than 40 percent matching funds. The bill specifies that the criteria must give priority to projects that are capable of offering service at actual download speeds of 100 megabits per second or greater and upload speeds of 100 megabits per second or greater and higher priority to projects capable of exceeding those speeds, but allows PSC to adjust these speeds every two years, similar to the threshold speeds in the definition of “unserved area.” The bill changes a requirement under current law that the criteria prioritize projects in a large geographic area to projects in a geographic area that is difficult to connect. The bill removes a requirement to prioritize projects that will not result in delaying the provision of broadband service to areas that neighbor areas to be served by the proposed project.

When evaluating a grant application, the bill requires PSC to consider the affordability of the service and all federal funding for broadband facilities in the project area of the proposed project.

The bill adds a procedure by which an ISP in or near a project area proposed in an application for a broadband expansion grant may challenge the awarding of that grant. An ISP may challenge the grant if that ISP currently provides available, reliable, and affordable fixed wireless or wired broadband service to any part of the project area at minimum download and upload speeds or if that ISP commits to completing construction of broadband infrastructure and providing available, reliable, and affordable broadband service to any part of the project area at minimum download and upload speeds no later than 24 months after the date of the PSC order awarding grants. The bill requires such a challenger to allow PSC to inspect its broadband infrastructure to ensure it meets minimum service requirements. The bill requires PSC to evaluate the challenge and prohibits it from funding any portion of a project relating to the area that is the subject of the challenge if it determines as credible the challenging ISP’s commitment to provide broadband service that meets the requirements. If PSC denies funding as a result of such a challenge and the ISP does not fulfill its commitment, PSC is prohibited from awarding grant funding to that ISP and the ISP is prohibited from participating in the challenge process for the following two grant cycles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2062. 13.48 (30) (a) (intro.) and 2. of the statutes are consolidated, renumbered 13.48 (30) (a) and amended to read:

13.48 (30) (a) In this section: ~~2.~~ “Unserved, “unserved area” has the meaning given in s. 196.504 (1) (c).

SECTION 2063. 13.48 (30) (a) 1. of the statutes is repealed.

SECTION 2064. 13.48 (30) (b) of the statutes is amended to read:

13.48 (30) (b) The legislature finds and determines that the provision of broadband Internet access is essential to the welfare of the citizens of this state and to economic development in this state, and therefore the provision of broadband Internet access is a government function and a statewide responsibility of statewide dimension. The legislature further determines that sufficient private capital has been and continues to be unavailable to fulfill the need for the development of broadband Internet access in ~~underserved~~ and unserved areas in this state. It is therefore in the public interest, and it is the public policy of this state, to assist the public service commission in making broadband expansion grants under s. 196.504 (2) (a) for the purpose of constructing broadband infrastructure in ~~underserved~~ and unserved areas of this state.

SECTION 2065. 24.40 (3) of the statutes is amended to read:

24.40 (3) Notwithstanding s. 28.02 (5) or any contrary rule promulgated by the department, if the department grants an easement under sub. (1r) for the construction of broadband infrastructure in ~~underserved~~ unserved areas, as designated under s. 196.504 (2) ~~(d)~~ (e), the department may not require any appraisal or the payment of any fee to grant the easement.

SECTION 2066. 86.16 (6) of the statutes is amended to read:

86.16 (6) If the department consents under sub. (1) to the construction of broadband infrastructure in ~~underserved~~ unserved areas, as designated under s. 196.504 (2) ~~(d)~~ (e), the department may not charge any fee for the initial issuance of

any permit necessary to construct broadband infrastructure along, across, or within the limits of a highway.

SECTION 2067. 196.504 (1) (b) of the statutes is repealed.

SECTION 2068. 196.504 (1) (c) 2. of the statutes is amended to read:

196.504 (1) (c) 2. ~~Provided at actual speeds of at least 20 percent of the upload and download speeds for advanced telecommunications capability as designated by the federal communications commission in its inquiries regarding advanced telecommunications capability under 47 USC 1302 (b) download speeds of 100 megabits per second or greater and upload speeds of 20 megabits per second or greater. Beginning on July 1 of the 2nd calendar year beginning after the effective date of this subdivision ... [LRB inserts date], and on July 1 of each successive odd-numbered year thereafter, the commission may adjust the threshold speeds designated in this subdivision if, upon review, it determines there is good cause to do so in order to align with changes in technology and actual market conditions. If the commission adjusts these threshold speeds, it shall publicize the adjusted speed thresholds on its website.~~

SECTION 2069. 196.504 (1) (c) 3. of the statutes is created to read:

196.504 (1) (c) 3. Available, reliable, and affordable.

SECTION 2070. 196.504 (2) (a) of the statutes, as affected by 2021 Wisconsin Act 58, is amended to read:

196.504 (2) (a) To make broadband expansion grants to eligible applicants for the purpose of constructing broadband infrastructure in underserved unserved areas designated under par. (d) (e). Grants awarded under this section subsection shall be paid from the appropriations under ss. 20.155 (3) (c), (r), and (rm) and 20.866 (2) (z), in the amount allocated under s. 20.866 (2) (z) 5.

***NOTE: This is reconciled s. 196.504 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: -1758/P5, -1361/P4, and -1169/P3.

SECTION 2071. 196.504 (2) (c) of the statutes is renumbered 196.504 (2) (c) 1. (intro.) and amended to read:

196.504 (2) (c) 1. (intro.) To establish criteria for evaluating applications and awarding grants under this section subsection. The criteria shall ~~prohibit grants~~ give priority to all of the following:

a. Grants that do not have the effect of subsidizing the expenses of a provider of telecommunications service, as defined in s. 182.017 (1g) (cq), or the monthly bills of customers of those providers. ~~The criteria shall give priority to projects~~

c. Projects that include at least 40 percent matching funds, and shall give higher priority to projects with more than 40 percent matching funds.

d. Projects that involve public-private partnerships, ~~that affect unserved areas,~~

e. Projects that are scalable,

f. Projects that promote economic development, ~~that will not result in delaying the provision of broadband service to areas neighboring areas to be served by the proposed project, or,~~

g. Projects that affect a large geographic area that is difficult to connect or a large number of underserved unserved individuals or communities.

2. When evaluating grant applications under this section subsection, the commission shall consider the all of the following:

a. The degree to which the proposed projects would duplicate existing broadband infrastructure, information about the presence of which is provided to the

commission by the applicant or another person within a time period designated by the commission; ~~the~~.

b. ~~The~~ impacts of the proposed projects on the ability of individuals to access health care services from home and the cost of those services; ~~and the~~.

c. ~~The~~ impacts of the proposed projects on the ability of students to access educational opportunities from home.

****NOTE: This is reconciled s. 196.504 (2) (c). This SECTION has been affected by drafts with the following LRB numbers: -1361/P4 and -1169/P3.

SECTION 2072. 196.504 (2) (c) 1. b. of the statutes is created to read:

196.504 (2) (c) 1. b. Require that projects serve unserved areas.

SECTION 2073. 196.504 (2) (c) 1. h. of the statutes is created to read:

196.504 (2) (c) 1. h. Projects that are capable of offering service at actual download speeds of 100 megabits per second or greater and upload speeds of 100 megabits per second or greater and shall give higher priority to projects that are capable of exceeding these speeds. Beginning on July 1 of the 2nd calendar year beginning after the effective date of this subdivision [LRB inserts date], and on July 1 of each successive odd-numbered year thereafter, the commission may adjust the threshold service speeds designated in this subdivision if, upon review, it determines there is good cause to do so in order to align with changes in technology and actual market conditions. If the commission adjusts these threshold speeds, it shall publicize the adjusted speeds on its website.

SECTION 2074. 196.504 (2) (c) 2. d. and e. of the statutes are created to read:

196.504 (2) (c) 2. d. The affordability of the service.

e. All federal funding for broadband facilities in the project area of the proposed project.

SECTION 2075. 196.504 (2) (d) of the statutes is repealed.

SECTION 2076. 196.504 (2t) of the statutes is created to read:

196.504 (2t) (a) Within 10 days of the close of the broadband expansion grant application process, the commission shall publish on its website the proposed geographic broadband service area and the proposed broadband service speeds for each application for a broadband expansion grant submitted.

(b) An Internet service provider in or proximate to the proposed project area may, within 30 days of publication of the information under par. (a), submit in writing to the commission a challenge to an application. A challenge shall contain information demonstrating one of the following:

1. The provider currently provides available, reliable, and affordable fixed wireless or wired broadband service to any part of the proposed project area at download speeds of 100 megabits per second or greater and upload speeds of 20 megabits per second or greater.

2. The provider commits to complete construction of broadband infrastructure and to provide available, reliable, and affordable fixed wireless or wired broadband service to any part of the proposed project area at speeds equal to or greater than the speeds described under subd. 1. no later than 24 months after the date of the commission's order awarding broadband expansion grants. The provider shall submit documentation showing this commitment, including engineering plans, invoices related to project materials, permit applications, and a project timeline.

(bm) An Internet service provider that submits a challenge under this subsection shall allow the commission to inspect the broadband infrastructure identified by a provider in a challenge under par. (b) 1. or 2. to ensure it meets minimum service standards.

(c) The commission shall evaluate an Internet service provider's challenge under this subsection, and is prohibited from funding any portion of a project relating to the area that is the subject of the challenge if the commission determines that the challenger's provision of or commitment to provide broadband service that meets the requirements of par. (b) in that area is credible.

(d) If the commission denies funding to an applicant as a result of an Internet service provider's challenge made under this subsection and the Internet service provider does not fulfill its commitment to provide available, reliable, and affordable broadband service in the area that is the subject of the challenge, the commission is prohibited from awarding grant funding to that Internet service provider for the following 2 grant cycles and that Internet service provider is prohibited from participating in the challenge process under par. (b) for the following 2 grant cycles, unless the commission determines that the Internet service provider's failure to fulfill its commitment was the result of factors beyond the Internet service provider's control. The commission shall give priority scoring treatment to an application targeting a grant project area that remains unserved as a result of a successful challenge and an unfulfilled commitment.

SECTION 2077. 196.504 (3) (intro.) of the statutes is amended to read:

196.504 (3) (intro.) The commission shall encourage the development of broadband infrastructure in ~~underserved~~ unserved areas of the state and do all of the following:

SECTION 9336. Initial applicability; Public Service Commission.

(1) BROADBAND EXPANSION GRANT PROGRAM. The treatment of ss. 13.48 (30) (a) (intro.), 1., and 2. and (b), 24.40 (3), 86.16 (6), and 196.504 (1) (b) and (c) 2. and 3., (2) (a) and (d), (2t), and (3) (intro.), the renumbering and amendment of s. 196.504

(2) (c), and the creation of s. 196.504 (2) (c) 1. b. and h. and 2. d. and e. first apply to an application for a broadband expansion grant submitted pursuant to s. 196.504 during the grant application period that begins after the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1392/P2
MDE:cdc&skw

DOA:.....Kirschbaum, BB0309 - Minimum Wage

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Minimum wage

This bill annually raises the minimum wage to be paid to most employees, from the effective date of the bill through January 1, 2027. After that date, the bill requires DWD to determine the percentage difference between the consumer price index for the preceding 12-month period and the consumer price index for the 12 months before the preceding 12-month period, adjust the minimum wages then in effect by that percentage difference, and publish that amount in the Wisconsin Administrative Register and on the DWD website.

The bill requires the secretary of workforce development to establish a committee to study options to achieve a \$15 per hour minimum wage and other options to increase compensation for workers in this state. Under the bill, the committee consists of nine members, with five appointed by the governor, and one each appointed by the speaker of the assembly, the assembly minority leader, the senate majority leader, and the senate minority leader. The committee is required to submit a report containing its recommendations for options to achieve a \$15 per hour minimum wage and other options to increase compensation to the governor and the appropriate standing committees of the legislature no later than October 1, 2024.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2078. 104.01 (1h) of the statutes is created to read:

104.01 (1h) “Consumer price index” means the average of the consumer price index over each 12-month period for all urban consumers, U.S. city average, all items, not seasonally adjusted, as determined by the bureau of labor statistics of the U.S. department of labor.

SECTION 2079. 104.035 (1) (a) of the statutes is renumbered 104.035 (1) (a) (intro.) and amended to read:

104.035 (1) (a) *Minimum rates.* (intro.) Except as provided in subs. (2) to (8) (8m), the minimum wage is as follows:

1. For wages earned prior to the effective date of this subdivision ... [LRB inserts date], \$7.25 per hour.

SECTION 2080. 104.035 (1) (a) 2. of the statutes is created to read:

104.035 (1) (a) 2. For wages earned on or after the effective date of this subdivision ... [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.

SECTION 2081. 104.035 (1) (a) 3. of the statutes is created to read:

104.035 (1) (a) 3. For wages earned on or after January 1, 2025, and prior to January 1, 2026, \$9.25.

SECTION 2082. 104.035 (1) (a) 4. of the statutes is created to read:

104.035 (1) (a) 4. For wages earned on or after January 1, 2026, and prior to January 1, 2027, \$10.25.

SECTION 2083. 104.035 (2) (a) of the statutes is renumbered 104.035 (2) (a) (intro.) and amended to read:

104.035 (2) (a) *Minimum rates.* (intro.) Except as provided in subs. (2m) to ~~(8)~~ (8m), the minimum wage for a minor employee is as follows:

1. For wages earned prior to the effective date of this subdivision [LRB inserts date], \$7.25 per hour.

SECTION 2084. 104.035 (2) (a) 2. of the statutes is created to read:

104.035 (2) (a) 2. For wages earned on or after the effective date of this subdivision [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.

SECTION 2085. 104.035 (2) (a) 3. of the statutes is created to read:

104.035 (2) (a) 3. For wages earned on or after January 1, 2025, and prior to January 1, 2026, \$9.25.

SECTION 2086. 104.035 (2) (a) 4. of the statutes is created to read:

104.035 (2) (a) 4. For wages earned on or after January 1, 2026, and prior to January 1, 2027, \$10.25.

SECTION 2087. 104.035 (2m) (a) of the statutes is renumbered 104.035 (2m) (a) (intro.) and amended to read:

104.035 (2m) (a) *Minimum rates.* (intro.) Except as provided in subs. (3) to ~~(8)~~ (8m), the minimum wage for an opportunity employee is as follows:

1. For wages earned prior to the effective date of this subdivision [LRB inserts date], \$5.90 per hour.

SECTION 2088. 104.035 (2m) (a) 2. of the statutes is created to read:

104.035 (2m) (a) 2. For wages earned on or after the effective date of this subdivision [LRB inserts date], and prior to January 1, 2025, \$6.71 per hour.

SECTION 2089. 104.035 (2m) (a) 3. of the statutes is created to read:

104.035 (2m) (a) 3. For wages earned on or after January 1, 2025, and prior to January 1, 2026, \$7.52.

SECTION 2090. 104.035 (2m) (a) 4. of the statutes is created to read:

104.035 (2m) (a) 4. For wages earned on or after January 1, 2026, and prior to January 1, 2027, \$8.33.

SECTION 2091. 104.035 (3) (a) (intro.) of the statutes is amended to read:

104.035 (3) (a) *Minimum rates.* (intro.) Except as provided in subs. (4) to (8) (8m), if an employer of a tipped employee establishes by the employer's payroll records that, when adding the tips received by the tipped employee in a week to the wages paid to the tipped employee in that week, the tipped employee receives not less than the applicable minimum wage specified in sub. (1), (2), or (2m), the minimum wage for the tipped employee is as follows:

SECTION 2092. 104.035 (3) (a) 1. of the statutes is amended to read:

104.035 (3) (a) 1. For wages earned by a tipped employee who is not an opportunity employee prior to the effective date of this subdivision ... [LRB inserts date], \$2.33 per hour.

SECTION 2093. 104.035 (3) (a) 1d. of the statutes is created to read:

104.035 (3) (a) 1d. For wages earned by a tipped employee who is not an opportunity employee, on or after the effective date of this subdivision ... [LRB inserts date], and prior to January 1, 2025, \$2.65 per hour.

SECTION 2094. 104.035 (3) (a) 1h. of the statutes is created to read:

104.035 (3) (a) 1h. For wages earned by a tipped employee who is not an opportunity employee, on or after January 1, 2025, and prior to January 1, 2026, \$2.97 per hour.

SECTION 2095. 104.035 (3) (a) 1p. of the statutes is created to read:

104.035 (3) (a) 1p. For wages earned by a tipped employee who is not an opportunity employee, on or after January 1, 2026, and prior to January 1, 2027, \$3.29 per hour.

SECTION 2096. 104.035 (3) (a) 2. of the statutes is amended to read:

104.035 (3) (a) 2. For wages earned by a tipped employee who is an opportunity employee prior to the effective date of this subdivision ... [LRB inserts date], \$2.13 per hour.

SECTION 2097. 104.035 (3) (a) 2d. of the statutes is created to read:

104.035 (3) (a) 2d. For wages earned by a tipped employee who is an opportunity employee, on or after the effective date of this subdivision ... [LRB inserts date], and prior to January 1, 2025, \$2.42 per hour.

SECTION 2098. 104.035 (3) (a) 2h. of the statutes is created to read:

104.035 (3) (a) 2h. For wages earned by a tipped employee who is an opportunity employee, on or after January 1, 2025, and prior to January 1, 2026, \$2.71 per hour.

SECTION 2099. 104.035 (3) (a) 2p. of the statutes is created to read:

104.035 (3) (a) 2p. For wages earned by a tipped employee who is an opportunity employee, on or after January 1, 2026, and prior to January 1, 2027, \$3.00 per hour.

SECTION 2100. 104.035 (4) (a) of the statutes is renumbered 104.035 (4) (a) (intro.) and amended to read:

104.035 (4) (a) *Minimum rates.* (intro.) Except as provided in subs. (7) ~~and (8)~~ to (8m), the minimum wage for an agricultural employee is as follows:

1. For wages earned prior to the effective date of this subdivision ... [LRB inserts date], \$7.25 per hour.

SECTION 2101. 104.035 (4) (a) 2. of the statutes is created to read:

104.035 (4) (a) 2. For wages earned on or after the effective date of this subdivision ... [LRB inserts date], and prior to January 1, 2025, \$8.25 per hour.

SECTION 2102. 104.035 (4) (a) 3. of the statutes is created to read:

104.035 (4) (a) 3. For wages earned on or after January 1, 2025, and prior to January 1, 2026, \$9.25 per hour.

SECTION 2103. 104.035 (4) (a) 4. of the statutes is created to read:

104.035 (4) (a) 4. For wages earned on or after January 1, 2026, and prior to January 1, 2027, \$10.25 per hour.

SECTION 2104. 104.035 (5) of the statutes is renumbered 104.035 (5) (intro.) and amended to read:

104.035 (5) CAMP COUNSELORS. (intro.) The Except as provided in sub. (8m), the minimum wage for a counselor at a seasonal recreational or educational camp, including a day camp, is as follows:

(a) Prior to the effective date of this paragraph ... [LRB inserts date], \$350 per week if meals and lodging are not furnished, \$265 per week if only meals are furnished, and \$210 per week if both meals and lodging are furnished.

SECTION 2105. 104.035 (5) (b) of the statutes is created to read:

104.035 (5) (b) On or after the effective date of this paragraph ... [LRB inserts date], and prior to January 1, 2025, \$398.28 per week if meals and lodging are not furnished, \$301.55 per week if only meals are furnished, and \$238.97 per week if both meals and lodging are furnished.

SECTION 2106. 104.035 (5) (c) of the statutes is created to read:

104.035 (5) (c) On or after January 1, 2025, and prior to January 1, 2026, \$446.56 per week if meals and lodging are not furnished, \$338.50 per week if only meals are furnished, and \$267.94 per week if both meals and lodging are furnished.

SECTION 2107. 104.035 (5) (d) of the statutes is created to read:

104.035 (5) (d) On or after January 1, 2026, and prior to January 1, 2027, \$494.84 per week if meals and lodging are not furnished, \$375.09 per week if only meals are furnished, and \$296.91 per week if both meals and lodging are furnished.

SECTION 2108. 104.035 (6) of the statutes is renumbered 104.035 (6) (intro.) and amended to read:

104.035 (6) GOLF CADDIES. (intro.) The Except as provided in sub. (8m), the minimum wage for a golf caddy is as follows:

(a) Prior to the effective date of this paragraph [LRB inserts date], \$10.50 for caddying 18 holes and \$5.90 for caddying 9 holes.

SECTION 2109. 104.035 (6) (b) of the statutes is created to read:

104.035 (6) (b) On or after the effective date of this paragraph [LRB inserts date], and prior to January 1, 2025, \$11.95 for caddying 18 holes and \$6.71 for caddying 9 holes.

SECTION 2110. 104.035 (6) (c) of the statutes is created to read:

104.035 (6) (c) On or after January 1, 2025, and prior to January 1, 2026, \$13.40 for caddying 18 holes and \$7.52 for caddying 9 holes.

SECTION 2111. 104.035 (6) (d) of the statutes is created to read:

104.035 (6) (d) On or after January 1, 2026, and prior to January 1, 2027, \$14.85 for caddying 18 holes and \$8.33 for caddying 9 holes.

SECTION 2112. 104.035 (8m) of the statutes is created to read:

104.035 (8m) MINIMUM WAGE ADJUSTMENTS. Effective on January 1, 2027, and effective on each January 1 thereafter, the department shall revise the minimum wages established under subs. (1) to (6). The department shall determine the revised minimum wage by calculating the percentage difference between the consumer price index for the 12-month period ending on the last day of the last month for which that information is available and the consumer price index for the 12-month period ending on the last day of the month 12 months prior to that month, adjusting the minimum wages then in effect by that percentage difference. The department shall annually have the revised amount published in the Wisconsin Administrative Register and on the department's website.

SECTION 2113. 227.01 (13) (Lw) of the statutes is created to read:

227.01 (13) (Lw) Adjusts the minimum wage under s. 104.035 (8m).

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) MINIMUM WAGE STUDY COMMITTEE.

(a) The secretary of workforce development shall establish a minimum wage study committee under s. 15.04 (1) (c). The committee shall consist of the following:

1. Five members appointed by the governor.
2. One member appointed by the speaker of the assembly.
3. One member appointed by the minority leader of the assembly.
4. One member appointed by the majority leader of the senate.
5. One member appointed by the minority leader of the senate.

(b) The committee created under par. (a) shall study options to achieve a \$15 per hour minimum wage and other options to increase compensation for workers in this state.

(c) No later than October 1, 2024, the committee created under par. (a) shall submit to the governor and the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3) a report that includes recommendations regarding the options for achieving a \$15 per hour minimum wage and other means of increasing worker compensation in this state.

(d) The minimum wage study committee terminates upon submission of the report under par. (c).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1393/P2
MDE:kms&amn

DOA:.....Kirschbaum, BB0313 - Employment discrimination on the basis of
gender expression or gender identity

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Employment discrimination based on gender expression and gender identity

Current law prohibits discrimination in employment on the basis of a person's sex or sexual orientation. This bill prohibits employers from discriminating against an employee on the basis of the employee's gender identity or gender expression. Gender expression is defined in the bill as an individual's actual or perceived gender-related appearance, behavior, or expression, regardless of whether these traits are stereotypically associated with the individual's assigned sex at birth. Gender identity is defined in the bill as an individual's internal understanding of the individual's gender, or the individual's perceived gender identity.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2114. 16.765 (1) of the statutes is amended to read:

16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, as defined in s. 51.01 (5), sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or national origin and, except with respect to sexual orientation, gender expression, and gender identity, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 2115. 16.765 (2) of the statutes is amended to read:

16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: “In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, as defined in s. 51.01 (5), sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or national origin. This provision shall include, ~~but not be limited to, the following:~~ employment, upgrading, demotion, or transfer; recruitment or recruitment

advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, gender expression, and gender identity, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination-~~clause~~” clause.”

SECTION 2116. 36.09 (1) (e) of the statutes is amended to read:

36.09 (1) (e) Subject to par. (em), the board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents, and assistant vice presidents of the system; faculty; academic staff; and other employees and fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president, and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin, ~~or sex~~, sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k), shall ever be allowed or exercised in the appointment of the employees of the system.

SECTION 2117. 47.02 (3m) (f) of the statutes is amended to read:

47.02 (3m) (f) Assure that eligibility for vocational rehabilitation services under this chapter is determined without regard to the sex, race, age, creed, color,

~~or national origin, sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k),~~
of the individual applying for services, that no class of individuals is found ineligible solely on the basis of type of disability, and that no age limitations for eligibility exist ~~which that~~, by themselves, would result in ineligibility for vocational rehabilitation services.

SECTION 2118. 111.31 (1) of the statutes is amended to read:

111.31 (1) The legislature finds that the practice of unfair discrimination in employment against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, ~~gender expression, gender identity~~, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3r), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, substantially and adversely affects the general welfare of the state. Employers, labor organizations, employment agencies, and licensing agencies that deny employment opportunities and discriminate in employment against properly qualified individuals solely because of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, ~~gender expression, gender identity~~, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3r), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, deprive those individuals of the earnings that are necessary to maintain a just and decent standard of living.

***NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2119. 111.31 (2) of the statutes is amended to read:

111.31 (2) It is the intent of the legislature to protect by law the rights of all individuals to obtain gainful employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3r), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, and to encourage the full, nondiscriminatory utilization of the productive resources of the state to the benefit of the state, the family, and all the people of the state. It is the intent of the legislature in promulgating this subchapter to encourage employers to evaluate an employee or applicant for employment based upon the individual qualifications of the employee or applicant rather than upon a particular class to which the individual may belong.

***NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2120. 111.31 (3) of the statutes is amended to read:

111.31 (3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified individuals regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, status as a holder or nonholder of a license under

s. 343.03 (3r), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters. Nothing in this subsection requires an affirmative action program to correct an imbalance in the work force. This subchapter shall be liberally construed for the accomplishment of this purpose.

****NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2121. 111.32 (7j) of the statutes is created to read:

111.32 (7j) "Gender expression" means an individual's actual or perceived gender-related appearance, behavior, or expression, regardless of whether these traits are stereotypically associated with the individual's assigned sex at birth.

SECTION 2122. 111.32 (7k) of the statutes is created to read:

111.32 (7k) "Gender identity" means an individual's internal understanding of the individual's gender, or the individual's perceived gender identity.

SECTION 2123. 111.321 of the statutes is amended to read:

111.321 Prohibited bases of discrimination. Subject to ss. 111.33 to 111.365, no employer, labor organization, employment agency, licensing agency, or other person may engage in any act of employment discrimination as specified in s. 111.322 against any individual on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, gender expression, gender identity, arrest record, conviction record, military service, status as a holder or nonholder of a license under s. 343.03 (3r), use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters.

***NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2124. 111.36 (title) of the statutes is amended to read:

111.36 (title) Sex, sexual orientation, gender expression, gender identity; exceptions and special cases.

SECTION 2125. 111.36 (1) (br) of the statutes is amended to read:

111.36 (1) (br) Engaging in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual's gender, gender expression, or gender identity, other than the conduct described in par. (b), and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment or has the purpose or effect of substantially interfering with that individual's work performance. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile, or offensive work environment.

SECTION 2126. 111.36 (1) (c) of the statutes is amended to read:

111.36 (1) (c) Discriminating against any ~~woman~~ individual on the basis of pregnancy, childbirth, ~~maternity~~ parental leave, or related medical conditions by engaging in any of the actions prohibited under s. 111.322, including, but not limited to, actions concerning fringe benefit programs covering illnesses and disability.

SECTION 2127. 111.36 (1) (d) 1. of the statutes is amended to read:

111.36 (1) (d) 1. ~~For any employer, labor organization, licensing agency or employment agency or other person to refuse~~ Refusing to hire, employ, admit or

~~license, or to bar or terminate any individual; barring or terminating from employment, membership, or licensure any individual; or to discriminate discriminating against an any individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because of the individual's sexual orientation; or, gender expression, or gender identity.~~

SECTION 2128. 111.36 (1) (d) 2. of the statutes is amended to read:

111.36 (1) (d) 2. ~~For any employer, labor organization, licensing agency or employment agency or other person to discharge~~ Discharging or otherwise discriminate discriminating against any person because ~~he or she~~ the person has opposed any discriminatory practices under this paragraph or because ~~he or she~~ the person has made a complaint, testified or assisted in any proceeding under this paragraph.

SECTION 2129. 111.36 (4) of the statutes is created to read:

111.36 (4) Notwithstanding s. 111.322, it is not employment discrimination for an employer to require an employee to adhere to reasonable workplace appearance, grooming, and dress standards not precluded by other provisions of state or federal law, provided that an employer shall allow an employee to appear or dress consistently with the employee's gender identity or gender expression.

SECTION 2130. 111.81 (12) (b) of the statutes is amended to read:

111.81 (12) (b) Which discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or national origin.

SECTION 2131. 118.20 (1) of the statutes is amended to read:

118.20 (1) No discrimination because of sex, except where sex is a bona fide occupational qualification as defined in s. 111.36 (2), sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), race, nationality national origin, or political or religious affiliation may be practiced in the employment of teachers or administrative personnel in public schools or in their assignment or reassignment. No questions of any nature or form relative to sex, except where sex is a bona fide occupational qualification as defined in s. 111.36 (2), sexual orientation, as defined in s. 111.32 (13m), gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), race, nationality national origin, or political or religious affiliation may be asked applicants for teaching or administrative positions in the public schools either by public school officials or employees or by teachers agencies or placement bureaus.

SECTION 2132. 230.01 (2) (b) of the statutes is amended to read:

230.01 (2) (b) It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), ~~or political affiliation, or status as a holder or nonholder of a license under s. 343.03 (3r).~~

***NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2133. 230.18 of the statutes is amended to read:

230.18 Discrimination prohibited. No question in any form of application or in any evaluation used in the hiring process may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning ~~such~~ those opinions or affiliations and all disclosures ~~thereof~~ of those opinions or affiliations shall be discountenanced except that the director may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in a state institutional program. No discriminations may be exercised in the recruitment, application, or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because of age, sex, disability, race, color, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), national origin, or ancestry, or status as a holder or nonholder of a license under s. 343.03 (3r) except as otherwise provided.

****NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2134. 234.29 of the statutes is amended to read:

234.29 Equality of occupancy and employment. The authority shall require that occupancy of housing projects assisted under this chapter be open to all regardless of sex, race, religion, sexual orientation, status as a holder or nonholder of a license under s. 343.03 (3r), status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or creed, and that contractors and subcontractors engaged in the construction of economic development or housing projects, shall provide an equal opportunity for employment, without discrimination as to sex, race, religion, sexual orientation, gender expression, as defined in s. 111.32 (7j), gender identity, as defined in s. 111.32 (7k), or creed.

***NOTE: This treatment, as it relates to status as a holder or nonholder of a license under s. 343.03 (3r), is a reconciliation of this draft and LRB-1790/P2.

SECTION 2135. 321.37 of the statutes is amended to read:

321.37 No discrimination. No person, otherwise qualified, may be denied membership in the national guard or state defense force because of sex, color, race, creed, or sexual orientation, gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k), and no member of the national guard or state defense force may be segregated within the national guard or state defense force on the basis of sex, color, race, creed, or sexual orientation, gender expression, as defined in s. 111.32 (7j), or gender identity, as defined in s. 111.32 (7k). Nothing in this section prohibits separate facilities for persons of different sexes with regard to dormitory accommodations, toilets, showers, saunas, and dressing rooms, except that no person may be denied equal access to facilities most consistent with the person's gender identity.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1395/P3
MIM:amn&emw

DOA:.....Kirschbaum, BB0310 - Prevailing wage

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Prevailing wage

This bill requires that laborers, workers, mechanics, and truck drivers employed on the site of certain projects of public works be paid the prevailing wage and not be required or allowed to work a greater number of hours per day and per week than the prevailing hours of labor unless they are paid overtime for all hours worked in excess of the prevailing hours of labor. Projects subject to the bill include state and local projects of public works, including state highway projects, with exceptions including projects below certain cost thresholds, minor service or maintenance work, and certain residential projects. Under the bill, “prevailing wage rate” is defined as the hourly basic rate of pay, plus the hourly contribution for bona fide economic benefits, paid for a majority of the hours worked in a trade or occupation in the area in which the project is located, except that, if there is no rate at which a majority of those hours is paid, “prevailing wage rate” means the average hourly basic rate of pay, plus the average hourly contribution for bona fide economic benefits, paid for the highest-paid 51 percent of hours worked in a trade or occupation in the area. “Prevailing hours of labor” is defined as 10 hours per day and 40 hours per week, excluding weekends and holidays. The bill requires DWD to conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects that are subject to the

prevailing wage law and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The bill contains certain other provisions regarding the calculation of prevailing wage rates by DWD, including provisions allowing persons to request recalculations or reviews of the prevailing wage rates determined by DWD.

The bill requires contracts and notices for bids for projects subject to the bill to include and incorporate provisions ensuring compliance with the requirements. The bill also establishes a requirement that state agencies and local governments post prevailing wage rates and hours of labor in areas readily accessible to persons employed on the project or in sites regularly used for posting notices.

The bill makes a contractor that fails to pay the prevailing wage rate or overtime pay to an employee as required under the prevailing wage law liable to the affected employee for not only the amount of unpaid wages and overtime pay, but also for liquidated damages in an amount equal to 100 percent of the unpaid wages and overtime pay.

Finally, the bill includes, for both state and local projects of public works, provisions regarding coverage, compliance, enforcement, and penalties, including a) requirements for affidavits to be filed by contractors affirming compliance with the prevailing wage law; b) record retention requirements for contractors regarding wages paid to workers and provisions allowing for the inspection of those records by DWD; c) liability and penalty provisions for certain violations, including criminal penalties; and d) provisions prohibiting contracts from being awarded to persons who have failed to comply with the prevailing wage law.

TRANSPORTATION

HIGHWAYS

Transportation projects

Under current law, for certain highway projects for which DOT spends federal money, federal money must make up at least 70 percent of the funding for those projects. DOT is required to notify political subdivisions receiving aid for local projects whether the aid includes federal moneys and how those moneys must be spent. For certain projects that receive no federal money, DOT may not require political subdivisions to comply with any portion of DOT's facilities development manual other than design standards. Any local project funded with state funds under the surface transportation program or the local bridge program must be let through competitive bidding and by contract to the lowest responsible bidder. The bill repeals all of these requirements.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2136. 19.36 (12) of the statutes is created to read:

19.36 (12) INFORMATION RELATING TO CERTAIN EMPLOYEES. Unless access is specifically authorized or required by statute, an authority may not provide access to a record prepared or provided by an employer performing work on a project to which s. 66.0903, 103.49, or 103.50 applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, “personally identifiable information” does not include an employee’s work classification, hours of work, or wage or benefit payments received for work on such a project.

SECTION 2137. 66.0129 (5) of the statutes is amended to read:

66.0129 (5) BIDS FOR CONSTRUCTION. The nonprofit corporation shall let all contracts exceeding \$1,000 for the construction, maintenance or repair of hospital facilities to the lowest responsible bidder after advertising for bids by the publication of a class 2 notice under ch. 985. ~~Section~~ Sections 66.0901 ~~applies~~ and 66.0903 apply to bids and contracts under this subsection.

SECTION 2138. 66.0903 (1) (a), (am), (b), (cm), (dr), (em), (hm) and (im) of the statutes are created to read:

66.0903 (1) (a) “Area” means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that

there is insufficient wage data in that county, “area” means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, “area” means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, “area” means the entire state or, if the department is requested to review a determination under sub. (3) (br), “area” means the city, village, or town in which a proposed project of public works that is subject to this section is located.

(am) “Bona fide economic benefit” has the meaning given in s. 103.49 (1) (am).

(b) “Department” means the department of workforce development.

(cm) “Insufficient wage data” has the meaning given in s. 103.49 (1) (bg).

(dr) “Minor service or maintenance work” means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years or that is performed for a town and is not funded under s. 86.31, regardless of projected life span; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(em) “Multiple-trade project of public works” has the meaning given in s. 103.49 (1) (br).

(hm) “Single-trade project of public works” has the meaning given in s. 103.49 (1) (em).

(im) “Supply and installation contract” has the meaning given in s. 103.49 (1) (fm).

SECTION 2139. 66.0903 (1) (c) of the statutes is amended to read:

66.0903 (1) (c) “Hourly basic rate of pay” has the meaning given in s. ~~16.856 103.49~~ (1) (b), ~~2015 stats.~~

SECTION 2140. 66.0903 (1) (f) of the statutes is amended to read:

66.0903 (1) (f) “Prevailing hours of labor” has the meaning given in s. ~~16.856 103.49~~ (1) (e), ~~2015 stats.~~ (c).

SECTION 2141. 66.0903 (1) (g) of the statutes is repealed and recreated to read:

66.0903 (1) (g) “Prevailing wage rate” has the meaning given in s. 103.49 (1) (d).

SECTION 2142. 66.0903 (1) (j) of the statutes is amended to read:

66.0903 (1) (j) “Truck driver” ~~includes an owner-operator of a truck~~ has the meaning given in s. 103.49 (1) (g).

SECTION 2143. 66.0903 (1m) (b) of the statutes is amended to read:

66.0903 (1m) (b) The legislature finds that the enactment of ordinances or other enactments by local governmental units requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor would be logically inconsistent with, would defeat the purpose of, and would go against the repeals spirit of this section and the repeal of s. 66.0904, 2009 stats., and s. ~~66.0903 (2) to (12), 2013 stats.~~ Therefore, this section shall be construed as an enactment of statewide concern for the ~~purposes of facilitating broader participation with respect to bidding on projects of public works, ensuring that wages accurately reflect market conditions, providing local governments with the flexibility to reduce costs on capital projects, and reducing spending at all levels of government in this state~~ purpose of providing uniform

prevailing wage rate and prevailing hours of labor requirements throughout the state.

SECTION 2144. 66.0903 (2) to (12) of the statutes are created to read:

66.0903 (2) **APPLICABILITY.** Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for a local governmental unit, including all of the following:

(a) A highway, street, bridge, building, or other infrastructure project.

(b) A project erected, constructed, repaired, remodeled, or demolished by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

(c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of the facility.

(d) A road, street, bridge, sanitary sewer, or water main project in which the completed road, street, bridge, sanitary sewer, or water main is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

(3) PREVAILING WAGE RATES AND HOURS OF LABOR. (am) A local governmental unit, before making a contract by direct negotiation or soliciting bids on a contract for the erection, construction, remodeling, repairing, or demolition of any project of public works, shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work contemplated. The department shall conduct investigations and hold public hearings as necessary to define the trades or

occupations that are commonly employed on projects of public works that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting local governmental unit.

(ar) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(av) In determining prevailing wage rates under par. (am) or (ar), the department may not use data from projects that are subject to this section, s. 103.49 or 103.50, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 103.49 or 103.50, or 40 USC 3142. In determining prevailing wage rates under par. (am) or (ar), the department may not use data from any construction work that is performed by a local governmental unit or a state agency.

(bm) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the

prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(br) In addition to the recalculation under par. (bm), the local governmental unit that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the local governmental unit submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located and on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (ar). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(dm) A local governmental unit that is subject to this section shall include a reference to the prevailing wage rates determined by the department and to the prevailing hours of labor in the notice published for the purpose of securing bids for the project of public works. Except as otherwise provided in this paragraph, if any contract or subcontract for a project of public works is entered into, the prevailing wage rates determined by the department and the prevailing hours of labor shall be

physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(e) No contractor, subcontractor, or contractor's or subcontractor's agent that is subject to this section may do any of the following:

1. Pay an individual performing the work described in sub. (4) less than the prevailing wage rate in the same or most similar trade or occupation determined under this subsection.

2. Allow an individual performing the work described in sub. (4) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor's or subcontractor's agent pays the individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual's hourly basic rate of pay.

(4) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays the employee for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employee's hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project of public works that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

(c) A person subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.

(5) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A single-trade project of public works for which the estimated project cost of completion is less than \$48,000, a multiple-trade project of public works for which the estimated project cost of completion is less than \$100,000, or, in the case of a multiple-trade project of public works erected, constructed, repaired, remodeled, or demolished by a private contractor for a city or village having a population of less than 2,500 or for a town, a multiple-trade project of public works for which the estimated project cost of completion is less than \$234,000.

(b) Work performed on a project of public works for which the local governmental unit contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(f) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.

(g) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to,

a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

(8) POSTING. A local governmental unit that has contracted for a project of public works shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project, or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.

(9) COMPLIANCE. (a) When the department finds that a local governmental unit has not requested a determination under sub. (3) (am) or that a local governmental unit, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under this section or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (3) (dm), the department shall notify the local governmental unit, contractor, or subcontractor of the noncompliance and shall file the determination with the local governmental unit, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has

complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A local governmental unit may not authorize a final payment until the affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of the final payment.

(10) RECORDS; INSPECTION; ENFORCEMENT. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every individual performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.

(b) The department or the contracting local governmental unit may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing

work on a project of public works that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4-week period. The department may request that a contractor, subcontractor, or agent submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for obtaining that information. Certified records submitted to the department under this paragraph are open for public inspection and copying under s. 19.35 (1).

(d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that s. 103.005 (12) (a) does not apply to a person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar). Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section, including proceedings under sub. (11) (a).

(11) LIABILITY AND PENALTIES. (a) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of

pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided under subd. 2. or 3., whichever is applicable.

2. If the department determines upon inspection under sub. (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that any violation continues is a separate offense.

2. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

3. Any individual employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which

the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

5. Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

6. Subdivision 1. does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (am) or (ar).

(12) DEPARTMENT. (a) Except as provided under pars. (b) and (c), the department shall notify any local governmental unit applying for a determination under sub. (3) of the names of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with each name the address of the person and shall specify when the person failed

to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A local governmental unit may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or the date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.

(d) Any person submitting a bid or negotiating a contract on a project of public works that is subject to this section shall, on the date the person submits the bid or negotiates the contract, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date the person submits the bid or negotiates the contract or at any other time within 3 years preceding the date the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid

less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 2145. 84.41 (3) of the statutes is created to read:

84.41 (3) EMPLOYMENT REGULATIONS. Employment regulations set forth in s. 103.50 pertaining to wages and hours shall apply to all projects constructed under s. 84.40 in the same manner as such laws apply to projects on other state highways. Where applicable, the federal wages and hours law known as the Davis-Bacon act shall apply.

SECTION 2146. 84.54 of the statutes is repealed.

SECTION 2147. 86.51 of the statutes is repealed.

SECTION 2148. 103.005 (12) (a) of the statutes is amended to read:

103.005 (12) (a) If any employer, employee, owner, or other person violates chs. 103 to 106, or fails or refuses to perform any duty required under chs. 103 to 106, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department or any judgment or decree made by any court in connection with chs. 103 to 106, for each such violation, failure or refusal, the employer, employee, owner or other person shall forfeit not less than \$10 nor more than \$100 for each offense. This paragraph does not apply to any person that fails to provide any information to the department to assist the department in determining prevailing wage rates or prevailing hours of labor under s. 103.49 (3) (a) or (am) or 103.50 (3) or (4).

SECTION 2149. 103.49 of the statutes is created to read:

103.49 Wage rate on state work. (1) DEFINITIONS. In this section:

(a) “Area” means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, “area” means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, “area” means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, “area” means the entire state or, if the department is requested to review a determination under sub. (3) (c), “area” means the city, village, or town in which a proposed project of public works that is subject to this section is located.

(am) “Bona fide economic benefit” means an economic benefit for which an employer makes irrevocable contributions to a trust or fund created under 29 USC 186 (c) or to any other bona fide plan, trust, program, or fund no less often than quarterly or, if an employer makes annual contributions to such a bona fide plan, trust, program, or fund, for which the employer irrevocably escrows moneys at least quarterly based on the employer’s expected annual contribution.

(b) “Hourly basic rate of pay” means the hourly wage paid to any employee, excluding any contributions or payments for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefits, whether paid directly or indirectly.

(bg) “Insufficient wage data” means less than 500 hours of work performed in a particular trade or occupation on projects that are similar to a proposed project of public works that is subject to this section.

(bj) “Minor service or maintenance work” means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5

years; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(br) “Multiple-trade project of public works” means a project of public works in which no single trade accounts for 85 percent or more of the total labor cost of the project.

(c) “Prevailing hours of labor” for any trade or occupation in any area means 10 hours per day and 40 hours per week and may not include any hours worked on a Saturday or Sunday or on any of the following holidays:

1. January 1.
2. The last Monday in May.
3. July 4.
4. The first Monday in September.
5. The 4th Thursday in November.
6. December 25.
7. The day before if January 1, July 4, or December 25 falls on a Saturday.
8. The day following if January 1, July 4, or December 25 falls on a Sunday.

(d) 1. Except as provided in subd. 2., “prevailing wage rate” for any trade or occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for a majority of the hours worked in the trade or occupation on projects in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, “prevailing wage rate” for any trade or

occupation engaged in the erection, construction, remodeling, repairing, or demolition of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation on projects in that area.

(em) “Single-trade project of public works” means a project of public works in which a single trade accounts for 85 percent or more of the total labor cost of the project.

(f) “State agency” means any office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. “State agency” also includes the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Wisconsin Aerospace Authority.

(fm) “Supply and installation contract” means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts, and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

(g) “Truck driver” includes an owner-operator of a truck.

(1m) APPLICABILITY. Subject to sub. (3g), this section applies to any project of public works erected, constructed, repaired, remodeled, or demolished for the state or a state agency, including all of the following:

(a) A project erected, constructed, repaired, remodeled, or demolished by one state agency for another state agency under any contract or under any statute specifically authorizing cooperation between state agencies.

(b) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or a state agency contracting for the erection, construction, repair, remodeling, or demolition of the facility.

(c) A sanitary sewer or water main project in which the completed sanitary sewer or water main is acquired by, or dedicated to, the state for ownership or maintenance by the state.

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract made for the erection, construction, remodeling, repairing, or demolition of any project of public works to which the state or any state agency is a party shall contain a stipulation that no individual performing the work described in sub. (2m) may be allowed to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such individual may be allowed or required to work more than such prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (3) in the same or most similar trade or occupation in the area in which the project of public works is situated. The notice published for the purpose of securing bids for the project must contain a reference to the prevailing wage rates

determined under sub. (3) and the prevailing hours of labor. Except as otherwise provided in this subsection, if any contract or subcontract for a project of public works that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project of public works that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project of public works, and transport that excavated material or spoil away from the site of the project.

(c) A person that is subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.

(3) INVESTIGATION; DETERMINATION. (a) Before a state agency issues a request for bids for any work to which this section applies, the state agency having the authority to prescribe the specifications shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall

conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects that are subject to this section and to inform itself of the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting state agency. A state agency that has contracted for a project of public works subject to this section shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (6m) in at least one conspicuous place on the site of the project that is easily accessible by employees working on the project.

(am) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a project of public works extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(ar) In determining prevailing wage rates under par. (a) or (am), the department may not use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 103.50, or 229.8275, or 40 USC 3142. In determining prevailing wage rates under par. (a) or (am), the department may not use data from any

construction work performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).

(b) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by individuals working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(c) In addition to the recalculation under par. (b), the state agency that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the state agency submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located on which some work has been performed during the current survey period and that were considered by the department in issuing its most recent compilation under par. (am). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(3g) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A single-trade project of public works for which the estimated project cost of completion is less than \$48,000 or a multiple-trade project of public works for which the estimated project cost of completion is less than \$100,000.

(b) Work performed on a project of public works for which the state or the state agency contracting for the project is not required to compensate any contractor, subcontractor, contractor's or subcontractor's agent, or individual for performing the work.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(f) A public highway, street, or bridge project.

(g) A project of public works involving the erection, construction, repair, remodeling, or demolition of a residential property containing 2 dwelling units or less.

(h) A road, street, bridge, sanitary sewer, or water main project that is a part of a development in which not less than 90 percent of the lots contain or will contain 2 dwelling units or less, as determined by the local governmental unit at the time of approval of the development, and that, on completion, is acquired by, or dedicated to, the state for ownership or maintenance by the state.

(4r) COMPLIANCE. (a) When the department finds that a state agency has not requested a determination under sub. (3) (a) or that a state agency, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2), the department shall notify the state agency, contractor, or

subcontractor of the noncompliance and shall file the determination with the state agency, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A state agency may not authorize a final payment until the affidavit is filed in proper form and order. If a state agency authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (2m) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

(5) RECORDS; INSPECTION; ENFORCEMENT. (a) Each contractor, subcontractor, or contractor's or subcontractor's agent that performs work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every individual performing the work described

in sub. (2m) and an accurate record of the number of hours worked by each of those individuals and the actual wages paid for the hours worked.

(b) The department shall enforce this section. The department may demand and examine, and every contractor, subcontractor, and contractor's and subcontractor's agent shall keep, and furnish upon request by the department, copies of payrolls and other records and information relating to the wages paid to individuals performing the work described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of this chapter relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section as provided in this paragraph to ensure compliance with this section. On receipt of such a request, the department shall request that the contractor, subcontractor, or agent submit to the department a certified record of the information specified in par. (a), other than personally identifiable information relating to an employee of the contractor, subcontractor, or agent, for no longer than a 4-week period. The department may request a contractor, subcontractor, or agent to submit those records no more than once per calendar quarter for each project of public works on which the contractor, subcontractor, or agent is performing work. The department may not charge a requester a fee for

obtaining that information. Certified records submitted to the department under this paragraph are open for public inspection and copying under s. 19.35 (1).

(6m) LIABILITY AND PENALTIES. (ag) 1. A contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2. or 3., whichever is applicable.

2. If the department determines upon inspection under sub. (5) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and on behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. If the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor,

the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to an action under subd. 3. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(am) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.

(b) Whoever induces an individual who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any individual who is employed on a project of public works that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth

in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project of public works that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(e) Any individual who is employed on a project of public works that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(f) Paragraph (am) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (a) or (am).

(7) DEPARTMENT. (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies a list of all persons that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has

found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with any name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having subcontracted a contract for a project of public works to a person that the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.

(d) Any person submitting a bid on a project of public works that is subject to this section shall, on the date the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person if the person is a business, owns or has owned at least a 25 percent interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the

prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 2150. 103.50 of the statutes is created to read:

103.50 Highway contracts. (1) DEFINITIONS. In this section:

(a) “Area” means the county in which a proposed project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, “area” means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, “area” means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, “area” means the entire state.

(b) “Hourly basic rate of pay” has the meaning given in s. 103.49 (1) (b).

(bg) “Insufficient wage data” has the meaning given in s. 103.49 (1) (bg).

(c) “Prevailing hours of labor” has the meaning given in s. 103.49 (1) (c).

(d) 1. Except as provided in subd. 2., “prevailing wage rate” for any trade or occupation in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation in the area is paid, “prevailing wage rate” means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits,

vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation in that area.

(e) “Truck driver” has the meaning given in s. 103.49 (1) (g).

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. No contractor, subcontractor, agent, or other person performing any work on a project under a contract based on bids as provided in s. 84.06 (2) to which the state is a party for the construction or improvement of any highway may do any of the following:

(a) Pay an individual performing the work described in sub. (2m) less than the prevailing wage rate in the area in which the work is to be done determined under sub. (3).

(b) Allow an individual performing the work described in sub. (2m) to work a greater number of hours per day or per week than the prevailing hours of labor, unless the contractor, subcontractor, or contractor’s or subcontractor’s agent pays the individual for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the individual’s hourly basic rate of pay.

(2g) NONAPPLICABILITY. This section does not apply to a single-trade project of public works, as defined in s. 103.49 (1) (em), for which the estimated project cost of completion is less than \$48,000 or a multiple-trade project of public works, as defined in s. 103.49 (1) (br), for which the estimated project cost of completion is less than \$100,000.

(2m) COVERED EMPLOYEES. (a) Subject to par. (b), any person subject to this section shall pay all of the following employees the prevailing wage rate determined under sub. (3) and may not allow such employees to work a greater number of hours per day or per week than the prevailing hours of labor, unless the person pays for all

hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times the employees' hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a project that is subject to this section.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) A laborer, worker, mechanic, or truck driver who is employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment supplies processed or manufactured materials or products or from a facility that is not dedicated exclusively, or nearly so, to a project that is subject to this section is not entitled to receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following applies:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone and deliver that mineral aggregate to the site of a project that is subject to this section by depositing the material directly in final place, from the transporting vehicle or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from

the site of the project, and transport that excavated material or spoil away from the site of the project and return to the site of the project.

(c) A contractor, subcontractor, agent, or other person performing work on a project subject to this section shall pay a truck driver who is an owner-operator of a truck separately for his or her work and for the use of his or her truck.

(3) INVESTIGATIONS; DETERMINATIONS. The department shall conduct investigations and hold public hearings necessary to define the trades or occupations that are commonly employed in the highway construction industry and to inform the department of the prevailing wage rates in all areas of the state for those trades or occupations, in order to ascertain and determine the prevailing wage rates accordingly.

(4) CERTIFICATION OF PREVAILING WAGE RATES. The department of workforce development shall, by May 1 of each year, certify to the department of transportation the prevailing wage rates in each area for all trades or occupations commonly employed in the highway construction industry. The certification shall, in addition to the current prevailing wage rates, include future prevailing wage rates when such prevailing wage rates can be determined for any such trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. The certification shall also include wage rates for work performed on Sundays or the holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day or night when work is performed. If a construction project extends into more than one area, the department shall determine only one standard of prevailing wage rates for the entire project.

(4m) WAGE RATE DATA. In determining prevailing wage rates for projects that are subject to this section, the department shall use data from projects that are

subject to this section, s. 66.0903 or 103.49, or 40 USC 3142. In determining prevailing wage rates for those projects, the department may not use data from any construction work that is performed by a state agency or a local governmental unit, as defined in s. 66.0903 (1) (d).

(5) APPEALS TO GOVERNOR. If the department of transportation considers any determination of the department of workforce development of the prevailing wage rates in an area to be incorrect, it may appeal to the governor, whose determination is final.

(6) CONTENTS OF CONTRACTS. The department of transportation shall include a reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor in the notice published for the purpose of securing bids for a project. Except as otherwise provided in this subsection, if any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract. For a minor subcontract, as determined by the department of workforce development, that department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. The department of transportation shall post the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (7) in at least one conspicuous place that is easily accessible to the employees on the site of the project.

(7) PENALTIES. (a) Except as provided in pars. (b), (d), and (f), any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that a violation continues is a separate offense.

(b) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to give up, waive, or return any part of the wages to which the individual is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to an individual for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

(c) Any individual employed on a project that is subject to this section who knowingly allows a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the individual works both on a project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

(d) Whoever induces any individual who seeks to be or is employed on any project that is subject to this section to allow any part of the wages to which the individual is entitled under the contract governing the project to be deducted from the individual's pay is guilty of an offense under s. 946.15 (3), unless the deduction

would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(e) Any individual employed on a project that is subject to this section who knowingly allows any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

(f) Paragraph (a) does not apply to any individual who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) or (4).

(8) ENFORCEMENT AND PROSECUTION. The department of transportation shall require adherence to subs. (2), (2m), and (6). The department of transportation may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep and furnish upon request by the department of transportation, copies of payrolls and other records and information relating to compliance with this section. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall investigate as necessary and prosecute violations in a court of competent jurisdiction. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

SECTION 2151. 103.503 (1) (a) of the statutes is amended to read:

103.503 (1) (a) "Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted or could have resulted in death, personal injury, or property damage and that occurred while the employee was performing the work described in s. 66.0903 (4), ~~2013 stats., or s. 16.856~~ 103.49 (2m),

~~2015 stats.,~~ on a project of public works or while the employee was performing work on a public utility project.

SECTION 2152. 103.503 (1) (e) of the statutes is amended to read:

103.503 (1) (e) “Employee” means a laborer, worker, mechanic, or truck driver who performs the work described in s. 66.0903 (4), ~~2013 stats.,~~ or s. ~~16.856~~ 103.49 (2m), ~~2015 stats.,~~ on a project of public works or on a public utility project.

SECTION 2153. 103.503 (1) (g) of the statutes is repealed and recreated to read:

103.503 (1) (g) “Project of public works” means a project of public works that is subject to s. 66.0903 or 103.49.

SECTION 2154. 103.503 (2) of the statutes is amended to read:

103.503 (2) SUBSTANCE ABUSE PROHIBITED. No employee may use, possess, attempt to possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing the work described in s. 66.0903 (4), ~~2013 stats.,~~ or s. ~~16.856~~ 103.49 (2m), ~~2015 stats.,~~ on a project of public works or while performing work on a public utility project. An employee is considered to be under the influence of alcohol for purposes of this subsection if he or she has an alcohol concentration that is equal to or greater than the amount specified in s. 885.235 (1g) (d).

SECTION 2155. 103.503 (3) (a) 2. of the statutes is amended to read:

103.503 (3) (a) 2. A requirement that employees performing the work described in s. 66.0903 (4), ~~2013 stats.,~~ or s. ~~16.856~~ 103.49 (2m), ~~2015 stats.,~~ on a project of public works or performing work on a public utility project submit to random, reasonable suspicion, and post-accident drug and alcohol testing and to drug and alcohol testing before commencing work on the project, except that testing of an employee before commencing work on a project is not required if the employee has

been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project.

SECTION 2156. 104.001 (4) of the statutes is created to read:

104.001 (4) This section does not affect the requirement that employees employed on a public works project contracted for by a city, village, town, or county be paid at the prevailing wage rate, as defined in s. 66.0903 (1) (g), as required under s. 66.0903.

SECTION 2157. 106.04 of the statutes is created to read:

106.04 Employment of apprentices on state public works projects. (1)

DEFINITION. In this section, “project” means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

(2) WAIVER. If the department grants an exception or modification to any requirement in any contract for the performance of work on a project relating to the employment and training of apprentices, the department shall post that information on its Internet site, together with a detailed explanation for granting the exception or modification.

SECTION 2158. 109.09 (1) of the statutes is amended to read:

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employees as to regarding alleged wage claims. The department may receive and investigate any wage claim that is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employee during the period commencing 2 years before the date the claim is

filed. The department shall enforce this chapter and ~~s. ss. 66.0903, 2013 stats., s. 103.49, 2013 stats., s. 229.8275, 2013 stats., and s. 16.856, 2015 stats., and ss. 103.02, 103.49, 103.82, and 104.12, and 229.8275.~~ In pursuance of this duty, the department may sue the employer on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office of the district attorney who prosecuted the action.

SECTION 2159. 111.322 (2m) (c) of the statutes is created to read:

111.322 (2m) (c) The individual files a complaint or attempts to enforce a right under s. 66.0903, 103.49, or 229.8275 or testifies or assists in any action or proceeding under s. 66.0903, 103.49, or 229.8275.

SECTION 2160. 227.01 (13) (t) of the statutes is created to read:

227.01 (13) (t) Ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50, and 229.8275, except that any action or inaction which ascertains and determines prevailing wage rates under ss. 66.0903, 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

SECTION 2161. 229.682 (2) of the statutes is created to read:

229.682 (2) PREVAILING WAGE. The construction of a baseball park facility that is financed in whole or in part by a district is subject to s. 66.0903.

SECTION 2162. 229.8275 of the statutes is created to read:

229.8275 Prevailing wage. A district may not enter into a contract under s. 229.827 with a professional football team, as described in s. 229.823, or a related party that requires the team or related party to acquire and construct or renovate football stadium facilities that are part of any facilities that are leased by the district to the team or to a related party unless the professional football team or related party agrees to all of the following:

(1) Not to allow any employee working on the football stadium facilities who would be entitled to receive the prevailing wage rate under s. 66.0903 and who would not be required or allowed to work more than the prevailing hours of labor, if the football stadium facilities were a project of public works subject to s. 66.0903, to be paid less than the prevailing wage rate or to be required or allowed to work more than the prevailing hours of labor, except as allowed under s. 66.0903 (4) (a).

(2) To require any contractor, subcontractor, or agent of a contractor or subcontractor performing work on the football stadium facilities to keep and allow inspection of records in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing work on a project of public works that is subject to s. 66.0903 is required to keep and allow inspection of records under s. 66.0903 (10).

(3) To comply with s. 66.0903 in the same manner as a local governmental unit contracting for the erection, construction, remodeling, repairing, or demolition of a project of public works is required to comply with s. 66.0903 and to require any contractor, subcontractor, or agent of a contractor or subcontractor performing work

on the football stadium facilities to comply with s. 66.0903 in the same manner as a contractor, subcontractor, or agent of a contractor or subcontractor performing work on a project of public works that is subject to s. 66.0903 is required to comply with s. 66.0903.

SECTION 2163. 946.15 of the statutes is created to read:

946.15 Public construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any individual who seeks to be or is employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to give up, waive, or return any part of the compensation to which that individual is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

(2) Any individual employed pursuant to a public contract, as defined in s. 66.0901 (1) (c), or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing

wage determination issued by the department, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the individual works part-time on a project on which a prevailing wage rate determination has been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any individual who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3), or 229.8275 (3) to allow any part of the wages to which that individual is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the individual's pay is guilty of a Class I felony, unless the deduction would be allowed under 29 CFR 3.5 or 3.6 from an individual who is working on a project that is subject to 40 USC 3142.

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

SECTION 2164. 978.05 (6) (a) of the statutes is amended to read:

978.05 (6) (a) Institute, commence, or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ch. 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), ~~70.36~~, 89.08, 103.50 (8), 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under chs. 48 and 938 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority of the county board to designate, under s. 48.09 (5), that the corporation counsel provide representation as specified in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate person to represent the interests of the public under s. 48.14 or 938.14.

***NOTE: This is reconciled s. 978.05 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1 and -1739/P2.

SECTION 9350. Initial applicability; Workforce Development.

(1) DISCRIMINATION. The treatment of ss. 66.0903 (10) (d), 111.322 (2m) (c), and 229.8275 first applies to acts of discrimination that occur on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1396/P1
MIM:cjs

DOA:.....Kirschbaum, BB0314 - Right to work

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Eliminating the right-to-work law

The current right-to-work law prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization. This bill repeals these prohibitions and the associated misdemeanor offense for violating the right-to-work law.

The bill explicitly provides that, when an all-union agreement is in effect, it is not an unfair labor practice to encourage or discourage membership in a labor organization or to deduct labor organization dues or assessments from an employee's earnings. The bill sets conditions under which an employer may enter into an all-union agreement. The bill also sets conditions for the continuation or termination of all-union agreements, including that, if the Wisconsin Employment Relations Commission determines there is reasonable ground to believe employees in an all-union agreement have changed their attitude about the agreement, WERC is required to conduct a referendum to determine whether the employees wish to continue the agreement. WERC is required to terminate an all-union agreement if it finds the union unreasonably refused to admit an employee into the union.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2165. 111.01 of the statutes is created to read:

111.01 Declaration of policy. The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this subchapter is enacted, is declared to be as follows:

(1) It recognizes that there are 3 major interests involved, namely: the public, the employee, and the employer. These 3 interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers, farmer cooperatives, and unincorporated farmer cooperative associations, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production that require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties

to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

(3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if the employee desires, to associate with others in organizing and bargaining collectively through representatives of the employee's own choosing, without intimidation or coercion from any source.

(4) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient, expeditious, and impartial tribunal by which these interests may have their respective rights and obligations adjudicated. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

SECTION 2166. 111.04 (1) and (2) of the statutes are consolidated, renumbered 111.04 and amended to read:

111.04 Rights of employees. Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. ~~(2) Employees shall also have the right to refrain from self-organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection~~ such activities.

SECTION 2167. 111.04 (3) of the statutes is repealed.

SECTION 2168. 111.06 (1) (c) of the statutes is amended to read:

111.06 (1) (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment except in a collective bargaining unit where an all-union agreement is in effect. An employer may enter into an all-union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of the all-union agreement in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into an all-union agreement. An authorization of an all-union agreement continues, subject to the right of either party to the all-union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of the petition, if the commission determines there is reasonable ground to believe that the employees concerned have changed their attitude toward the all-union agreement, the commission shall conduct a referendum. If the continuance of the all-union agreement is supported on a referendum by a vote at least equal to that provided in this paragraph for its initial authorization, it may continue, subject to the right to petition for a further vote by the procedure under this paragraph. If the continuance of the all-union agreement is not supported on a referendum, it terminates at the expiration of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all-union agreement terminated

whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer. An interested person may, as provided in s. 111.07, request the commission to perform this duty.

SECTION 2169. 111.06 (1) (e) of the statutes is amended to read:

111.06 (1) (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in par. (c).

SECTION 2170. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving to the employer at least 30 days' written notice of the termination. ~~This paragraph applies to the extent permitted under federal law unless there is an all-union agreement in effect. The employer shall give notice to the labor organization of receipt of a notice of termination.~~

SECTION 2171. 947.20 of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1397/P2
MIM:wlj&emw

DOA:.....Kirschbaum, BB0315 - Discrimination in employment based on unfair honesty testing or unfair genetic testing

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Civil actions regarding employment discrimination, unfair honesty, and unfair genetic testing

Under current fair employment law, an individual who alleges that an employer has violated employment discrimination, unfair honesty testing, or unfair genetic testing laws may file a complaint with DWD seeking action that will effectuate the purpose of the fair employment law, including reinstating the individual, providing back pay, and paying costs and attorney fees.

This bill allows DWD or an individual who is alleged or was found to have been discriminated against or subjected to unfair honesty or genetic testing to bring an action in circuit court to recover compensatory and punitive damages caused by the act of discrimination, unfair honesty testing, or unfair genetic testing, in addition to or in lieu of filing an administrative complaint. The action in circuit court must be commenced within 300 days after the alleged discrimination, unfair honesty testing, or unfair genetic testing occurred. The bill does not allow such an action for damages to be brought against a local governmental unit or against an employer that employs fewer than 15 individuals.

Under the bill, if the circuit court finds that a defendant has committed employment discrimination, unfair honesty testing, or unfair genetic testing, the

circuit court may award back pay and any other relief that could have been awarded in an administrative proceeding. In addition, the circuit court must order the defendant to pay to the individual found to have been discriminated against or found to have received unfair genetic testing or unfair honesty testing compensatory and punitive damages in the amount that the circuit court finds appropriate, except that the total amount of damage awarded for future economic losses and for pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and other noneconomic losses and punitive damages is subject to the following limitations:

1. If the defendant employs 100 or fewer employees, no more than \$50,000.
2. If the defendant employs more than 100 but fewer than 201 employees, no more than \$100,000.
3. If the defendant employs more than 200 but fewer than 501 employees, no more than \$200,000.
4. If the defendant employs more than 500 employees, no more than \$300,000.

The bill requires DWD to annually revise these amounts on the basis of the change in the consumer price index in the previous year, if any positive change has occurred.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2172. 111.39 (4) (d) of the statutes is amended to read:

111.39 (4) (d) The department shall serve a certified copy of the findings and order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in s. 103.005. The department shall also serve a certified copy of the findings and order on the complainant, together with a notice advising the complainant about the right to seek, and the time for seeking, review by the commission under sub. (5); about the right to bring, and the time for bringing, an action for judicial review under s. 111.395; and about the right to bring, and the time for bringing, an action under s. 111.397 (1) (a). Any person aggrieved by noncompliance with the order may have the order enforced specifically by suit in equity. If the examiner finds that the respondent has not engaged in discrimination, unfair honesty testing, or unfair genetic testing as alleged in the complaint, the

department shall serve a certified copy of the examiner's findings on the complainant, together with an order dismissing the complaint.

SECTION 2173. 111.39 (5) (b) of the statutes is amended to read:

111.39 (5) (b) ~~If no petition is filed~~ the respondent or complainant does not file a petition under par. (a) within 21 days from the date that a copy of the findings and order of the examiner is ~~mailed to the last-known address of the respondent~~ served on that party, the findings and order shall be considered final for purposes of enforcement under sub. (4) (d). If a timely petition is filed, the commission, on review, may either affirm, reverse, or modify the findings or order in whole or in part, or set aside the findings and order and remand to the department for further proceedings. Such actions shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order ~~it~~, the commission may extend the time another 21 days for filing the petition with the department.

SECTION 2174. 111.39 (5) (d) of the statutes is created to read:

111.39 (5) (d) The commission shall serve a certified copy of the commission's decision on the respondent. The commission shall also serve a certified copy of the commission's decision on the complainant, together with a notice advising the complainant about the right to bring, and the time for bringing, an action for judicial review under s. 111.395 and about the right to bring, and the time for bringing, an action under s. 111.397 (1) (a).

SECTION 2175. 111.397 of the statutes is created to read:

111.397 Civil action. (1) (a) Except as provided in this paragraph, the department or an individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing may bring an action in

circuit court requesting the relief described in sub. (2) (a) against an employer, labor organization, or employment agency that is alleged or found to have engaged in that discrimination, unfair honesty testing, or unfair genetic testing. The department or an individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing may not bring an action under this paragraph against a local governmental unit, as defined in s. 19.42 (7u), or against an employer, labor organization, or employment agency that employs fewer than 15 individuals for each working day in each of 20 or more calendar weeks in the current or preceding year.

(b) If a petition for judicial review of the findings and order of the commission concerning the same violation as the violation giving rise to the action under par. (a) is filed, the circuit court shall consolidate the proceeding for judicial review and the action under par. (a).

(c) An individual alleged or found to have been discriminated against or subjected to unfair honesty testing or unfair genetic testing is not required to file a complaint under s. 111.39 or seek review under s. 111.395 in order for the department or the individual to bring an action under par. (a).

(d) An action under par. (a) shall be commenced within 300 days after the alleged discrimination, unfair honesty testing, or unfair genetic testing occurred.

(2) (a) Subject to pars. (b) and (c), in an action under sub. (1) (a), if the circuit court finds that discrimination, unfair honesty testing, or unfair genetic testing has occurred, or if such a finding has been made by an examiner or the commission and not been further appealed, the circuit court may order any relief that an examiner would be empowered to order under s. 111.39 (4) (c) after a hearing on a complaint filed under s. 111.39. In addition, the circuit court shall order the defendant to pay

to the individual discriminated against or subjected to unfair honesty testing or unfair genetic testing any other compensatory damages, and punitive damages under s. 895.043 that the circuit court or jury finds appropriate, plus reasonable costs and attorney fees incurred in the action. If any relief was ordered under s. 111.39 or 111.395, the circuit court shall specify whether the relief ordered under this paragraph is in addition to or replaces the relief ordered under s. 111.39 or 111.395. The sum of the amount of compensatory damages for future economic losses and for pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and other noneconomic losses and the amount of punitive damages that a circuit court may order may not exceed the following:

1. In the case of a defendant that employs 100 or fewer employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$50,000.

2. In the case of a defendant that employs more than 100 but fewer than 201 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$100,000.

3. In the case of a defendant that employs more than 200 but fewer than 501 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$200,000.

4. In the case of a defendant that employs more than 500 employees for each working day in each of 20 or more calendar weeks in the current or preceding year, \$300,000.

- (b) If the circuit court orders a payment under par. (a) because of a violation of s. 111.321, 111.37, or 111.372 by an individual employed by an employer, the employer of that individual is liable for the payment.

(c) 1. In this paragraph, “consumer price index” means the average of the consumer price index for all urban consumers, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.

2. Except as provided in this subdivision, beginning on July 1, 2024, and on each July 1 after that, the department shall adjust the amounts specified in par. (a) 1., 2., 3., and 4. by calculating the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for the 12-month period ending on December 31 of the year before the preceding year and adjusting those amounts by that percentage difference. The department shall publish the adjusted amounts calculated under this subdivision in the Wisconsin Administrative Register, and the adjusted amounts shall apply to actions commenced under sub. (1) (a) beginning on July 1 of the year of publication. This subdivision does not apply if the consumer price index for the 12-month period ending on December 31 of the preceding year did not increase over the consumer price index for the 12-month period ending on December 31 of the year before the preceding year.

SECTION 2176. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

SECTION 2177. 893.995 of the statutes is created to read:

893.995 Employment discrimination; civil remedies. Any civil action arising under s. 111.397 is subject to the limitations of s. 111.397 (1) (b).

SECTION 9350. Initial applicability; Workforce Development.

(1) EMPLOYMENT DISCRIMINATION DAMAGES. The treatment of ss. 111.39 (4) (d) and (5) (b) and (d), 111.397, 814.04 (intro.) (by SECTION 2176), and 893.995 first applies to acts of employment discrimination, unfair honesty testing, or unfair genetic testing committed on the effective date of this subsection.

***NOTE: This is reconciled SECTION 9350 (1). This SECTION has been affected by drafts with the following LRB numbers: -1397/P1 and -1662/P1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1398/P1
CMH/MIM/MDE:amn

DOA:.....Sherwin, BB0316 - State and local collective bargaining changes
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Collective bargaining for state and local employees; employee rights

Under current law, state and local governments are prohibited from collectively bargaining with employees except as expressly provided in the statutes. Current law allows certain protective occupation participants under the Wisconsin Retirement System, known as public safety employees, and certain municipal transit employees to collectively bargain over wages, hours, and conditions of employment. Under current law, other state and municipal employees may collectively bargain only over a percentage increase in base wages that does not exceed the percentage increase in the consumer price index. In addition, under current law, the Employment Relations Commission assigns employees to collective bargaining units, but current law requires that public safety employees and municipal transit employees be placed in separate collective bargaining units.

This bill adds frontline workers to the groups that may collectively bargain over wages, hours, and conditions of employment. In the bill, "frontline workers" are state or municipal employees with regular job duties that include interacting with members of the public or with large populations of people or that directly involve the maintenance of public works. Under the bill, the ERC determines which state and municipal employees meet the criteria. Also, the bill allows the ERC to place in the same collective bargaining unit both frontline workers and employees who are not

frontline workers. If the ERC places employees of both types in a collective bargaining unit, the entire collective bargaining unit is treated as if all members are frontline workers and all members may collectively bargain over wages, hours, and conditions of employment.

Under current law, state or municipal employees in a collective bargaining unit elect their representative. The representative for a unit containing public safety employees or transit employees requires the support of the majority of the employees who are voting in the election, and the representative for a unit containing other employees requires the support of the majority of all of the employees who are in the collective bargaining unit. Under the bill, the representative for any collective bargaining unit containing any state or municipal employees requires the support of the majority of the employees who are voting in the election regardless of the number of employees who are in the collective bargaining unit.

Under current law, the ERC must conduct an annual election to certify each representative of a collective bargaining unit representing state or municipal employees who are not public safety employees or transit employees. At the election, if a representative fails to receive at least 51 percent of the votes of all of the members of the collective bargaining unit, the representative is decertified and the employees are unrepresented. The bill eliminates this annual recertification process.

The bill requires state and municipal employers to consult about wages, hours, and conditions of employment with their employees who are not public safety employees, transit employees, or frontline workers. The employers must consult either when policy changes that affect wages, hours, or conditions are proposed or implemented or, in the absence of policy changes, at least quarterly.

This bill adds that employees of authorities, such as the University of Wisconsin Hospitals and Clinics Authority, WHEDA, and WEDC, may collectively bargain as state employees.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2178. 20.425 (1) (i) of the statutes is amended to read:

20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

The amounts in the schedule for the performance of fact-finding, mediation, certification, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5m), and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied

material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.,~~ 111.71 (1) and (2), ~~111.83 (3) (b),~~ 111.94 (1) and (2), and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

SECTION 2179. 20.505 (1) (ks) of the statutes is amended to read:

20.505 (1) (ks) *Collective bargaining grievance arbitrations.* The amounts in the schedule for the payment of the state's share of costs related to collective bargaining grievance arbitrations under s. 111.86. All moneys received from state agencies or authorities for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for training related to grievance arbitrations shall be credited to this appropriation account.

SECTION 2180. 20.921 (1) (a) 2. of the statutes is amended to read:

20.921 (1) (a) 2. If the state employee is a public safety employee under s. 111.81 (15r) or is in a collective bargaining unit containing a frontline worker under s. 111.81 (9b), payment of dues to employee organizations.

SECTION 2181. 40.51 (7) (a) of the statutes is amended to read:

40.51 (7) (a) Any employer, other than the state, including an employer that is not a participating employer, may offer to all of its employees a health care coverage plan through a program offered by the group insurance board. Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule

establish different eligibility standards or contribution requirements for such employees and employers. Beginning on January 1, 2012, except as otherwise provided in a collective bargaining agreement under subch. IV of ch. 111 that covers public safety employees or transit employees and except as provided in par. (b), an employer may not offer a health care coverage plan to its employees under this subsection if the employer pays more than 88 percent of the average premium cost of plans offered in any tier with the lowest employee premium cost under this subsection.

SECTION 2182. 46.2895 (8) (a) 1. of the statutes is amended to read:

46.2895 (8) (a) 1. If the long-term care district offers employment to any individual who was previously employed by a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district and ~~whose wages were established in~~ who was covered by a collective bargaining agreement with the county under subch. IV of ch. 111 that is in effect on the date that the individual commences employment with the district, with respect to that individual, abide by the terms of the collective bargaining agreement ~~concerning the individual's wages~~ until the time of the expiration of that collective bargaining agreement or adoption of a collective bargaining agreement with the district under subch. IV of ch. 111 covering the individual as an employee of the district, whichever occurs first.

SECTION 2183. 109.03 (1) (b) of the statutes is amended to read:

109.03 (1) (b) School district employees, cooperative educational service agency employees, and private school employees who voluntarily request payment over a

12-month period for personal services performed during the school year, unless, with respect to private school employees, the employees are covered under a valid collective bargaining agreement which precludes this method of payment.

SECTION 2184. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) “Collective bargaining” means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment for public safety employees ~~or, for transit employees and, or for municipal employees in a collective bargaining unit that contains a frontline worker;~~ with respect to wages for general municipal employees, who are in a collective bargaining unit that does not contain a frontline worker; and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13 (2e), except as provided in sub. (4) (mb) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to any public safety employees under ch. 164. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

SECTION 2185. 111.70 (1) (f) of the statutes is amended to read:

111.70 (1) (f) “Fair-share agreement” means an agreement between a municipal employer and a labor organization that represents public safety employees ~~or, transit employees, or a frontline worker~~ under which all or any of the public safety employees or transit employees in the collective bargaining unit or all

or any of the employees in a collective bargaining unit containing a frontline worker are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 2186. 111.70 (1) (fd) of the statutes is created to read:

111.70 (1) (fd) “Frontline worker” means a municipal employee who is determined to be a frontline worker under sub. (4) (bm) 2.

SECTION 2187. 111.70 (1) (fm) of the statutes is amended to read:

111.70 (1) (fm) “General municipal employee” means a municipal employee who is not a public safety employee ~~or~~ a transit employee, or a frontline worker.

SECTION 2188. 111.70 (1) (n) of the statutes is amended to read:

111.70 (1) (n) “Referendum” means a proceeding conducted by the commission in which public safety employees or transit employees in a collective bargaining unit or municipal employees in a collective bargaining unit containing a frontline worker may cast a secret ballot on the question of authorizing a labor organization and the employer to continue a fair-share agreement.

SECTION 2189. 111.70 (1) (p) of the statutes is amended to read:

111.70 (1) (p) “Transit employee” means a municipal employee who is determined to be a transit employee under sub. (4) (bm) 1.

SECTION 2190. 111.70 (2) of the statutes is renumbered 111.70 (2) (a) and amended to read:

111.70 (2) (a) Municipal employees have the right of self-organization, and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Municipal

employees have the right to refrain from any and all such activities. A general municipal employee may not be covered by a fair-share agreement unless the general municipal employee is in a collective bargaining unit containing a frontline worker. Unless the general municipal employee is covered by a fair-share agreement, a general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee ~~or, a transit employee, however,~~ or a municipal employee in a collective bargaining unit containing a frontline worker may be covered by a fair-share agreement and be required to pay dues in the manner provided in ~~a~~ the fair-share agreement; a fair-share agreement ~~covering a public safety employee or a transit employee~~ must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor organization from the earnings of the employee affected by the fair-share agreement and to pay the amount deducted to the labor organization. A fair-share agreement ~~covering a public safety employee or transit employee~~ is subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30 percent of the employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible employees, it shall terminate. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any ~~public safety employee or transit~~ eligible municipal employee of the ~~municipal employer~~ in the bargaining unit involved, and such agreement is subject

to this duty of the commission. Any of the parties to such agreement or any ~~public safety employee or transit~~ municipal employee covered by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

SECTION 2191. 111.70 (2) (b) of the statutes is created to read:

111.70 (2) (b) General municipal employees who are not in a collective bargaining unit containing a frontline worker have the right to have their municipal employer consult with them, through a representative of their own choosing, with no intention of reaching an agreement, with respect to wages, hours, and conditions of employment. The right may be exercised either when the municipal employer proposes or implements policy changes affecting wages, hours, or conditions of employment or, if no policy changes are proposed or implemented, at least quarterly.

SECTION 2192. 111.70 (3) (a) 3. of the statutes is amended to read:

111.70 (3) (a) 3. To encourage or discourage a membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment; but the prohibition shall not apply to a fair-share agreement ~~that covers public safety employees or transit employees.~~

SECTION 2193. 111.70 (3) (a) 5. of the statutes is amended to read:

111.70 (3) (a) 5. To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours, and conditions of employment affecting public safety employees ~~or~~, transit employees, or municipal employees in a collective bargaining unit containing a frontline worker, including an agreement to arbitrate questions arising as to the meaning or application of the terms of a collective bargaining agreement or to accept the terms of such arbitration award, where previously the parties have agreed to accept such award as final and binding upon them or to violate any collective bargaining agreement affecting a

collective bargaining unit containing only general municipal employees, that was previously agreed upon by the parties with respect to wages.

SECTION 2194. 111.70 (3) (a) 6. of the statutes is amended to read:

111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public safety employee ~~or~~, a transit employee, or a municipal employee who is in a collective bargaining unit containing a frontline worker unless the municipal employer has been presented with an individual order therefor, signed by the employee personally, and terminable by at least the end of any year of its life or earlier by the ~~public safety employee or transit~~ municipal employee giving at least 30 days' written notice of such termination to the municipal employer and to the representative organization, except when a fair-share agreement is in effect.

SECTION 2195. 111.70 (3) (a) 9. of the statutes is amended to read:

111.70 (3) (a) 9. If the collective bargaining unit contains a public safety employee ~~or~~, transit employee, or frontline worker, after a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any fair-share agreement in the expired collective bargaining agreement.

SECTION 2196. 111.70 (3g) of the statutes is amended to read:

111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not deduct labor organization dues from the earnings of a general municipal employee, unless the general municipal employee is in a collective bargaining unit that contains a frontline worker, or from the earnings of a supervisor.

SECTION 2197. 111.70 (4) (bm) (title) of the statutes is amended to read:

111.70 (4) (bm) (title) *Transit employee or frontline worker determination.*

SECTION 2198. 111.70 (4) (bm) of the statutes is renumbered 111.70 (4) (bm) 1.

SECTION 2199. 111.70 (4) (bm) 2. of the statutes is created to read:

111.70 (4) (bm) 2. The commission shall determine that a municipal employee is a frontline worker if the commission finds that the municipal employee has regular job duties that include interacting with members of the public or with large populations of people or that directly involve the maintenance of public works. The commission may not determine that a public safety employee or a transit employee is a frontline worker.

SECTION 2200. 111.70 (4) (cg) (title), 1., 2., 3., 4. and 5. of the statutes are amended to read:

111.70 (4) (cg) (title) *Methods for peaceful settlement of disputes; transit employees and municipal employees in a collective bargaining unit containing a frontline worker.* 1. 'Notice of commencement of contract negotiations.' To advise the commission of the commencement of contract negotiations involving a collective bargaining unit containing transit employees or a collective bargaining unit containing a frontline worker, whenever either party requests the other to reopen negotiations under a binding collective bargaining agreement, or the parties otherwise commence negotiations if no collective bargaining agreement exists, the party requesting negotiations shall immediately notify the commission in writing. Upon failure of the requesting party to provide notice, the other party may provide notice to the commission. The notice shall specify the expiration date of the existing collective bargaining agreement, if any, and shall provide any additional information the commission may require on a form provided by the commission.

2. 'Presentation of initial proposals; open meetings.' The meetings between parties to a collective bargaining agreement or proposed collective bargaining agreement under this subchapter that involve a collective bargaining unit

containing a transit employee or a frontline worker and that are held to present initial bargaining proposals, along with supporting rationale, are open to the public. Each party shall submit its initial bargaining proposals to the other party in writing. Failure to comply with this subdivision does not invalidate a collective bargaining agreement under this subchapter.

3. 'Mediation.' The commission or its designee shall function as mediator in labor disputes involving transit employees or municipal employees in a collective bargaining unit containing a frontline worker upon request of one or both of the parties, or upon initiation of the commission. The function of the mediator is to encourage voluntary settlement by the parties. No mediator has the power of compulsion.

4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a transit employee or a frontline worker may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial, and disinterested person to serve as an arbitrator.

5. 'Voluntary impasse resolution procedures.' In addition to the other impasse resolution procedures provided in this paragraph, a municipal employer that employs a transit employee or a municipal employee in a collective bargaining unit containing a frontline worker and a labor organization may at any time, as a permissive subject of bargaining, agree in writing to a dispute settlement procedure, including binding interest arbitration, which is acceptable to the parties for resolving an impasse over terms of any collective bargaining agreement under this subchapter. The parties shall file a copy of the agreement with the commission. If

the parties agree to any form of binding interest arbitration, the arbitrator shall give weight to the factors enumerated under subds. 7. and 7g.

SECTION 2201. 111.70 (4) (cg) 6. a. of the statutes is amended to read:

111.70 (4) (cg) 6. a. If, in any collective bargaining unit containing transit employees or a frontline worker, a dispute has not been settled after a reasonable period of negotiation and after mediation by the commission under subd. 3. and other settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them over wages, hours, or conditions of employment to be included in a new collective bargaining agreement, either party, or the parties jointly, may petition the commission, in writing, to initiate compulsory, final, and binding arbitration, as provided in this paragraph. At the time the petition is filed, the petitioning party shall submit in writing to the other party and the commission its preliminary final offer containing its latest proposals on all issues in dispute. Within 14 calendar days after the date of that submission, the other party shall submit in writing its preliminary final offer on all disputed issues to the petitioning party and the commission. If a petition is filed jointly, both parties shall exchange their preliminary final offers in writing and submit copies to the commission when the petition is filed.

SECTION 2202. 111.70 (4) (cg) 7r. d., e. and f. of the statutes are amended to read:

111.70 (4) (cg) 7r. d. Comparison of wages, hours, and conditions of employment of the ~~transit~~ municipal employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees performing similar services.

e. Comparison of the wages, hours, and conditions of employment of the ~~transit~~ municipal employees involved in the arbitration proceedings with the wages, hours,

and conditions of employment of other employees generally in public employment in the same community and in comparable communities.

f. Comparison of the wages, hours, and conditions of employment of the ~~transit~~ municipal employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees in private employment in the same community and in comparable communities.

SECTION 2203. 111.70 (4) (cg) 7r. h. of the statutes is amended to read:

111.70 (4) (cg) 7r. h. The overall compensation presently received by the ~~transit~~ municipal employees involved in the arbitration proceedings, including direct wage compensation, vacation, holidays, and excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

SECTION 2204. 111.70 (4) (cg) 8m. of the statutes is amended to read:

111.70 (4) (cg) 8m. 'Term of agreement; reopening of negotiations.' Except for the initial collective bargaining agreement between the parties and except as the parties otherwise agree, every collective bargaining agreement covering transit employees or a frontline worker shall be for a term of 2 years, but in no case may a collective bargaining agreement for any collective bargaining unit ~~consisting of transit employees~~ subject to this paragraph be for a term exceeding 3 years. No arbitration award involving transit employees or a frontline worker may contain a provision for reopening of negotiations during the term of a collective bargaining agreement, unless both parties agree to such a provision. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or

administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 2205. 111.70 (4) (d) 1. of the statutes is amended to read:

111.70 (4) (d) 1. A representative chosen for the purposes of collective bargaining by a majority of the ~~public safety employees or transit~~ municipal employees voting in a collective bargaining unit shall be the exclusive representative of all employees in the unit for the purpose of collective bargaining. ~~A representative chosen for the purposes of collective bargaining by at least 51 percent of the general municipal employees in a collective bargaining unit shall be the exclusive representative of all employees in the unit for the purpose of collective bargaining.~~ Any individual employee, or any minority group of employees in any collective bargaining unit, shall have the right to present grievances to the municipal employer in person or through representatives of their own choosing, and the municipal employer shall confer with the employee in relation thereto, if the majority representative has been afforded the opportunity to be present at the conferences. Any adjustment resulting from these conferences may not be inconsistent with the conditions of employment established by the majority representative and the municipal employer.

SECTION 2206. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 (4) (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal workforce. The commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational

groupings constitute a collective bargaining unit. Before making its determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether they desire to be established as a separate collective bargaining unit. The commission may not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. ~~The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees, if the group includes both transit employees and general municipal employees, or if the group includes both transit employees and public safety employees~~ place public safety employees in a collective bargaining unit with employees who are not public safety employees or place transit employees in a collective bargaining unit with employees who are not transit employees. The commission may place frontline workers in a collective bargaining unit with municipal employees who are not frontline workers if the commission determines it is appropriate; if the commission places in a collective bargaining unit frontline workers and municipal employees who are not frontline workers, the collective bargaining unit is treated as if all employees in the collective bargaining unit are frontline workers. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the

craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30 percent of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit.

SECTION 2207. 111.70 (4) (d) 3. a. and c. of the statutes are consolidated and renumbered 111.70 (4) (d) 3.

SECTION 2208. 111.70 (4) (d) 3. b. of the statutes is repealed.

SECTION 2209. 111.70 (4) (mb) (intro.) of the statutes is amended to read:

111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.* (intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing ~~a~~ only general municipal employee employees with respect to any of the following:

SECTION 2210. 111.70 (4) (mbb) of the statutes is amended to read:

111.70 (4) (mbb) *Consumer price index change.* For purposes of determining compliance with par. (mb), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing ~~a~~ only general municipal employee employees, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

SECTION 2211. 111.70 (4) (p) of the statutes is amended to read:

111.70 (4) (p) *Permissive subjects of collective bargaining; public safety ~~and employees, transit employees, and municipal employees in a collective bargaining~~*

unit containing a frontline worker. A municipal employer is not required to bargain with public safety employees ~~or~~, transit employees, or municipal employees in a collective bargaining unit containing a frontline worker on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the public safety employees ~~or~~ in a collective bargaining unit, of the transit employees in a collective bargaining unit, or of the municipal employees in the collective bargaining unit containing a frontline worker, whichever is appropriate.

SECTION 2212. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

111.70 (7m) (c) 1. a. Any labor organization that represents public safety employees ~~or~~, transit employees, or a frontline worker which violates sub. (4) (L) may not collect any dues under a collective bargaining agreement or under a fair-share agreement from any employee covered by either agreement for a period of one year. At the end of the period of suspension, any such agreement shall be reinstated unless the labor organization is no longer authorized to represent the ~~public safety employees or transit~~ municipal employees covered by the collective bargaining agreement or fair-share agreement or the agreement is no longer in effect.

SECTION 2213. 111.81 (1) of the statutes is renumbered 111.81 (1s) and amended to read:

111.81 (1s) “Collective bargaining” means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect to~~ for public safety employees, with respect to the subjects of bargaining provided in s. 111.91 (1w) for employees in a collective bargaining unit containing a frontline

worker, and with respect to the subjects of bargaining provided in s. 111.91 (3), ~~with respect to~~ for general employees who are in a collective bargaining unit that does not contain a frontline worker, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

SECTION 2214. 111.81 (1d) of the statutes is created to read:

111.81 (1d) “Authority” means a body created under subch. II of ch. 114 or ch. 231, 232, 233, 234, 237, 238, or 279.

SECTION 2215. 111.81 (7) (ag) of the statutes is created to read:

111.81 (7) (ag) An employee of an authority.

SECTION 2216. 111.81 (8) of the statutes is amended to read:

111.81 (8) “Employer” means the state of Wisconsin and includes an authority.

SECTION 2217. 111.81 (9) of the statutes is amended to read:

111.81 (9) “Fair-share agreement” means an agreement between the employer and a labor organization representing public safety employees or a frontline worker under which all of the public safety employees in the collective bargaining unit or all of the employees in a collective bargaining unit containing a frontline worker are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 2218. 111.81 (9b) of the statutes is created to read:

111.81 (9b) “Frontline worker” means an employee who is determined to be a frontline worker under s. 111.817.

SECTION 2219. 111.81 (9g) of the statutes is amended to read:

111.81 (9g) “General employee” means an employee who is not a public safety employee or a frontline worker.

SECTION 2220. 111.81 (12) (intro.) of the statutes is amended to read:

111.81 (12) (intro.) “Labor organization” means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters that are subject to collective bargaining under s. 111.91 (1), (1w), or (3), whichever is applicable; but the term shall not include any organization:

SECTION 2221. 111.81 (12m) of the statutes is amended to read:

111.81 (12m) “Maintenance of membership agreement” means an agreement between the employer and a labor organization representing public safety employees or a frontline worker which requires that all of the public safety employees or employees who are in a collective bargaining unit containing a frontline worker whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement, and that dues shall be deducted from the earnings of all ~~public safety~~ such employees who are hired on or after the effective date of the agreement.

SECTION 2222. 111.81 (16) of the statutes is amended to read:

111.81 (16) “Referendum” means a proceeding conducted by the commission in which public safety employees in a collective bargaining unit or all employees in a collective bargaining unit containing a frontline worker may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share or maintenance of membership agreement or to terminate such an agreement.

SECTION 2223. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The division shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the division shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1r) and (1t), the division is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern and with operating authorities on matters of authority concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the division that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is responsible for the employer functions under this subchapter.

SECTION 2224. 111.817 of the statutes is created to read:

111.817 Duty of commission; determination of frontline workers. The commission shall determine that an employee is a frontline worker if the commission

finds that the employee has regular job duties that include interacting with members of the public or with large populations of people or that directly involve the maintenance of public works. The commission may not determine that a public safety employee is a frontline worker.

SECTION 2225. 111.82 of the statutes is renumbered 111.82 (1) and amended to read:

111.82 (1) Employees have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees also have the right to refrain from any or all of such activities. A general employee may not be covered by a fair-share agreement unless the general employee is in a collective bargaining unit containing a frontline worker. Unless the general employee is covered by a fair-share agreement, a general employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit.

SECTION 2226. 111.82 (2) of the statutes is created to read:

111.82 (2) General employees who are not in a collective bargaining unit containing a frontline worker have the right to have their employer consult with them, through a representative of their own choosing, with no intention of reaching an agreement, with respect to wages, hours, and conditions of employment. The right may be exercised either when the employer proposes or implements policy changes affecting wages, hours, or conditions of employment or, if no policy changes are proposed or implemented, at least quarterly.

SECTION 2227. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state and for employees of authorities are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 2228. 111.825 (3) of the statutes is amended to read:

111.825 (3) The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), (1r), (1t), and (2). The commission may place frontline workers in a collective bargaining unit with employees who are not frontline workers if the commission determines it is appropriate; if the commission places in a collective bargaining unit frontline workers and employees who are not frontline workers, the collective bargaining unit is treated as if all employees in the collective bargaining unit are frontline workers and may bargain as provided in s. 111.91 (1w).

SECTION 2229. 111.825 (5) of the statutes is amended to read:

111.825 (5) Although supervisors are not considered employees for purposes of this subchapter, the commission may consider a petition for a statewide collective bargaining unit of professional supervisors or a statewide unit of nonprofessional supervisors in the classified service, but the representative of supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. The certified representative of supervisors who are not public safety employees or frontline workers may not bargain collectively with respect to any matter other than

wages as provided in s. 111.91 (3), and the certified representative of supervisors who are public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (1), and the certified representative of supervisors who are frontline workers may bargain as provided in s. 111.91 (1w).

SECTION 2230. 111.83 (1) of the statutes is amended to read:

111.83 (1) Except as provided in sub. (5), a ~~representative chosen for the purposes of collective bargaining by at least 51 percent of the general employees in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining.~~ A representative chosen for the purposes of collective bargaining by a majority of the public safety employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the employer in person, or through representatives of their own choosing, and the employer shall confer with the employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

SECTION 2231. 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

SECTION 2232. 111.83 (3) (b) of the statutes is repealed.

SECTION 2233. 111.83 (4) of the statutes is amended to read:

111.83 (4) Whenever an election has been conducted under sub. (3) ~~(a)~~ in which the name of more than one proposed representative appears on the ballot and results

in no conclusion, the commission may, if requested by any party to the proceeding within 30 days from the date of the certification of the results of the election, conduct a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election. The commission shall drop from the ballot the privilege of voting against any representative if the least number of votes cast at the first election was against representation by any named representative.

SECTION 2234. 111.84 (1) (d) of the statutes is amended to read:

111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91 (1), (1w), or (3), whichever is appropriate, with a representative of a majority of its employees in an appropriate collective bargaining unit. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. It is not deemed to have refused to bargain until an election has been held and the results thereof certified to it by the commission. A violation of this paragraph includes, but is not limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 2235. 111.84 (1) (f) of the statutes is amended to read:

111.84 (1) (f) To deduct labor organization dues from the earnings of a public safety employee or an employee who is in a collective bargaining unit containing a frontline worker, unless the employer has been presented with an individual order therefor, signed by the ~~public safety~~ employee personally, and terminable by at least the end of any year of its life or earlier by the ~~public safety~~ employee giving at least 30 but not more than 120 days' written notice of such termination to the employer

and to the representative labor organization, except if there is a fair-share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 2236. 111.84 (2) (c) of the statutes is amended to read:

111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1), (1w), or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) or (ag) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (ar) to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 2237. 111.85 (1) of the statutes is amended to read:

111.85 (1) (a) No fair-share or maintenance of membership agreement ~~covering public safety employees under this subchapter~~ may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30 percent of the public safety employees in a collective bargaining unit or at least 30 percent of the employees in a collective bargaining unit containing a frontline worker desire that a fair-share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

(b) For a fair-share agreement to be authorized, at least two-thirds of the eligible public safety employees voting in a referendum shall vote in favor of the agreement or at least two-thirds of the employees in a collective bargaining unit containing a frontline worker shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible public safety employees voting in a referendum shall vote in favor of the agreement or at least a majority of the employees in a collective bargaining unit containing a frontline worker shall vote in favor of the agreement. In a referendum on a fair-share agreement, if less than two-thirds but more than one-half of the eligible public safety employees vote in favor of the agreement, a maintenance of membership agreement is authorized.

(c) If a fair-share or maintenance of membership agreement is authorized in a referendum ordered under par. (a), the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the ~~public safety~~ employees affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, the agreement shall take effect 60 days after certification by the commission that the referendum vote authorized the agreement. The employer shall be held harmless against any claims, demands, suits and other forms of liability made by ~~public safety~~ the employees affected by the agreement or by local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits, and other forms

of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair-share or maintenance of membership agreement, ~~a public safety~~ an employee affected by the agreement who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the ~~public safety~~ employee and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

SECTION 2238. 111.85 (2) of the statutes is amended to read:

111.85 (2) (a) Once authorized under sub. (1), a fair-share or maintenance of membership agreement ~~covering public safety employees~~ shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such petition must be supported by proof that at least 30 percent of the public safety employees in the collective bargaining unit or at least 30 percent of the employees in a collective bargaining unit containing a frontline worker desire that the fair-share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share or maintenance of membership agreement is approved in the referendum by at least the percentage of eligible voting ~~public safety~~ employees required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it is ~~deemed terminated~~ terminates at the termination of the collective bargaining agreement, or

one year from the date of the certification of the result of the referendum, whichever is earlier.

(b) The commission shall declare any fair-share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation or creed to receive as a member any ~~public safety~~ employee in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any ~~public safety~~ employee covered thereby, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

SECTION 2239. 111.85 (4) of the statutes is amended to read:

111.85 (4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency or authority whose ~~public safety~~ employees are entitled to vote in a referendum to conduct a referendum ~~provided for herein~~ under this section.

SECTION 2240. 111.86 (2) of the statutes is amended to read:

111.86 (2) The division shall charge a state department ~~or~~, agency, or authority the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employees of the state department ~~or~~, agency, or authority. Each state department ~~or~~, agency, or authority so charged shall pay the amount that the division charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. 20.505 (1) (ks).

SECTION 2241. 111.88 (1) of the statutes is amended to read:

111.88 (1) If a dispute has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, the representative which has been certified by the commission after an election, or, in the case of a representative of employees specified in s. 111.81 (7) (a) or (ag), has been duly recognized by the employer, as the exclusive representative of employees in an appropriate collective bargaining unit, and the employer, its officers and agents, after a reasonable period of negotiation, are deadlocked with respect to any dispute between them arising in the collective bargaining process, the parties jointly, may petition the commission, in writing, to initiate fact-finding under this section, and to make recommendations to resolve the deadlock.

SECTION 2242. 111.90 (1) of the statutes is amended to read:

111.90 (1) Carry out the statutory mandate and goals assigned to a state agency or authority by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible.

SECTION 2243. 111.90 (2) of the statutes is amended to read:

111.90 (2) Manage the employees of a state agency or authority; hire, promote, transfer, assign or retain employees in positions within the agency or authority; and in that regard establish reasonable work rules.

SECTION 2244. 111.91 (1w) of the statutes is created to read:

111.91 (1w) (a) Except as provided in pars. (b) and (c), with regard to a collective bargaining unit that contains at least one frontline worker, matters subject to collective bargaining to the point of impasse are wage rates, consistent with sub. (2), the assignment and reassignment of classifications to pay ranges, determination of an incumbent's pay status resulting from position reallocation or reclassification,

and pay adjustments upon temporary assignment of classified employees to duties of a higher classification or downward reallocations of a classified employee's position; fringe benefits consistent with sub. (2); hours and conditions of employment.

(b) With regard to a collective bargaining unit that contains at least one frontline worker, the employer is not required to bargain on management rights under s. 111.90, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of bargaining.

(c) The employer is prohibited from bargaining on matters contained in sub. (2) with a collective bargaining unit that contains at least one frontline worker.

SECTION 2245. 111.91 (2) (intro.) of the statutes is amended to read:

111.91 (2) (intro.) The employer is prohibited from bargaining with a collective bargaining unit under s. 111.825 (1) (g) or with a collective bargaining unit that contains a frontline worker with respect to all of the following:

SECTION 2246. 111.91 (3) (intro.) of the statutes is amended to read:

111.91 (3) (intro.) The employer is prohibited from bargaining with a collective bargaining unit containing ~~a~~ only general employee employees with respect to any of the following:

SECTION 2247. 111.91 (3q) of the statutes is amended to read:

111.91 (3q) For purposes of determining compliance with sub. (3), the commission shall provide, upon request, to the employer or to any representative of a collective bargaining unit containing ~~a~~ only general employee employees, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

SECTION 2248. 111.91 (4) of the statutes is amended to read:

111.91 (4) The administrator of the division, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employees or supervisors of employees specified in s. 111.81 (7) (a) or (ag) and with each certified labor organization representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any provision for the payment to any employee of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employee has been employed by the state.

SECTION 2249. 111.92 (3) (a) of the statutes is amended to read:

111.92 (3) (a) Agreements covering a collective bargaining unit specified under s. 111.825 (1) (g) or a collective bargaining unit containing a frontline worker shall coincide with the fiscal year or biennium.

SECTION 2250. 111.92 (3) (b) of the statutes is amended to read:

111.92 (3) (b) No agreements covering a collective bargaining unit containing ~~a~~ only general employee employees may be for a period that exceeds one year, and each agreement must coincide with the fiscal year. Agreements covering a collective bargaining unit containing ~~a~~ only general employee employees may not be extended.

SECTION 2251. 111.93 (3) (a) of the statutes is amended to read:

111.93 (3) (a) If a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit under s. 111.825 (1) (g) or in a collective bargaining unit containing a frontline worker, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, ~~as well as~~ rules and policies of the University

of Wisconsin-Madison and the board of regents of the University of Wisconsin System, and policies or determinations of an authority, that are related to wages, fringe benefits, hours, and conditions of employment, whether or not the matters contained in those statutes, rules, and policies, and determinations are set forth in the collective bargaining agreement.

SECTION 2252. 111.93 (3) (b) of the statutes is amended to read:

111.93 (3) (b) If a collective bargaining agreement exists between the employer and a labor organization representing only general employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

SECTION 2253. 118.22 (4) of the statutes is created to read:

118.22 (4) A collective bargaining agreement under subch. IV of ch. 111 may modify, waive, or replace any of the provisions of this section as they apply to teachers in the collective bargaining unit, but neither the employer nor the bargaining agent for the employees is required to bargain such modification, waiver, or replacement.

SECTION 2254. 118.245 (1) of the statutes is amended to read:

118.245 (1) If a school board wishes to increase the total base wages of its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The

referendum shall occur in April for collective bargaining agreements that begin in July of that year. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

SECTION 2255. 118.42 (3) (a) 4. of the statutes is amended to read:

118.42 (3) (a) 4. Implement changes in administrative and personnel structures that are consistent with applicable collective bargaining agreements under subch. IV of ch. 111.

SECTION 2256. 118.42 (5) of the statutes is amended to read:

118.42 (5) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and school district employees under federal or state law or under the terms of any applicable collective bargaining agreement under subch. IV of ch. 111.

SECTION 2257. 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. This subsection does not eliminate a school district's duty under subch. IV of ch. 111 to bargain with its employees' collective bargaining representative over any calendaring proposal which is primarily related to wages, hours, or conditions of employment.

SECTION 2258. 120.18 (1) (gm) of the statutes is amended to read:

120.18 (1) (gm) Payroll and related benefit costs for all school district employees in the previous school year. ~~Payroll costs~~ Costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a

collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees, increased costs of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees limited to the lower of the school district's offer or the representative's offer. The school district shall amend the annual report to reflect any change in such costs as a result of any collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.

SECTION 2259. 230.10 (2) of the statutes is amended to read:

230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employee salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or (ag) or certified to represent employees specified in s. 111.81 (7) (ar) to (f) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s. 230.12 and salary

and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the unit.

SECTION 9351. Initial applicability; Other.

(1) COLLECTIVE BARGAINING; EMPLOYEE RIGHTS. The treatment of ss. 20.425 (1) (i), 20.505 (1) (ks), 20.921 (1) (a) 2., 40.51 (7) (a), 46.2895 (8) (a) 1., 109.03 (1) (b), 111.70 (1) (a), (f), (fd), (fm), (n), and (p), (3) (a) 3., 5., 6., and 9., (3g), (4) (bm) (title), (cg) (title), 1., 2., 3., 4., 5., 6. a., 7r. d., e., f., and h., and 8m., (d) 1., 2. a., and 3. a., b., and c., (mb) (intro.), (mbb), and (p), and (7m) (c) 1. a., 111.81 (1), (1d), (7) (ag), (8), (9), (9b), (9g), (12) (intro.), (12m), and (16), 111.815 (1), 111.817, 111.825 (1) (intro.), (3), and (5), 111.83 (1), (3) (a) and (b), and (4), 111.84 (1) (d) and (f) and (2) (c), 111.85 (1), (2), and (4), 111.86 (2), 111.88 (1), 111.90 (1) and (2), 111.91 (1w), (2) (intro.), (3) (intro.), (3q), and (4), 111.92 (3) (a) and (b), 111.93 (3) (a) and (b), 118.22 (4), 118.245 (1), 118.42 (3) (a) 4. and (5), 120.12 (15), 120.18 (1) (gm), and 230.10 (2), the renumbering of s. 111.70 (4) (bm), the renumbering and amendment of ss. 111.70 (2) and 111.82, and the creation of ss. 111.70 (2) (b) and (4) (bm) 2. and 111.82 (2) first apply to employees who are covered by a collective bargaining agreement under ch. 111 that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1400/P1
SWB:cdc

DOA:.....Sherwin, BB0317 - Local government: just cause review

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Local government civil service system and grievance procedure requirements

This bill modifies the requirements for any grievance system established by local governmental units, including adding a requirement for any civil service system or grievance procedure to include a just cause standard of review for employee terminations. Under current law, a local governmental unit that did not have a civil service system before June 29, 2011, must have established a grievance system. In order to comply with the requirement to have established a grievance system, a local governmental unit may establish either 1) a civil service system under any provision authorized by law, to the greatest extent practicable, if no specific provision for creation of a civil service system applies to the governmental unit; or 2) a grievance procedure as set forth in the statutes. Current law requires that any civil service system established or grievance procedure created must contain a grievance procedure that addresses employee terminations, employee discipline, and workplace safety. The bill does not eliminate the requirement for these provisions, but instead adds a requirement for a provision relating to a just cause standard of review for employee terminations, including a refusal to renew a teaching contract.

Current law also requires that if a local governmental unit creates a grievance procedure, the procedure must contain certain elements, including a written

document specifying the process that a grievant and an employer must follow; a hearing before an impartial hearing officer; and an appeal process in which the highest level of appeal is the governing body of the local governmental unit. The bill provides that the hearing officer must be from the Wisconsin Employment Relations Commission, and adds two additional required elements in the grievance procedure: 1) a provision indicating the grievant is entitled to representation throughout the grievance process; and 2) a provision indicating that the employer must bear all fees and costs related to the grievance process, except the grievant's representational fees and costs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2260. 66.0509 (1m) (c) 1. of the statutes is amended to read:

66.0509 (1m) (c) 1. A grievance procedure that addresses employee terminations, employee discipline, and workplace safety.

SECTION 2261. 66.0509 (1m) (c) 2. of the statutes is repealed and recreated to read:

66.0509 (1m) (c) 2. A just cause standard of review for employee terminations, including a refusal to renew a teaching contract under s. 118.22.

SECTION 2262. 66.0509 (1m) (c) 3. of the statutes is repealed.

SECTION 2263. 66.0509 (1m) (d) 2. of the statutes is amended to read:

66.0509 (1m) (d) 2. A hearing before an impartial hearing officer from the employment relations commission.

SECTION 2264. 66.0509 (1m) (d) 4. and 5. of the statutes are created to read:

66.0509 (1m) (d) 4. A provision indicating that the grievant shall be entitled to representation throughout the grievance process.

5. A provision indicating that the employer shall bear all fees and costs associated with the grievance process, except for the grievant's representational fees and costs.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1402/P2
EVM&MIM:wlj

DOA:.....Kirschbaum, BB0311 - Local employment regulations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Local employment regulations

This bill repeals the preemptions of local governments from enacting or enforcing ordinances related to the following:

1. Regulations related to wage claims and collections.
2. Regulation of employee hours and overtime, including scheduling of employee work hours or shifts.
3. The employment benefits an employer may be required to provide to its employees.
4. An employer's right to solicit information regarding the salary history of prospective employees.
5. Regulations related to minimum wage.
6. Occupational licensing requirements that are more stringent than a state requirement.

Certain state and local employment regulations

The bill repeals the following:

1. The prohibition of the state and local governments from requiring any person to waive the person's rights under state or federal labor laws as a condition of any approval by the state or local government.

2. A provision under which neither the state nor a local government may enact a statute or ordinance, adopt a policy or regulation, or impose a contract, zoning, permitting, or licensing requirement, or any other condition, that would require any person to accept any provision that is a subject of collective bargaining under state labor laws or the federal National Labor Relations Act.

EMPLOYMENT

State and local employment regulations; repeal preemption of local employment regulations

This bill repeals certain preemptions and prohibitions of local governments and the state from enacting or enforcing ordinances related to various employment matters. *See Local Government.*

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2265. 66.0134 of the statutes is repealed.

SECTION 2266. 66.0408 (2) (d) of the statutes is repealed.

SECTION 2267. 103.007 of the statutes is repealed.

SECTION 2268. 103.12 of the statutes is repealed.

SECTION 2269. 104.001 (3) of the statutes is created to read:

104.001 (3) This section does not affect an ordinance that, subject to s. 66.0903, requires an employee of a city, village, town, or county, an employee who performs work under a contract for the provision of services to a city, village, town, or county, or an employee who performs work that is funded by financial assistance from a city, village, town, or county to be paid at a minimum wage rate specified in the ordinance.

SECTION 2270. 109.09 (3) of the statutes is repealed.

SECTION 2271. 947.21 of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1403/P1
EVM:amn

DOA:.....Kirschbaum, BB0312 - Project labor agreements

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Project labor agreements

Under current law, the state and local units of government are prohibited from engaging in certain practices in letting bids for state procurement or public works contracts. Among these prohibitions, as established by 2017 Wisconsin Act 3, the state and local governments may not do any of the following in specifications for bids for the contracts: 1) require that a bidder enter into an agreement with a labor organization; 2) consider, when awarding a contract, whether a bidder has or has not entered into an agreement with a labor organization; or 3) require that a bidder enter into an agreement that requires that the bidder or bidder's employees become or remain members of a labor organization or pay any dues or fees to a labor organization. This bill repeals these limitations related to labor organizations.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2272. 16.75 (1p) of the statutes is repealed.

SECTION 2273. 16.855 (1p) of the statutes is repealed.

SECTION 2274. 66.0901 (1) (ae) of the statutes is repealed.

SECTION 2275. 66.0901 (1) (am) of the statutes is repealed.

SECTION 2276. 66.0901 (6) of the statutes is amended to read:

66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public contracts for the construction, repair, remodeling or improvement of a public building or structure, other than highway structures and facilities, a municipality may bid projects based on a single or multiple division of the work. Public contracts shall be awarded according to the division of work selected for bidding. ~~Except as provided in sub. (6m),~~ the The municipality may set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character and classification of workers to be employed by any contractor, classify contractors as to their financial responsibility, competency and ability to perform work and set up a classified list of contractors. The municipality may reject the bid of any person, if the person has not been classified for the kind or amount of work in the bid.

SECTION 2277. 66.0901 (6m) of the statutes is repealed.

SECTION 2278. 66.0901 (6s) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1413/P1
ZDW:amn

DOA:.....Bork, BB0318 - Tribal nation welcome signs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

Tribal nation welcome signs

This bill authorizes a federally recognized American Indian tribe or band in this state to erect and maintain within the right-of-way of any highway within the boundaries of an Indian reservation or other land held in trust for the tribe or band a tribal nation welcome sign. Under the bill, "tribal nation welcome sign" means an official sign erected and maintained by a federally recognized American Indian tribe or band in this state that the tribe determines is necessary to inform motorists of the territorial boundaries of tribal reservation and trust lands. The bill provides that welcome signs may not be erected within the right-of-way of an interstate highway and are not subject to the Wisconsin manual on traffic control devices adopted by DOT.

Under current law generally, no sign may be placed within the limits of any street or highway except as necessary for the guidance or warning of traffic, the safeguard of children at play, or to indicate the presence of a neighborhood watch

program. This prohibition does not apply to directional and other official signs or to municipal welcome signs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2279. 86.19 (1) of the statutes is amended to read:

86.19 (1) Except as provided in sub. (1m), (1n), ~~or (1o)~~, or (1p) or s. 84.01 (30) (g), no sign shall be placed within the limits of any street or highway except such as are necessary for the guidance or warning of traffic or as provided by ss. 60.23 (17m) and 66.0429. The authorities charged with the maintenance of streets or highways shall cause the removal therefrom and the disposal of all other signs.

SECTION 2280. 86.19 (1p) of the statutes is created to read:

86.19 (1p) (a) In this subsection, “tribal nation welcome sign” means an official sign erected and maintained by a federally recognized American Indian tribe or band in this state that the tribe or band determines is necessary to inform motorists of the territorial boundaries of the Indian reservation or other land held in trust for the tribe or band.

(b) A federally recognized American Indian tribe or band in this state may erect and maintain within the right-of-way of any highway within the boundaries of an Indian reservation or other land held in trust for the tribe or band a tribal nation welcome sign. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways. A sign placed under this subsection is not a traffic control device and is not subject to the provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02 (4) (e).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1426/P2
ZDW:skw&emw

DOA:.....Vencill, BB0319 - Free parks admission for fourth graders

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Free admission to state parks for 4th graders

Under current law, no person may operate a vehicle in any state park or in certain other recreational areas on state land unless the vehicle displays a vehicle admission receipt. This bill requires DNR to waive the fee for an annual vehicle admission receipt issued to the parent or guardian of a pupil receiving a 4th grade level of instruction. A parent or guardian of a qualifying pupil may apply to DNR for the waiver by submitting required certifications. A parent or guardian may receive the waiver only once in his or her lifetime and DNR may issue a waiver only once for a household.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2281. 20.370 (1) (ed) of the statutes is created to read:

20.370 (1) (ed) *Parks - admission receipt fee waivers*. From the general fund, a sum sufficient equal to the amount of the annual vehicle admission receipt fees waived under s. 27.01 (9) (bg), for the operation of state parks.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2282. 27.01 (9) (bg) of the statutes is created to read:

27.01 (9) (bg) *Annual 4th grade pass*. 1. In this paragraph:

a. “Fourth grade pupil” means a child receiving a 4th grade level of instruction in a school or a home-based private educational program, as defined in s. 115.001 (3g).

b. “Guardian” has the meaning given in s. 48.02 (8).

c. “Parent” has the meaning given in s. 48.02 (13).

2. The parent or guardian of a child may apply for an annual vehicle admission receipt fee waiver by submitting an application to the department. An application may not be submitted to a regional office of the department or to a person who is subject to an appointment or a contract as authorized under s. 29.024 (6) (a) 2. to 4. but must be submitted directly to the main office of the department. An application shall be submitted on a form provided by the department and shall include all of the following information:

a. The child’s name.

b. The child’s date of birth.

c. The name of the school the child is or will be attending or a certification that the child is in a home-based private educational program, as defined in s. 115.001 (3g).

d. A certification that the child is, was, or will be a 4th grade pupil on the first day of January of the calendar year for which the waiver is issued. This certification may be satisfied with dated report cards, dated and signed enrollment forms, a dated letter from the child's school on official letterhead, or any other proof deemed acceptable by the department.

3. Subject to subd. 4., the department shall provide to an individual whose application submitted under subd. 2. is approved an annual vehicle admission receipt fee waiver that is valid for the calendar year in which the waiver is issued.

4. A parent or guardian may receive only one fee waiver under this paragraph in his or her lifetime. If a parent or guardian receives a fee waiver under this paragraph, the department may not issue a fee waiver under this paragraph for any other member of the parent's or guardian's household.

5. The department shall waive the fee, including the issuing fee, imposed under sub. (7) for an annual vehicle admission receipt for a single vehicle, except a motor bus, that has Wisconsin registration plates and that is operated by a person who holds a valid fee waiver issued under this paragraph.

SECTION 9432. Effective dates; Natural Resources.

(1) ANNUAL 4TH GRADE PASS. The treatment of s. 27.01 (9) (bg) takes effect on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1428/P1
ZDW:skw

DOA:.....Vencill, BB0324 - Water resources account lapse

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

GENERAL ENVIRONMENT

Water resources account lapse

This bill lapses, to the conservation fund in fiscal year 2023-24, \$350,000 from the DNR appropriation for river management activities for habitat and recreational projects and for environmental and resource management studies on the Mississippi and lower St. Croix rivers.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 9232. Fiscal changes; Natural Resources.**

1 (1) WATER RESOURCES ACCOUNT LAPSE. Notwithstanding s. 20.001 (3) (c), from the
2 appropriation account to the department of natural resources under s. 20.370 (7)
3 (fw), there is lapsed to the conservation fund \$350,000 in fiscal year 2023-24.

4 (END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1429/P1
EHS:emw

DOA:.....Vencill, BB0320 - Deer carcass disposal sites

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Deer carcass disposal sites

This bill requires DNR to provide financial assistance to local governments, individuals, businesses, and conservation organizations to purchase large metal containers for the disposal of deer carcasses.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2283. 20.370 (5) (fu) of the statutes is created to read:

20.370 (5) (fu) *Deer carcass disposal sites.* As a continuing appropriation, the amounts in the schedule to provide financial assistance under s. 29.063 (7).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2284. 29.063 (7) of the statutes is created to read:

29.063 (7) The department shall provide financial assistance to cities, villages, towns, and counties; individuals; businesses; and nonprofit conservation organizations for the purchase of large metal containers in which hunters may dispose of deer carcasses.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1430/P1
EHS:emw

DOA:.....Vencill, BB0323 - Stewardship administrative changes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Warren Knowles-Gaylord Nelson Stewardship 2000 program

Current law authorizes the state to incur public debt for certain conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 program, which is administered by DNR. The state may incur this debt to acquire land for the state for conservation purposes and for property development activities and may award grants to local governments and nonprofit organizations to acquire land for these purposes.

Under current law, generally, for any project or activity for which more than \$250,000 of stewardship moneys are proposed to be obligated, DNR must obtain written approval for the project or activity from JCF. The bill increases this threshold to \$500,000. The bill also eliminates the requirement that DNR obtain written approval for obligating stewardship moneys for any land acquisition located north of STH 64.

The bill also eliminates a requirement under current law that DNR provide a written directory of all stewardship land that is open for public access.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2285. 23.09165 (2) (ac) of the statutes is renumbered 23.09165 (2).

SECTION 2286. 23.09165 (2) (bc) of the statutes is repealed.

SECTION 2287. 23.0917 (6m) (c) of the statutes is amended to read:

23.0917 **(6m)** (c) The procedures under par. (a) apply only to an amount for a project or activity that exceeds ~~\$250,000~~ \$500,000, except as provided in pars. (d), (dg), and (dm), ~~and~~ (dr).

SECTION 2288. 23.0917 (6m) (dm) (intro.) and 1. of the statutes are amended to read:

23.0917 **(6m)** (dm) (intro.) The procedures under par. (a) apply to an amount for a project or activity that is less than or equal to ~~\$250,000~~ \$500,000 if all of the following apply:

1. The project or activity is so closely related to one or more other department projects or activities for which the department has proposed to obligate or has obligated moneys under s. 20.866 (2) (ta) that the projects or activities, if combined, would constitute a larger project or activity that exceeds ~~\$250,000~~ \$500,000.

SECTION 2289. 23.0917 (6m) (dr) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1436/P2
MJW:amn

DOA:.....Schmidt, BB0322 - Sexual Assault Victim Services Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Sexual assault victim services grants for the Wisconsin Coalition Against Sexual Assault

Under current law, DOJ administers a grant program to provide grants to organizations that provide services to victims of sexual assault. This bill requires that, in addition to the other grants under the program, DOJ must provide an annual grant of \$343,000 to the Wisconsin Coalition Against Sexual Assault. Under the bill, the Wisconsin Coalition Against Sexual Assault may also apply for additional grants under the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2290. 165.93 (2) (title) of the statutes is amended to read:

165.93 (2) (title) GRANTS BY APPLICATION.

SECTION 2291. 165.93 (2m) of the statutes is created to read:

165.93 (2m) GRANTS TO THE WISCONSIN COALITION AGAINST SEXUAL ASSAULT. In addition to the grants under sub. (2), from the appropriation under s. 20.455 (5) (e), the department shall provide a grant of \$343,000 annually to the Wisconsin Coalition Against Sexual Assault to provide services for sexual assault victims. The Wisconsin Coalition Against Sexual Assault may also apply for grants under sub. (2).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1439/P1
SWB:skw

DOA:.....Schmidt, BB0321 - Tobacco Settlement Agreement Arbitration

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Certain legal expenses related to the tobacco settlement agreement

This bill establishes an appropriation from which DOJ may expend moneys for its legal expenses related to participation in arbitration or other alternative dispute resolution processes arising from payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998. In 1998, numerous states and territories including Wisconsin agreed to a settlement with the major U.S. tobacco companies regarding dozens of state lawsuits brought to recover health care costs associated with treating smoking-related illnesses. Under the agreement, the state receives annual payments from U.S. tobacco product manufacturers in perpetuity.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2292. 20.455 (1) (hg) of the statutes is created to read:

20.455 (1) (hg) *Legal services; tobacco settlement agreement.* As a continuing appropriation, the amounts in the schedule for legal expenses as set forth under s. 165.14.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2293. 165.14 of the statutes is created to read:

165.14 Tobacco settlement. (1) In this section:

(a) "Department" means the department of justice.

(b) "Tobacco settlement agreement" means the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

(2) The department may expend moneys from the appropriation under s. 20.455 (1) (hg) for its legal expenses related to participation in arbitration or other alternative dispute resolution processes arising from payments under the tobacco settlement agreement.

(3) Annually, no later than September 1, the department shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution under s. 13.172 (2) that identifies its expenses that are attributable to participation in arbitration or other alternative dispute resolution processes arising from payments under the tobacco settlement agreement.

***NOTE: The date included for the deadline of the report is just a placeholder. Please let me know if you would like to change it.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1444/P1
MIM:cdc

DOA:.....Sherwin, BB0326 - Health Insurance Waiting Period

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

HEALTH INSURANCE COVERAGE

Waiting period for state employees

Under current law, most state employees, other than limited-term employees, may become covered under the state group health insurance plan on the first day of the first month after becoming employed with the state by filing an election within 30 days of being hired. However, most state employees are ineligible for an employer contribution towards the premiums for the health insurance for the first three months of employment. The bill changes the date to the first day of the second month for most state employees other than limited-term appointments hired on or after the effective date of the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2294. 40.05 (4) (a) 2. of the statutes is amended to read:

40.05 (4) (a) 2. For an insured employee who is an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the date on which the employee becomes insured. For an insured state employee who is currently employed, but who is not a limited term appointment under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the ~~3rd~~ 2nd month beginning after the date on which the employee begins employment with the state, not including any leave of absence. For an insured employee who has a limited term appointment under s. 230.26, the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the 7th month beginning after the date on which the employee first becomes a participating employee.

SECTION 9313. Initial applicability; Employee Trust Funds.

(1) EMPLOYER CONTRIBUTION FOR HEALTH INSURANCE PREMIUMS. The treatment of s. 40.05 (4) (a) 2. first applies to state employees hired on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1447/P1
MIM:kms

DOA:.....Sherwin, BB0328 - Paid Sick Leave for LTEs and Temporary UW
Employees

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

STATE EMPLOYMENT

Paid sick leave for limited term employees

Under current law, permanent and project state employees receive the following paid leave: vacation; personal holidays; sick leave; and legal holidays. This bill requires the state to provide paid sick leave to limited term employees of the state at the same rate as to permanent and project state employees.

The bill also requires the Board of Regents of the UW System to develop a plan for a program for paid sick leave for temporary employees of the system and requires the board to submit the plan to the administrator of the Division of Personnel Management in DOA with its compensation plan changes for the 2023-25 fiscal biennium.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2295. 230.26 (4) of the statutes is amended to read:

230.26 (4) Fringe benefits specifically authorized by statutes, with the exception of leave of absence with pay owing to sickness, deferred compensation plan participation under subch. VII of ch. 40, worker's compensation, unemployment insurance, group insurance, retirement, and social security coverage, shall be denied employees hired under this section. Such employees may not be considered permanent employees and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional processes.

SECTION 2296. 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the administrator, except that unused sick leave shall accumulate from year to year. Employees appointed under s. 230.26 (1) shall accrue leave of absence with pay owing to sickness at the same rate as permanent and project state employees, and such leave shall be prorated if the employee works less than full-time. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the administrator.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) PAID SICK LEAVE FOR TEMPORARY EMPLOYEES. The Board of Regents of the University of Wisconsin System shall submit to the administrator of the division of personnel management in the department of administration, with its recommendations for adjustments to compensation and employee benefits for employees of the system under s. 230.12 (3) (e) 1. for the 2023-25 fiscal biennium, a plan to provide paid sick leave benefits to temporary employees of the system. The plan shall provide sick leave benefits at the same rate such benefits are provided to permanent and project employees of the system.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1448/P2
FFK:emw&amn

DOA:.....Sherwin, BB0327 - Juneteenth State Holiday

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Juneteenth state holiday

This bill designates June 19, the day on which Juneteenth is celebrated, as a state holiday on which state offices are closed. Under current law, the offices of the agencies of state government are generally closed on Saturdays, Sundays, and a total of nine state holidays. The bill also requires the administrator of the Division of Personnel Management in DOA to include June 19 as a paid holiday for UW System employees in the proposal it submits to the Joint Committee on Employee Relations for compensation plan changes for the 2023-25 biennium.

Veterans Day state holiday

This bill designates November 11, the day on which Veterans Day is traditionally celebrated, as a state holiday on which state offices are closed. Under current law, the offices of the agencies of state government are generally closed on Saturdays, Sundays, and a total of nine state holidays. Additionally, under current law, state employees receive annually a total of 4.5 paid personal holidays, one of which is provided specifically in recognition of Veterans Day. Under the bill, state employees continue to receive 4.5 paid personal holidays. However, the bill removes the specification that one of the paid personal holidays is provided in recognition of Veterans Day.

In total, this bill increases the number of regular paid holidays state employees receive annually from nine days to 11 days.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2297. 230.35 (4) (a) 3m. of the statutes is created to read:

230.35 (4) (a) 3m. June 19.

SECTION 2298. 230.35 (4) (a) 5m. of the statutes is created to read:

230.35 (4) (a) 5m. November 11.

SECTION 2299. 230.35 (4) (a) 10. of the statutes is amended to read:

230.35 (4) (a) 10. The day following if January 1, June 19, July 4, November 11, or December 25 falls on Sunday.

SECTION 2300. 230.35 (4) (c) of the statutes is amended to read:

230.35 (4) (c) Except as provided in the compensation plan under s. 230.12, all employees except limited term employees shall receive ~~9~~ 11 paid holidays annually in addition to any other authorized paid leave, the time to be at the discretion of the appointing authorities.

SECTION 2301. 230.35 (4) (d) (intro.) of the statutes is amended to read:

230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c) and except as provided in the compensation plan under s. 230.12, all employees except limited term employees shall earn ~~3.5~~ 4.5 paid personal holidays each calendar year, ~~plus one additional paid personal holiday each calendar year in recognition of Veterans Day.~~ Eligibility to take the personal holidays during the year earned is subject to the following:

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) JUNETEENTH HOLIDAY. The administrator of the division of personnel management in the department of administration shall include June 19 as a paid holiday in the proposal for adjusting compensation and employee benefits for University of Wisconsin System employees for the 2023-24 and 2024-25 fiscal years that it submits to the joint committee on employee relations under s. 230.12 (3) (e) 1. The recommendation shall specify that the first June 19 paid holiday is the June 19 that occurs after the 2023-25 compensation plan is adopted by the joint committee on employee relations.

SECTION 9401. Effective dates; Administration.

(1) STATE HOLIDAYS; JUNETEENTH AND VETERANS DAY. The treatment of s. 230.35 (4) (a) 3m., 5m., and 10., (c), and (d) (intro.) takes effect on the January 1 after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1449/P1
FFK:skw

DOA:.....Sherwin, BB0329 - State Employee Vacation Hours

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

Vacation hours for state employees

This bill provides additional annual leave hours to state employees during their third, fourth, and fifth years of service.

Under current law, state employees who are in nonexempt status under the federal Fair Labor Standards Act earn annual leave at the rate of 104 hours per year of continuous service during the first five years of service and, on an employee's fifth anniversary of continuous service, the rate increase to 144 hours of annual leave per year of continuous service. Under the bill, beginning on the employee's second anniversary, a state employee in nonexempt status begins earning vacation hours at the rate of 120 hours per year of service.

Under current law, state employees who are in exempt status under the federal Fair Labor Standards Act earn annual vacation at the rate of 120 hours per year of continuous service during the first five years of service and, on the fifth anniversary of continuous service, the rate increase to 160 hours of annual leave per year of continuous service. Under the bill, beginning on the employee's second anniversary, a state employee in exempt status begins earning vacation hours at the rate of 136 hours per year of service.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2302. 230.35 (1) (a) 1. of the statutes is amended to read:

230.35 (1) (a) 1. One hundred four hours each year for a full year of service during the first ~~5~~ 2 years of service;

SECTION 2303. 230.35 (1) (a) 1m. of the statutes is created to read:

230.35 (1) (a) 1m. One hundred twenty hours each year for a full year of service during the next 3 years of service;

SECTION 2304. 230.35 (1) (c) of the statutes is amended to read:

230.35 (1) (c) When the rate of annual leave changes during the 2nd, 5th, 10th, 15th, 20th or 25th calendar year, the annual leave for that year shall be prorated.

SECTION 2305. 230.35 (1m) (bt) 1. of the statutes is amended to read:

230.35 (1m) (bt) 1. 120 hours each year for a full year of service during the first ~~5~~ 2 years of service;

SECTION 2306. 230.35 (1m) (bt) 1m. of the statutes is created to read:

230.35 (1m) (bt) 1m. 136 hours each year for a full year of service during the next 3 years of service;

SECTION 9301. Initial applicability; Administration.

(1) ANNUAL LEAVE HOURS; STATE EMPLOYEES. The treatment of s. 230.35 (1) (a) 1. and 1m. and (c) and (1m) (bt) 1. and 1m. first applies to a state employee's anniversary of service that occurs on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1451/P1
MIM&MED:wlj

DOA:.....Bollhorst, BB0331 - First Responder PTSD

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

WORKER'S COMPENSATION

Expansion of PTSD coverage for first responders

This bill makes changes to the conditions of liability for worker's compensation benefits for emergency medical responders, emergency medical services practitioners, volunteer fire fighters, correctional officers, emergency dispatchers, coroners and coroner staff members, and medical examiners and medical examiner staff members who are diagnosed with post-traumatic stress disorder (PTSD).

Under current law, if a law enforcement officer or full-time fire fighter is diagnosed with PTSD by a licensed psychiatrist or psychologist and the mental injury that resulted in that diagnosis is not accompanied by a physical injury, that law enforcement officer or fire fighter can bring a claim for worker's compensation benefits if the conditions of liability are proven by the preponderance of the evidence and the mental injury is not the result of a good faith employment action by the person's employer. Also under current law, liability for such treatment for a mental injury is limited to no more than 32 weeks after the injury is first reported.

Under current law, an injured emergency medical responder, emergency medical services practitioner, volunteer fire fighter, correctional officer, emergency dispatcher, coroner, coroner staff member, medical examiner or medical examiner

staff member who does not have an accompanying physical injury must demonstrate a diagnosis based on unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by all employees as required under *School District No. 1 v. DILHR*, 62 Wis. 2d 370, 215 N.W.2d 373 (1974) in order to receive worker's compensation benefits for PTSD. Under the bill, such an injured emergency medical responder, emergency medical services practitioner, volunteer fire fighter, correctional officer, emergency dispatcher, coroner, coroner staff member, medical examiner or medical examiner staff member is not required to demonstrate a diagnosis based on that standard, and instead must demonstrate a diagnosis based on the same standard as law enforcement officers and fire fighters. Finally, under the bill, an emergency medical responder, emergency medical services practitioner, volunteer fire fighter, correctional officer, emergency dispatcher, coroner, coroner staff member, medical examiner, or medical examiner staff member is restricted to compensation for a mental injury that is not accompanied by a physical injury and that results in a diagnosis of PTSD three times in his or her lifetime irrespective of a change of employer or employment in the same manner as law enforcement officers and fire fighters.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2307. 102.17 (9) (a) 1. of the statutes is renumbered 102.17 (9) (a) 1m. and amended to read:

102.17 (9) (a) 1m. "Fire fighter" means any person employed on a full-time basis by the state or any political subdivision as a member or officer of a fire department, including the 1st class cities and state fire marshal and deputies or an individual who volunteers as a member or officer of such a department.

SECTION 2308. 102.17 (9) (a) 1c. of the statutes is created to read:

102.17 (9) (a) 1c. "Correctional officer" has the meaning given in s. 102.475 (8) (a).

SECTION 2309. 102.17 (9) (a) 1e. of the statutes is created to read:

102.17 (9) (a) 1e. "Emergency medical responder" has the meaning given in s. 256.01 (4p).

SECTION 2310. 102.17 (9) (a) 1g. of the statutes is created to read:

102.17 (9) (a) 1g. “Emergency medical services practitioner” has the meaning given in s. 256.01 (5).

SECTION 2311. 102.17 (9) (a) 1p. of the statutes is created to read:

102.17 (9) (a) 1p. “Medicolegal investigation staff member” includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. “Medicolegal investigation staff member” does not include an individual performing solely administrative functions in the office of a coroner or medical examiner.

SECTION 2312. 102.17 (9) (b) (intro.) of the statutes is amended to read:

102.17 (9) (b) (intro.) Subject to par. (c), in the case of a mental injury that is not accompanied by a physical injury and that results in a diagnosis of post-traumatic stress disorder in a law enforcement officer, as defined in s. 23.33 (1) (ig), an emergency medical responder, an emergency services practitioner, a correctional officer, a public safety answering point dispatcher, a coroner, a medical examiner, a medicolegal investigation staff member, or a fire fighter, the claim for compensation for the mental injury, in order to be compensable under this chapter, is subject to all of the following:

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) **WORKER'S COMPENSATION INSURANCE; RATE APPROVAL; NOTICE.** The commissioner of insurance shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice of the effective date of new rates for worker's compensation insurance first approved by the commissioner under s. 626.13 after the effective date of this subsection.

SECTION 9350. Initial applicability; Workforce Development.

(1) FIRST RESPONDER PTSD COVERAGE. The treatment of s. 102.17 (9) (a) 1., 1c., 1e., 1g., and 1p. and (b) (intro.) first applies to injuries reported on the effective date of rate changes for worker's compensation insurance approved by the commissioner of insurance under s. 626.13 after the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1459/P4
MPG:skw

DOA:.....Sherwin, BB0335 - Cybersecurity Duties & Appropriations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Security operations centers

This bill requires DOA to establish one or more security operations centers to provide for the cybersecurity of information technology systems maintained by state agencies, local governmental units, and other eligible entities specified in the bill. The bill requires the Division of Enterprise Technology within DOA to manage the operation of the centers. The bill authorizes DOA to charge fees in connection with the division's cybersecurity support services provided under the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2313. 16.971 (2) (a) of the statutes is amended to read:

16.971 (2) (a) Ensure that an adequate level of information technology services is made available to all agencies by providing systems analysis and application

programming services to augment agency resources, as requested. The department shall also ensure that executive branch agencies, other than the board of regents of the University of Wisconsin System except for purposes of s. 16.978, make effective and efficient use of the information technology resources of the state. The department shall, in cooperation with agencies, including the board of regents for purposes of s. 16.978, establish policies, procedures and planning processes, for the administration of information technology services, which executive branch agencies, including the board of regents for purposes of s. 16.978, shall follow. The policies, procedures and processes shall address the needs of agencies, other than the board of regents of the University of Wisconsin System except for purposes of s. 16.978, to carry out their functions. The department shall monitor adherence to these policies, procedures and processes.

SECTION 2314. 16.971 (2) (c) of the statutes is amended to read:

16.971 (2) (c) Develop and maintain procedures to ensure information technology resource planning and sharing between executive branch agencies, including the board of regents of the University of Wisconsin System for purposes of s. 16.978. The procedures shall ensure the interconnection of information technology resources of executive branch agencies, if interconnection is consistent with the strategic plans formulated under pars. (L) and (m).

SECTION 2315. 16.971 (2) (j) of the statutes is amended to read:

16.971 (2) (j) Ensure that all executive branch agencies, including the board of regents of the University of Wisconsin System for purposes of s. 16.978, develop and operate with clear guidelines and standards in the areas of information technology systems development and that they employ good management practices and cost-benefit justifications.

SECTION 2316. 16.971 (4) (a) of the statutes is amended to read:

16.971 (4) (a) The department may license or authorize executive branch agencies to license computer programs developed by executive branch agencies or security operations centers and regional security operations centers under s. 16.978 to the federal government, other states and municipalities. Any agency other than an executive branch agency may license a computer program developed by that agency to the federal government, other states and municipalities.

SECTION 2317. 16.972 (2) (g) of the statutes is amended to read:

16.972 (2) (g) Assume direct responsibility for the planning and development of any information technology system in the executive branch of state government outside of the University of Wisconsin System, but including the University of Wisconsin System for purposes of s. 16.978, that the department determines to be necessary to effectively develop or manage the system, with or without the consent of any affected executive branch agency and the board of regents of the University of Wisconsin System for purposes of s. 16.978. The department may charge any executive branch agency and the board of regents for the department's reasonable costs incurred in carrying out its functions under this paragraph on behalf of that agency or a security operations center or regional security operations center under s. 16.978.

SECTION 2318. 16.973 (3) of the statutes is amended to read:

16.973 (3) Facilitate the implementation of statewide initiatives, including development and maintenance of policies and programs to protect the privacy of individuals who are the subjects of information contained in the databases of agencies or security operations centers and regional security operations centers under s. 16.978, and of technical standards and sharing of applications among

agencies, security operations centers and regional security operations centers, and any participating local governmental units or other eligible entities, as defined in s. 16.978 (1) (c), or entities in the private sector.

SECTION 2319. 16.973 (8) of the statutes is amended to read:

16.973 (8) Offer the opportunity to local governmental units and other eligible entities, as defined in s. 16.978 (1) (c), as determined by the department, to voluntarily obtain computer or supercomputer services from the department or a security operations center or regional security operations center under s. 16.978 when those services are provided under s. 16.972 (2) (b) or (c) or 16.978, and to voluntarily participate in any master contract established by the department or a security operations center or regional security operations center under s. 16.972 (2) (h) or 16.978 or in the use of any informational system or device provided by the department or a security operations center or regional security operations center under s. 16.974 (3) or 16.978.

SECTION 2320. 16.978 of the statutes is created to read:

16.978 Security operations centers. (1) DEFINITIONS. In this section:

- (a) Notwithstanding s. 16.97 (1m), “agency” includes each authority.
- (b) “Division” means the division of enterprise technology in the department.
- (c) “Eligible entity” means all of the following:
 1. An agency.
 2. A local governmental unit.
 3. An educational agency, as defined in s. 16.99 (2g).
 4. A federally recognized American Indian tribe or band located in this state.
 5. A critical infrastructure entity, as determined by the division.
 6. Any other entity identified by the department by rule.

(d) “Managed security services” means services intended to reduce the impact of cybersecurity threats.

(2) ESTABLISHMENT OF SECURITY OPERATIONS CENTERS. (a) The department shall establish one or more security operations centers or one or more regional security operations centers, or both, to provide for the cybersecurity of information technology systems maintained by eligible entities.

(b) All security operations centers, including regional centers, established by the department shall be under the supervision and control of the division. The department shall include the centers in carrying out its responsibilities, powers, and duties under ss. 16.971 (2) (b), (c), (cm), (g), (h), and (k), 16.972 (2) (d) and (e), and 16.973 (1), (3), (4), and (5), as determined by the department.

(c) The department may coordinate with any of the following entities in the establishment of a security operations center or regional security operations center:

1. A campus, as defined in s. 36.05 (3).
2. A college campus, as defined in s. 36.05 (6m).
3. An institution, as defined in s. 36.05 (9).
4. A university, as defined in s. 36.05 (13).

(3) DUTIES OF THE DIVISION. (a) The division shall manage the operation of each security operations center and regional security operations center established under sub. (2), including by establishing managed security services guidelines and standard operating procedures for the operation of the centers.

(b) As appropriate and in coordination with participating eligible entities, the division may provide, and if provided, shall oversee the provision of, managed security services and other support through each security operations center and regional security operations center, including all of the following:

1. Real-time security monitoring to detect and respond to cybersecurity events that may jeopardize this state or the residents of this state.

2. Continuous, 24-hour alerts and guidance for defeating cybersecurity threats.

3. Immediate incident response to counter cyber activity that exposes this state or the residents of this state to cybersecurity risks.

4. Educational services regarding cybersecurity.

5. Dissemination of incident-related information to supported eligible entities, constituents, and external parties.

(c) In operating the security operations centers and regional security operations centers, including functions such as detecting, analyzing, responding to, and prioritizing responses to cybersecurity incidents, the division shall do all of the following:

1. Collaborate with any relevant state, local, federal, critical infrastructure, or tribal entity in accordance with statewide plans.

2. Lead executive branch agencies through cybersecurity incidents, including by directing and prioritizing cybersecurity incident responses, and provide guidance and expertise to other eligible entities that may be affected by such events.

3. If needed to respond to a substantial external cybersecurity threat, take any action, including disconnecting the computer network of an eligible entity receiving managed security services.

(d) The division shall ensure that each agency in the executive branch of state government uses the division's managed security services to the extent practicable. No executive branch agency may purchase managed security services from a person other than the department unless the division determines that the division cannot

provide comparable managed security services at a reasonable cost and the division approves the purchase. The division shall establish a process for making such determinations and approvals.

(4) POWERS OF THE DIVISION. The division may do all of the following:

(a) Enter into contracts and interagency agreements as necessary to administer this section.

(b) Apply for and use the proceeds from grants to administer this section.

(c) Charge fees to recover costs associated with the division's provision of managed security services and other cybersecurity support services provided under this section, including via an assessment to agencies or as a component of any services provided.

(5) CENTER FACILITIES. The division may establish a security operations center, including a regional center, only at a facility that satisfies all of the following:

(a) The facility is a secure and restricted facility that contains cybersecurity infrastructure, an available trained workforce, and supportive educational capabilities.

(b) All entrances and critical areas can be controlled and monitored to prevent unauthorized entry.

(c) Access can be limited to only authorized individuals.

(d) Security alarms can be monitored by local law enforcement or security companies according to service availability.

(e) Operational information can be restricted to personnel at the facility, except as coordinated and approved by both the division and the participating eligible entity.

SECTION 2321. 20.505 (1) (fv) of the statutes is created to read:

20.505 (1) (fv) *Security operations centers*. The amounts in the schedule for the establishment and operation of security operations centers and regional security operations centers under s. 16.978.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2322. 20.505 (1) (jg) of the statutes is created to read:

20.505 (1) (jg) *Security operations centers; program revenues*. All moneys from fees charged under s. 16.978 (4) (c) for the operation of security operations centers and regional security operations centers under s. 16.978 and for the provision of services through those centers.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1460/P1
MPG&MDE:amn

DOA:.....Quinn, BB0336 - Venture capital fund of funds program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

WEDC venture capital fund of funds program

This bill directs WEDC to establish and administer a venture capital fund of funds program to invest in venture capital funds that invest in Wisconsin businesses. The bill requires WEDC to create a fund of funds that will continuously reinvest its assets under the program and to create an oversight board whose duties include contracting with an investment manager for the program.

The bill directs the oversight board to establish investment policies for the program. Under the bill, the program's moneys must be committed for investment to venture capital funds no later than 60 months after the fund of funds is created and no more than \$18,750,000 may be committed to any single venture capital fund for investment. The bill requires that at least 20 percent of the investments made through the program be directed to businesses located in parts of the state that typically do not receive significant venture capital fund investment, minority-owned businesses, and women-owned businesses. The bill prohibits any investment in lobbying and law firms.

Under the bill, the investment manager must contract with each venture capital fund that receives moneys through the program. The contract must require the venture capital fund to do all of the following:

1. Make new investments in an amount equal to the moneys it receives through the program in businesses who are headquartered, and whose operations are primarily, in Wisconsin.

2. At least match the amount it receives through the program and invests in a business with an investment in that same business of moneys from sources other than the program. The investment manager must ensure that, on average, for every \$1 a venture capital fund receives through the program and invests in a business, the venture capital fund invests \$2 in that business from sources other than the program.

3. Provide the investment manager with the information necessary to complete the reports described below.

The bill requires the investment manager to annually submit to WEDC an audit of the investment manager's financial statements, the rate of return from investments made through the program, and certain information on each venture capital fund participating in the program and each business in which investments were made. WEDC must submit this information to the legislature. The bill also requires the investment manager to submit quarterly reports to the oversight board.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2323. 20.192 (1) (c) of the statutes is created to read:

20.192 (1) (c) *Venture capital fund of funds program.* As a continuing appropriation, the amounts in the schedule to meet the financial needs of the venture capital fund of funds program established under s. 238.145 (2), including management fees and the amounts necessary to make investments through the program.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2324. 238.145 of the statutes is created to read:

238.145 Venture capital fund of funds program. (1) DEFINITIONS. In this section:

(a) "Fund of funds program" means the program established under sub. (2).

(b) “Investment manager” means the person with whom the oversight board enters into a contract under sub. (4).

(c) “Oversight board” means the oversight board created under sub. (2) (c).

(2) ESTABLISHMENT OF PROGRAM. The corporation shall establish and administer a venture capital fund of funds program to invest moneys in venture capital funds that invest in businesses located in this state, subject to the requirements of this section. In establishing the program, the corporation shall do all of the following:

(a) Create a fund of funds.

(b) Provide that the assets of the fund of funds will continuously be reinvested in venture capital funds under the fund of funds program.

(c) Create an oversight board to conduct any activity as required by this section or as directed by the corporation.

(3) INVESTMENTS IN VENTURE CAPITAL FUNDS. (a) The investment manager shall request from the corporation moneys to make investments through the fund of funds program and to pay the investment manager’s management fee, and the corporation shall, subject to the approval of the secretary of administration, pay the moneys to the investment manager from the appropriation under s. 20.192 (1) (c).

(b) The oversight board shall establish investment policies for the fund of funds program, subject to all of the following conditions:

1. All moneys paid to the investment manager under par. (a) to make investments shall be committed for investment to venture capital funds, subject to the requirements of this section, no later than 60 months after the creation of the fund of funds under sub. (2) (a).

2. No more than \$18,750,000 of the total moneys paid to the investment manager under par. (a) to make investments may be invested in any single venture capital fund.

3. At least 20 percent of the investments made through the program shall be directed to any combination of the following:

a. Businesses located in parts of this state that typically do not receive significant investment from venture capital funds.

b. Businesses that are at least 51 percent owned by one or more members of a racial minority group and whose management and daily business operations are controlled by one or more members of a racial minority group.

c. Businesses that are at least 51 percent owned by one or more women and whose management and daily business operations are controlled by one or more women.

***NOTE: Does "any combination" mean two or more of the three types of businesses? That's how I would read the current language. Or is the intent that the 20 percent be invested in all three types of businesses but in proportions established by the oversight board? MPG

(c) No investment may be made through the program in a lobbying or law firm.

(4) INVESTMENT MANAGER. The oversight board shall contract with an investment manager who meets the qualifications established by the corporation. The contract shall establish the investment manager's compensation, including any management fee. A management fee may not annually exceed 1 percent of the total assets under management in the fund of funds program.

(5) VENTURE CAPITAL FUND REQUIREMENTS. The investment manager shall contract with each venture capital fund that receives moneys through the fund of funds program. Each contract shall require the venture capital fund to do all of the following:

(a) Make new investments in an amount equal to the amount of moneys it receives through the program in one or more businesses who are headquartered in this state and whose operations are primarily in this state.

(b) At least match any moneys it receives through the program and invests in a business described in par. (a) with an investment in that business of moneys the venture capital fund has raised from sources other than the program. The investment manager shall ensure that, on average, for every \$1 a venture capital fund receives through the program and invests in a business described in par. (a), the venture capital fund invests \$2 in that business from sources other than the program.

(c) Provide to the investment manager the information necessary for the investment manager to complete the reports under sub. (6) (a) and (c).

(6) REPORTS OF THE INVESTMENT MANAGER; PUBLIC DISCLOSURES. (a) Annually, no later than 120 days after the end of the investment manager's fiscal year, the investment manager shall submit to the corporation a report for that fiscal year that includes all of the following:

1. An audit of the investment manager's financial statements performed by an independent certified public accountant.

2. The investment manager's internal rate of return from investments made through the fund of funds program.

3. For each venture capital fund that contracts with the investment manager under sub. (5), all of the following:

- a. The name and address of the venture capital fund.

- b. The amounts invested in the venture capital fund through the fund of funds program.

c. An accounting of any fee the venture capital fund paid to itself or any principal or manager of the venture capital fund.

****NOTE: Should this be limited to fees paid in connection with the fund of funds program? MPG

d. The venture capital fund's average internal rate of return on its investments of the moneys it received through the fund of funds program.

4. For each business in which a venture capital fund held an investment of moneys received through the fund of funds program, all of the following:

a. The name and address of the business.

b. A description of the nature of the business.

c. An identification of the venture capital fund.

d. The amount of the investment and the amount invested by the venture capital fund from funding sources other than the program.

e. The internal rate of return realized by the venture capital fund upon the venture capital fund's exit from the investment in the business.

f. A statement of the number of employees the business employed when the venture capital fund first invested moneys received through the program and the number of employees the business employed on the first day and last day of the investment manager's fiscal year.

(b) No later than 10 days after it receives the investment manager's report under par. (a), the corporation shall submit the report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2).

(c) Quarterly, the investment manager shall submit to the oversight board a report for the preceding quarter that includes all of the following:

1. An identification of each venture capital fund under contract with the investment manager under sub. (5).

2. An identification of each business in which a venture capital fund held an investment of moneys received through the fund of funds program and a statement of the amount of the investment in each business.

3. A statement of the number of employees the business employed when the venture capital fund first invested moneys received through the fund of funds program and the number of employees the business employed on the last day of the quarter.

(d) The oversight board shall make the reports under par. (c) readily accessible to the public on the corporation's Internet site.

(7) POLICIES AND PROCEDURES. The corporation shall establish policies and procedures to administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1461/P2
MPG&KP:wlj&cde

DOA:.....Quinn, BB0337 - Enterprise Zone and Business Development
Credit Wage Thresholds

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Wage thresholds for business development and enterprise zone tax credits

This bill raises the minimum wage thresholds for the business development and enterprise zone tax credits for businesses that enter into contracts with WEDC after December 31, 2023. Under current law, WEDC may certify businesses that engage in qualifying activities, including full-time job creation and retention, to claim the credits. One requirement for claiming either credit is that the business enter into a contract with WEDC. In its contracts, WEDC uses a definition of “full-time employee” that means an individual who, among other things, is paid at least 150 percent of the federal minimum wage. The bill changes this minimum wage threshold to \$32,000 for the business development tax credit and to \$32,000 in a tier I county or municipality and \$42,390 in a tier II county or municipality for the enterprise zone tax credit, with all these amounts adjusted annually for inflation. Additionally, under current law, the enterprise zone tax credit is partially based on the wages paid to zone employees that are at least 150 percent of the federal minimum wage in a tier I county or municipality or \$30,000 in a tier II county or municipality. The bill changes these thresholds to \$32,000 and \$42,390, respectively, with both amounts adjusted annually for inflation.

The bill also modifies the maximum wage earnings limit for businesses that enter into contracts with WEDC after December 31, 2023. Under current law, the maximum wage earnings that may be considered per employee for the enterprise zone tax credit is \$100,000. The bill increases this amount to \$141,300, which is adjusted annually for inflation, and establishes the same dollar amount limit for the business development tax credit.

The bill also adjusts the definition of “full-time job” for the purposes of the business development tax credit and “full-time employee” for purposes of the enterprise zone jobs tax credit by removing the current requirement that a worker work at least 2,080 hours per year, including paid leave and holidays, in order to be considered “full-time.”

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2325. 71.07 (3w) (a) 2m. of the statutes is created to read:

71.07 (3w) (a) 2m. “Contract” means the contract between the claimant and the Wisconsin Economic Development Corporation under s. 238.399.

SECTION 2326. 71.07 (3w) (a) 6. of the statutes is renumbered 71.07 (3w) (a) 6.

a. and amended to read:

71.07 (3w) (a) 6. a. “Zone payroll” means the amount of state payroll that is attributable to wages paid to full-time employees for services that are performed in an enterprise zone. ~~“Zone~~ Except as provided in subd. 6. b., “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$100,000.

SECTION 2327. 71.07 (3w) (a) 6. b. of the statutes is created to read:

71.07 (3w) (a) 6. b. For a claimant whose contract is executed after December 31, 2023, “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$141,300.

SECTION 2328. 71.07 (3w) (b) (intro.) of the statutes is amended to read:

71.07 (3w) (b) *Filing claims under pre-2024 contracts; payroll.* (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant whose contract is executed prior to January 1, 2024, may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount calculated as follows:

SECTION 2329. 71.07 (3w) (bd) of the statutes is created to read:

71.07 (3w) (bd) *Filing claims under post-2023 contracts; payroll.* Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.02 an amount calculated as follows:

1. Determine the amount that is the lesser of:

a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.

2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county

or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.

4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.

5. Multiply the amount determined under subd. 4. by the percentage determined by under s. 238.399, not to exceed 7 percent.

SECTION 2330. 71.07 (3w) (bm) 1. of the statutes is amended to read:

71.07 (**3w**) (bm) 1. In addition to the credits under ~~par. (b) and (bd)~~ and subds. 2., ~~3., and 4.~~ to 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 2331. 71.07 (3w) (bm) 2. of the statutes is renumbered 71.07 (3w) (bm) 2. (intro.) and amended to read:

71.07 (3w) (bm) 2. (intro.) In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. 1., 3., ~~and 4., and 5.,~~ and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. ~~A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.~~

SECTION 2332. 71.07 (3w) (bm) 2. b. of the statutes is created to read:

71.07 (3w) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or

municipality, not including the wages paid to the employees determined under par. (bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year.

SECTION 2333. 71.07 (3w) (bm) 3. of the statutes is amended to read:

71.07 (3w) (bm) 3. In addition to the credits under ~~par.~~ pars. (b) and (bd) and subs. 1., 2., ~~and 4., and 5.,~~ and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

SECTION 2334. 71.07 (3w) (bm) 4. of the statutes is amended to read:

71.07 (3w) (bm) 4. In addition to the credits under ~~par.~~ pars. (b) and (bd) and subs. 1., 2., ~~and 3., and 5.,~~ and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08, up to 1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

SECTION 2335. 71.07 (3w) (bm) 5. of the statutes is renumbered 71.07 (3w) (bm) 5. (intro.) and amended to read:

71.07 (3w) (bm) 5. (intro.) In addition to the credits under ~~par.~~ pars. (b) and (bd) and subs. 1. to 4., and subject to the limitations provided in this subsection and s.

238.399 or s. 560.799, 2009 stats., a claimant that has retained the minimum number of full-time employees determined under s. 238.399 (5) (f) and maintained average zone payroll for the taxable year equal to or greater than the base year may claim as a credit against the tax imposed under s. 71.02 or 71.08 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality. ~~The amount that the claimant may claim as credit under this subdivision for a taxable year shall not exceed \$2,000,000. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.~~

SECTION 2336. 71.07 (3w) (bm) 5. b. of the statutes is created to read:

71.07 (3w) (bm) 5. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality.

SECTION 2337. 71.07 (3w) (c) 5. of the statutes is created to read:

71.07 (3w) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

SECTION 2338. 71.07 (3w) (c) 6. of the statutes is created to read:

71.07 (3w) (c) 6. The amount that a claimant may claim as credit under par. (bm) 5. for a taxable year may not exceed \$2,000,000. A claimant may claim a credit under par. (bm) 5. for no more than 5 consecutive taxable years.

SECTION 2339. 71.07 (3w) (cm) of the statutes is created to read:

71.07 (3w) (cm) *Inflation adjustments.* For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. and 5. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 2340. 71.28 (3w) (a) 2m. of the statutes is created to read:

71.28 (3w) (a) 2m. “Contract” means a contract between the claimant and the Wisconsin Economic Development Corporation under s. 238.399.

SECTION 2341. 71.28 (3w) (a) 6. of the statutes is renumbered 71.28 (3w) (a) 6. a. and amended to read:

71.28 (3w) (a) 6. a. “Zone payroll” means the amount of state payroll that is attributable to wages paid to full-time employees for services that are performed in an enterprise zone. “Zone Except as provided in subd. 6. b., “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$100,000.

SECTION 2342. 71.28 (3w) (a) 6. b. of the statutes is created to read:

71.28 (3w) (a) 6. b. For a claimant whose contract is executed after December 31, 2023, “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$141,300.

SECTION 2343. 71.28 (3w) (b) (intro.) of the statutes is amended to read:

71.28 (3w) (b) *Filing claims under pre-2024 contracts; payroll.* (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant whose contract is executed prior to January 1, 2024, may claim as a credit against the tax imposed under s. 71.23 an amount calculated as follows:

SECTION 2344. 71.28 (3w) (bd) of the statutes is created to read:

71.28 (3w) (bd) *Filing claims under post-2023 contracts; payroll.* Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.23 an amount calculated as follows:

1. Determine the amount that is the lesser of:

a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year,

minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.

2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.

4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.

5. Multiply the amount determined under subd. 4. by the percentage determined under s. 238.399, not to exceed 7 percent.

SECTION 2345. 71.28 (3w) (bm) 1. of the statutes is amended to read:

71.28 (**3w**) (bm) 1. In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. ~~2., 3., and 4. to 5.~~, and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time

employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 2346. 71.28 (3w) (bm) 2. of the statutes is renumbered 71.28 (3w) (bm) 2. (intro.) and amended to read:

71.28 (3w) (bm) 2. (intro.) In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. 1., 3., ~~and 4.,~~ and 5., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.23 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. ~~A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.~~

SECTION 2347. 71.28 (3w) (bm) 2. b. of the statutes is created to read:

71.28 (3w) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to

exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or municipality, not including the wages paid to the employees determined under par. (bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year.

SECTION 2348. 71.28 (3w) (bm) 3. of the statutes is amended to read:

71.28 (3w) (bm) 3. In addition to the credits under ~~par. pars.~~ (b) and (bd) and subds. 1., 2., ~~and 4., and 5.,~~ and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.23 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

SECTION 2349. 71.28 (3w) (bm) 4. of the statutes is amended to read:

71.28 (3w) (bm) 4. In addition to the credits under ~~par. pars.~~ (b) and (bd) and subds. 1., 2., ~~and 3., and 5.,~~ and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.23, up to 1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

SECTION 2350. 71.28 (3w) (bm) 5. of the statutes is renumbered 71.28 (3w) (bm) 5. (intro.) and amended to read:

71.28 (3w) (bm) 5. (intro.) In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. 1. to 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant that has retained the minimum number of full-time employees determined under s. 238.399 (5) (f) and maintained average zone payroll for the taxable year equal to or greater than the base year may claim as a credit against the tax imposed under s. 71.23 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality. ~~The amount that the claimant may claim as credit under this subdivision for a taxable year shall not exceed \$2,000,000. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.~~

SECTION 2351. 71.28 (3w) (bm) 5. b. of the statutes is created to read:

71.28 (3w) (bm) 5. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined by the Wisconsin Economic Development Corporation, of the claimant's zone payroll paid in the 12 months prior to the certification date to the claimant's full-time employees in the enterprise zone whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality.

SECTION 2352. 71.28 (3w) (c) 5. of the statutes is created to read:

71.28 (3w) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

SECTION 2353. 71.28 (3w) (c) 6. of the statutes is created to read:

71.28 (3w) (c) 6. The amount that a claimant may claim as credit under par. (bm) 5. for a taxable year may not exceed \$2,000,000. A claimant may claim a credit under par. (bm) 5. for no more than 5 consecutive taxable years.

SECTION 2354. 71.28 (3w) (cm) of the statutes is created to read:

71.28 (3w) (cm) *Inflation adjustments.* For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. and 5. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 2355. 71.47 (3w) (a) 2m. of the statutes is created to read:

71.47 (3w) (a) 2m. "Contract" means a contract between the claimant and the Wisconsin Economic Development Corporation under s. 238.399.

SECTION 2356. 71.47 (3w) (a) 6. of the statutes is renumbered 71.47 (3w) (a) 6. a. and amended to read:

71.47 (3w) (a) 6. a. “Zone payroll” means the amount of state payroll that is attributable to wages paid to full-time employees for services that are performed in an enterprise zone. ~~“Zone~~ Except as provided in subd. 6. b., “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$100,000.

SECTION 2357. 71.47 (3w) (a) 6. b. of the statutes is created to read:

71.47 (3w) (a) 6. b. For a claimant whose contract is executed after December 31, 2023, “zone payroll” does not include the amount of wages paid to any full-time employees that exceeds \$141,300.

SECTION 2358. 71.47 (3w) (b) (intro.) of the statutes is amended to read:

71.47 (3w) (b) *Filing claims under pre-2024 contracts; payroll.* (intro.) Subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant whose contract is executed prior to January 1, 2024, may claim as a credit against the tax imposed under s. 71.43 an amount calculated as follows:

SECTION 2359. 71.47 (3w) (bd) of the statutes is created to read:

71.47 (3w) (bd) *Filing claims under post-2023 contracts; payroll.* Subject to the limitations provided in this subsection and s. 238.399, a claimant whose contract is executed after December 31, 2023, may claim as a credit against the tax imposed under s. 71.43 an amount calculated as follows:

1. Determine the amount that is the lesser of:

a. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II

county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

b. The number of full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the state in the base year.

2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$32,000 or greater than \$42,390 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

3. For employees in a tier I county or municipality, subtract \$32,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$42,390 from the amount determined under subd. 2.

4. Multiply the amount determined under subd. 3. by the amount determined under subd. 1.

5. Multiply the amount determined under subd. 4. by the percentage determined under s. 238.399, not to exceed 7 percent.

SECTION 2360. 71.47 (3w) (bm) 1. of the statutes is amended to read:

71.47 **(3w)** (bm) 1. In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. 2., 3., and 4., and subject to the limitations provided in this subsection and s.

238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to a percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 2361. 71.47 (3w) (bm) 2. of the statutes is renumbered 71.47 (3w) (bm) 2. (intro.) and amended to read:

71.47 (3w) (bm) 2. (intro.) In addition to the credits under ~~par.~~ pars. (b) and (bd) and subds. 1., 3., and 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., a claimant may claim as a credit against the tax imposed under s. 71.43 one of the following amounts:

a. For a claimant whose contract is executed prior to January 1, 2024, an amount equal to the percentage, as determined under s. 238.399 or s. 560.799, 2009 stats., not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than the amount determined by multiplying 2,080 by 150 percent of the federal minimum wage in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of

such employees in the base year. ~~A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.~~

SECTION 2362. 71.47 (3w) (bm) 2. b. of the statutes is created to read:

71.47 (3w) (bm) 2. b. For a claimant whose contract is executed after December 31, 2023, an amount equal to the percentage, as determined under s. 238.399, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$32,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (bd) 1., or greater than \$42,390 in a tier II county or municipality, not including the wages paid to the employees determined under par. (bd) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year.

SECTION 2363. 71.47 (3w) (bm) 3. of the statutes is amended to read:

71.47 (3w) (bm) 3. In addition to the credits under ~~par. (b)~~ par. (b) and (bd) and subds. 1., 2., and 4., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.43 up to 10 percent of the claimant's significant capital expenditures, as determined under s. 238.399 (5m) or s. 560.799 (5m), 2009 stats.

SECTION 2364. 71.47 (3w) (bm) 4. of the statutes is amended to read:

71.47 (3w) (bm) 4. In addition to the credits under ~~par. (b)~~ par. (b) and (bd) and subds. 1., 2., and 3., and subject to the limitations provided in this subsection and s. 238.399 or s. 560.799, 2009 stats., for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the tax imposed under s. 71.43, up to

1 percent of the amount that the claimant paid in the taxable year to purchase tangible personal property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from Wisconsin vendors, as determined under s. 238.399 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the credit under this subdivision and subd. 3. for the same expenditures.

SECTION 2365. 71.47 (3w) (c) 5. of the statutes is created to read:

71.47 (3w) (c) 5. A claimant may claim a credit under par. (bm) 2. for no more than 5 consecutive taxable years.

SECTION 2366. 71.47 (3w) (cm) of the statutes is created to read:

71.47 (3w) (cm) *Inflation adjustments.* For taxable years beginning after December 31, 2024, the dollar amounts in pars. (a) 6. b., (bd) 1. a. and b., 2., and 3., and (bm) 2. b. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 2367. 238.30 (2m) (a) of the statutes is amended to read:

238.30 (2m) (a) Except as provided in par. (b) and s. 238.308 (1) (b), “full-time job” means a regular, nonseasonal full-time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150 percent of the federal minimum wage and benefits that are not required

by federal or state law. “Full-time job” does not include initial training before an employment position begins.

SECTION 2368. 238.308 (1) of the statutes is renumbered 238.308 (1) (intro.) and amended to read:

238.308 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,;

(a) “~~eligible~~ Eligible employee” means a person employed in a full-time job by a person certified under sub. (2).

SECTION 2369. 238.308 (1) (b) of the statutes is created to read:

238.308 (1) (b) 1. Except as provided in subd. 2., “full-time job” has the meaning given in s. 238.30 (2m).

2. For contracts executed by the corporation under this section after December 31, 2023, “full-time job” means a regular, nonseasonal full-time position for which an individual receives pay that is equal to at least \$32,000 and benefits that are not required by federal or state law. “Full-time job” does not include initial training before an employment position begins.

****NOTE: This is reconciled s. 238.308 (1) (b) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB-1461 and LRB-1544.

SECTION 2370. 238.308 (4) (a) 1. of the statutes is amended to read:

238.308 (4) (a) 1. An amount equal to up to 10 percent of the amount of wages that the person paid to an eligible employee in the taxable year. For contracts executed by the corporation after December 31, 2023, the amount of wages taken into account under this subdivision may not exceed \$141,300 per eligible employee per year. Beginning on January 1, 2025, the dollar amount under this subdivision shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month

of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this subdivision shall be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

SECTION 2371. 238.399 (1) (am) 2. of the statutes is repealed and recreated to read:

238.399 (1) (am) 2. For contracts executed by the corporation under this section after December 31, 2023, the individual is employed in a regular, nonseasonal full-time position for which the individual receives annual pay that is more than \$32,000 in a tier I county or municipality or more than 42,390 in a tier II county or municipality and benefits that are not required by federal or state law.

***NOTE: This is reconciled s. 238.399 (1) (am) 2.. This SECTION has been affected by drafts with the following LRB numbers: LRB-1461 and LRB-1544.

SECTION 2372. 238.399 (6) (h) of the statutes is created to read:

238.399 (6) (h) Beginning on January 1, 2025, the dollar amount in sub. (1) (am) 2. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the year before the previous year, as determined by the federal department of labor. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of \$10

if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased to the next higher multiple of \$10.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1464/P1
ZDW:amn

DOA:.....Bollhorst, BB0332 - Ambulance inspection program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Ambulance inspection

Under current law, prior to issuing a registration for an ambulance, DOT must inspect the ambulance to determine whether it meets requirements for specifications, medical equipment, supplies, and sanitation.

This bill provides that DHS, rather than DOT, must inspect an ambulance to determine whether it meets requirements for medical equipment and prohibits DOT from issuing a registration for an ambulance until DHS has conducted the inspection. The bill authorizes DHS to promulgate rules to establish these medical equipment requirements for ambulances.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2373. 341.085 (1) of the statutes is amended to read:

341.085 (1) The department shall inspect all ambulances prior to issuing an original or renewal registration to determine that the vehicles meet requirements specified by law or administrative rule as to specifications, ~~medical equipment,~~ supplies, and sanitation.

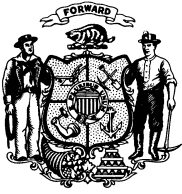
SECTION 2374. 341.085 (1m) of the statutes is created to read:

341.085 (1m) Prior to the department issuing an original or renewal registration for an ambulance under sub. (1), the department of health services shall inspect the ambulance to determine whether the vehicle meets requirements specified by law or administrative rule as to medical equipment.

SECTION 2375. 341.085 (2) of the statutes is amended to read:

341.085 (2) The department may adopt rules necessary for administration of this section and prescribe ambulance service equipment and standards therefor, except that any ambulance which does not conform to rules adopted by the department may be used until December 30, 1979. The department of health services may adopt rules necessary to administer sub. (1m) and establish ambulance medical equipment standards.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1465/P2
FFK:skw

DOA:.....Bollhorst, BB0330 - EMS Flex Grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Emergency medical services flex grant

During the 2021-23 fiscal biennium, DHS administered a grant program, known as the Emergency Medical Services Flex grant program, under which DHS awarded grants to emergency medical service providers for reasonable operating expenses related to providing emergency medical services. The EMS Flex grants were funded with moneys provided under the federal American Rescue Plan Act of 2021.

This bill allows DHS to award grants to emergency medical service providers for the same purposes as DHS awarded grants under the EMS Flex grant program. The bill provides GPR funding for this purpose as a continuing appropriation, which means that any unencumbered balance at the end of a fiscal year does not lapse to the general fund. In other words, DHS may continue to expend moneys appropriated for grants to emergency medical service providers until the appropriation is fully depleted.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2376. 20.435 (1) (bc) of the statutes is created to read:

20.435 (1) (bc) *Emergency medical services grants.* As a continuing appropriation, the amounts in the schedule for grants to providers of emergency medical services under s. 256.42.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2377. 256.42 of the statutes is created to read:

256.42 Emergency medical services grants. From the appropriation under s. 20.435 (1) (bc), the department may award grants to providers of emergency medical services for reasonable operating expenses related to emergency medical services, including expenses related to supplies, equipment, training, staffing, and vehicles.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1466/P2
SWB:kms

DOA:.....Lessner, BB0334 - Psychiatric residential treatment facilities

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Psychiatric residential treatment facilities

This bill establishes a DHS certification process for psychiatric residential treatment facilities. The bill defines a psychiatric residential treatment facility as a non-hospital facility that provides inpatient comprehensive mental health treatment services to individuals under the age of 21 who, due to mental illness, substance use, or severe emotional disturbance, need treatment that can most effectively be provided in a residential treatment facility. Psychiatric residential treatment facilities must be certified by DHS to operate.

The bill also provides that services through a psychiatric residential treatment facility are reimbursable under the Medical Assistance program. The bill requires DHS to submit to the federal government any request for federal approval necessary to provide the reimbursement for services by a psychiatric residential treatment facility under the Medical Assistance program. The Medical Assistance program is a joint federal and state program administered by DHS that provides health care services to individuals with limited financial resources.

Under current law, DHS is required to award grants for certain community programs. The bill allows DHS to distribute up to \$1,790,000 each fiscal year to support psychiatric residential treatment facilities.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2378. 46.48 (35) of the statutes is created to read:

46.48 (35) PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES. The department may distribute not more than \$1,790,000 in each fiscal year to support psychiatric residential treatment facilities.

SECTION 2379. 49.46 (2) (b) 14c. of the statutes is created to read:

49.46 (2) (b) 14c. Subject to par. (bv), services by a psychiatric residential treatment facility.

SECTION 2380. 49.46 (2) (bv) of the statutes is created to read:

49.46 (2) (bv) The department shall submit to the federal department of health and human services any request for a state plan amendment, waiver, or other federal approval necessary to provide reimbursement for services by a psychiatric residential treatment facility. If the federal department of health and human services approves the request or if no federal approval is necessary, the department shall provide reimbursement under par. (b) 14c. If the federal department of health and human services disapproves the request, the department may not provide reimbursement for services under par. (b) 14c.

SECTION 2381. 51.044 of the statutes is created to read:

51.044 Psychiatric residential treatment facilities. (1) DEFINITION. In this section, “psychiatric residential treatment facility” is a non-hospital facility that provides inpatient comprehensive mental health treatment services to individuals under the age of 21 who, due to mental illness, substance use, or severe

emotional disturbance, need treatment that can most effectively be provided in a residential treatment facility.

(2) CERTIFICATION REQUIRED; EXEMPTION. (a) No person may operate a psychiatric residential treatment facility without a certification from the department. The department may limit the number of certifications it grants to operate a psychiatric residential treatment facility.

(b) A psychiatric residential treatment facility that has a certification from the department under this section is not subject to facility regulation under ch. 48.

(3) RULES. The department may promulgate rules to implement this section.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) **EMERGENCY RULES ON PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES.** The department of health services may promulgate emergency rules under s. 227.24 implementing certification of psychiatric residential treatment facilities under s. 51.044, including development of a new provider type and a reimbursement model for psychiatric residential treatment facilities under the Medical Assistance program under subch. IV of ch. 49. Notwithstanding s. 227.24 (1) (a) and (3), the department of health services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2025, or the date on which permanent rules take effect, whichever is sooner.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1471/P2
JPC:klm

DOA:.....Bollhorst, BB0333 - EMR Certification

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Certification of emergency medical responders

Under current law, no individual may act as an emergency medical responder unless they are certified by DHS as an emergency medical responder. To be eligible for certification as an emergency medical responder, current law requires an individual to be at least 18 years of age, to be capable of performing the actions required of an emergency medical responder, and to have completed an emergency medical responder course that meets or exceeds the guidelines issued by the federal National Highway Traffic Safety Administration. This bill requires DHS to certify individuals as emergency medical responders who complete a certified training program for emergency medical responders or pass the National Registry of Emergency Medical Technicians (NREMT) examination for emergency medical responders without requiring any further examination. However, the bill provides that any relevant education, training, instruction, or other experience that an applicant obtained in connection with any military service satisfies the completion of a certified training program if the applicant demonstrates that the education, training, instruction, or other experience obtained is substantially equivalent to the certified course. The bill allows DHS, in consultation with the Emergency Medical

Services Board, to promulgate rules to establish educational standards for training programs for emergency medical responders and minimum examination standards for training programs for emergency medical responders. Further, the bill prohibits emergency medical responders from replacing emergency medical technicians as a member of an ambulance crew unless the emergency medical responder has passed the NREMT examination for emergency medical responders.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2382. 256.08 (4) (L) of the statutes is created to read:

256.08 (4) (L) Identify certified training programs for emergency medical responders.

SECTION 2383. 256.08 (5) of the statutes is created to read:

256.08 (5) EDUCATIONAL STANDARDS. The department, in consultation with the board, may promulgate rules to establish educational standards for training programs for emergency medical responders and minimum examination standards for training programs for emergency medical responders.

SECTION 2384. 256.15 (4) (g) of the statutes is created to read:

256.15 (4) (g) No emergency medical responder may replace an emergency medical technician as a member of an ambulance crew unless the emergency medical responder has passed the National Registry of Emergency Medical Technicians examination for emergency medical responders.

SECTION 2385. 256.15 (8) (b) (intro.) of the statutes is amended to read:

256.15 (8) (b) (intro.) To be eligible for initial certification as an emergency medical responder, except as provided in pars. (bg) and (br) and ss. 256.17 and 256.18, an individual shall meet all of the following requirements:

SECTION 2386. 256.15 (8) (bg) of the statutes is created to read:

256.15 (8) (bg) The department shall grant an initial certification as an emergency medical responder to any individual who meets the requirements under par. (b) 1. and 2. and successfully completes a certified training program for emergency medical responders identified by the department under s. 256.08 (4) (L). Any relevant education, training, instruction, or other experience that an applicant for initial certification as an emergency medical responder obtained in connection with any military service, as defined in s. 111.32 (12g), satisfies the completion of a certified training program for emergency medical responders if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience obtained by the applicant is substantially equivalent to the certified training program for emergency medical responders.

SECTION 2387. 256.15 (8) (br) of the statutes is created to read:

256.15 (8) (br) The department shall grant an initial certification as an emergency medical responder to any individual who meets the requirements under par. (b) 1. and 2. and passes the National Registry of Emergency Medical Technicians examination for emergency medical responder certification.

SECTION 9419. Effective dates; Health Services.

(1) CERTIFICATION OF EMERGENCY MEDICAL RESPONDERS. The treatment of ss. 256.08 (4) (L) and 256.15 (4) (g) and (8) (b) (intro.), (bg), and (br) takes effect on July 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1474/P1
EHS:cjs

DOA:.....Sherwin, BB0306 - Digital equity program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Digital equity program

This bill requires PSC to administer a digital equity program under which it may provide outreach and assistance to promote digital equity, coordinate the administration of federal and state digital equity funding, provide digital navigation services, and implement digital inclusion activities. Under the bill, “digital equity” means all individuals and communities have the information technology capacity needed to fully participate in society.

Current law has established a universal service fund (USF) consisting of moneys that are required to be contributed by certain telecommunications providers. The fund is used for promoting access to telecommunications service and for other specified purposes. This bill allows PSC to use moneys in the USF to administer the digital equity program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2388. 20.155 (1) (q) of the statutes is amended to read:

20.155 (1) (q) *Universal telecommunications service; broadband service; digital equity*. From the universal service fund, the amounts in the schedule for the promotion of broadband service ~~and~~, universal telecommunications service, and digital equity for the purposes specified in s. 196.218 (5) (a) 1., 4., 8., 9., and 10., and 15.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2389. 196.01 (2n) of the statutes is created to read:

196.01 (2n) “Digital equity” means all individuals and communities have the information technology capacity needed to fully participate in society.

SECTION 2390. 196.218 (5) (a) 15. of the statutes is created to read:

196.218 (5) (a) 15. To administer a digital equity program for the purposes specified under s. 196.504 (10).

SECTION 2391. 196.504 (10) of the statutes is created to read:

196.504 (10) The commission shall administer a digital equity program under which it may do all of the following:

(a) Provide outreach and assistance to promote digital equity.

***NOTE: I added “to promote digital equity” for clarity, and I split out all of these into separate items.

(b) Coordinate the administration of federal and state digital equity funding.

(c) Provide digital navigation services.

(d) Implement digital inclusion activities.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1480/P1
SWB:klm

DOA:.....Stinebrink, BB0339 - Service dog training grants - PTSD
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Service dog training grants

This bill requires DHS to annually award grants to organizations that train service dogs for the purpose of assisting providers in attaining accreditation specific to post-traumatic stress disorder training from Assistance Dog International.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2392. 20.435 (5) (cm) of the statutes is created to read:

20.435 (5) (cm) *Service dog training grants.* The amounts in the schedule for awarding grants to organizations for service dog training under s. 46.250.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2393. 46.250 of the statutes is created to read:

46.250 Service dog training grants. (1) From the appropriation under s. 20.435 (5) (cm), the department shall award grants to organizations that train service dogs for the purpose of assisting providers in attaining accreditation specific to post-traumatic stress disorder training from Assistance Dog International.

(2) The department shall promulgate rules to establish a process and criteria for organizations to apply for the grants under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1487/P5
MIM:all

DOA:.....Sherwin, BB0341 - GPR grant appropriation for neighborhood investment, health-care infrastructure capital investment, and tourism capital investment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Investment and capital grants programs

This bill creates three new grant programs to be administered by DOA: a neighborhood capital investment grant program; a health-care infrastructure capital grant program; and a tourism capital investment grant program. The bill also creates a new GPR appropriation for the grant programs and allocates moneys during the 2023-25 fiscal biennium.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2394. 16.316 of the statutes is created to read:

16.316 Neighborhood capital investment grant program. From the appropriation under s. 20.505 (1) (fn), the department shall administer a grant program to provide grants to local governmental units and tribal governments to invest in community and regionally based solutions to deliver innovative public services, including new and improved facilities and projects to build affordable housing, increase access to transit and transportation, and expand access to childcare, or other local workforce needs.

SECTION 2395. 16.317 of the statutes is created to read:

16.317 Health-care infrastructure capital grant program. From the appropriation under s. 20.505 (1) (fn), the department shall administer a grant program to provide grants to local governmental units, tribal governments, nonprofit health-care organizations, and health centers that qualify under section 1905 (1) (2) (B) of the federal Social Security Act for capital investments in health care, including infrastructure necessary to expand access to affordable health care, build facilities in areas of high need, and reduce disparities in health-care outcomes and services statewide.

SECTION 2396. 16.318 of the statutes is created to read:

16.318 Tourism capital investment grant program. From the appropriation under s. 20.505 (1) (fn), the department shall administer a grant program to provide grants to local governmental units, tribal governments, and nonprofit organizations to strengthen the state's tourism, travel, and lodging economies.

SECTION 2397. 20.505 (1) (fn) of the statutes is created to read:

20.505 (1) (fn) *Neighborhood capital investment grant program; health-care infrastructure capital grant program; tourism capital investment grant program.* As

a continuing appropriation, the amounts in the schedule for the grant programs under ss. 16.316, 16.317, and 16.318.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9101. Nonstatutory provisions; Administration.

(1) CAPITAL GRANTS PROGRAMS. During the 2023-25 fiscal biennium, the department of administration shall:

(a) *Neighborhood capital investment grant program.* From the appropriation under s. 20.505 (1) (fn), allocate \$150,000,000 to the neighborhood capital investment grant program under s. 16.316. The secretary of administration may reallocate moneys from this program to the programs under ss. 16.317 and 16.318.

(b) *Health-care infrastructure capital grant program.* From the appropriation under s. 20.505 (1) (fn), allocate \$100,000,000 to the health-care infrastructure capital grant program under s. 16.317. The secretary of administration may reallocate moneys from this program to the programs under ss. 16.316 and 16.318.

(c) *Tourism capital investment grant program.* From the appropriation under s. 20.505 (1) (fn), allocate \$50,000,000 to the tourism capital investment grant program under s. 16.318. The secretary of administration may reallocate moneys from this program to the programs under ss. 16.316 and 16.317.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1488/P2
MIM:wlj&cjs

DOA:.....Sherwin, BB0344 - Rehired WRS annuitants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

WRS annuitants returning to work

Under current law, if a Wisconsin Retirement System annuitant, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position with a WRS-participating employer or provides employee services to a WRS-participating employer in which he or she is expected to work at least two-thirds of what is considered full-time employment by ETF, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment.

This bill removes the requirement that an annuitant suspend his or her annuity and instead allows an annuitant to elect to suspend the annuity and again become a participating employee or elect to not suspend his or her annuity and not become a participating employee. In other words, the bill allows an annuitant who returns to work for a participating employer but elects not to become a participating employee for purposes of the WRS to continue to receive his or her annuity.

Under current law, a WRS participant who has applied to receive a retirement annuity must wait at least 75 days between terminating covered employment with a WRS employer and returning to covered employment again as a participating employee. The bill reduces that period to 30 days.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2398. 40.22 (1) of the statutes is amended to read:

40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 ~~(6)~~ (1), each employee currently in the service of, and receiving earnings from, a state agency or other participating employer shall be included within the provisions of the Wisconsin retirement system as a participating employee of that state agency or participating employer.

SECTION 2399. 40.22 (2) (L) of the statutes is amended to read:

40.22 (2) (L) The employee is employed by a participating employer after the person becomes an annuitant, unless the service is after the annuity is suspended by the election of the employee under s. 40.26.

SECTION 2400. 40.22 (2m) (intro.) of the statutes is amended to read:

40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 ~~(6)~~ (1), an employee who was a participating employee before July 1, 2011, who is not expected to work at least one-third of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

SECTION 2401. 40.22 (2r) (intro.) of the statutes is amended to read:

40.22 (2r) (intro.) Except as otherwise provided in s. 40.26 ~~(6)~~ (1), an employee who was not a participating employee before July 1, 2011, who is not expected to work

at least two-thirds of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

SECTION 2402. 40.22 (3) (intro.) of the statutes is amended to read:

40.22 (3) (intro.) Except as otherwise provided in s. 40.26 (6) (1), a person who qualifies as a participating employee shall be included within, and shall be subject to, the Wisconsin retirement system effective on one of the following dates:

SECTION 2403. 40.26 (1) of the statutes is amended to read:

40.26 (1) Except as provided in ~~sub. (1m)~~ and ss. 40.05 (2) (g) 2. and 40.23 (1) (am), if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, receives earnings that are subject to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified in s. 40.22 (2) (L), the annuity shall be suspended, including any amount provided by additional contributions, and no annuity payment shall be payable after the month in which the participant files with the department a written election to be included within the provisions of the Wisconsin retirement system as a participating employee.

SECTION 2404. 40.26 (1m) of the statutes is repealed.

SECTION 2405. 40.26 (2) (intro.) of the statutes is amended to read:

40.26 (2) (intro.) Upon suspension of an annuity under sub. (1) ~~or (1m)~~, the retirement account of the participant whose annuity is so suspended shall be established on the following basis:

SECTION 2406. 40.26 (5) (intro.) of the statutes is amended to read:

40.26 (5) (intro.) ~~Except as otherwise provided in sub. (5m), if~~ If a participant applies for an annuity or lump sum payment during the period in which less than 75 30 days have elapsed between the termination of employment with a participating employer and becoming a participating employee with any participating employer, all of the following shall apply:

SECTION 2407. 40.26 (5m) of the statutes is repealed.

SECTION 2408. 40.26 (6) of the statutes is repealed.

SECTION 2409. 323.19 (3) and (4) of the statutes are repealed.

SECTION 9113. Nonstatutory provisions; Employee Trust Funds.

(1) **ELECTION TO CONTINUE ANNUITY SUSPENSION.** No later than 60 days after the effective date of this subsection, if an individual who is employed by a covered employer under the Wisconsin Retirement System has his or her annuity suspended under s. 40.26 (1m), 2021 stats., on the effective date of this subsection and wants to continue the suspension, the individual shall notify the department of employee trust funds on a form provided by the department. An election to continue the suspension is irrevocable.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1490/P1
EHS:cdc

DOA:.....Rice, BB0338 - Boys and Girls Clubs appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Boys and Girls Clubs of Wisconsin

This bill requires DCF to provide funding annually to the Boys and Girls Clubs of Wisconsin.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2410. 20.437 (2) (er) of the statutes is created to read:

20.437 (2) (er) *Boys and Girls Clubs of Wisconsin.* The amounts in the schedule to provide funding to the Boys and Girls Clubs of Wisconsin under s. 49.170.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2411. 49.170 of the statutes is created to read:

49.170 Boys and Girls Clubs of Wisconsin. From the appropriation account under s. 20.437 (2) (er), the department shall provide funding annually to the Boys and Girls Clubs of Wisconsin.

***NOTE: I added this provision because there needs to be language granting program authority outside of an appropriation. Do you want to specify an amount?

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1491/P1
MIM:klm

DOA:.....Sherwin, BB0346 - WHEDA and WHEFA Employee Salary Cap

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

Removal of salary caps for WHEDA employees

Current law allows WHEDA to employ an executive director and limits the compensation of the executive director and employees of WHEDA to the maximum of the salary range established for positions assigned to executive salary group 6. This bill removes this limit on compensation of the executive director and staff of WHEDA.

Removal of salary caps for WHEFA employees

Current law allows WHEFA to employ an executive director and limits the compensation of the executive director to the maximum of the salary range established for positions assigned to executive salary group 6. Current law also limits the compensation of each other employee of WHEFA to the maximum of the salary range established for positions assigned to executive salary group 3. This bill removes these limits on compensation of the executive director and staff of WHEFA.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2412. 231.02 (2) of the statutes is amended to read:

231.02 (2) The authority shall appoint an executive director and associate executive director who shall not be members of the authority and who shall serve at the pleasure of the authority. They shall receive such compensation as the authority fixes, ~~except that the compensation of the executive director shall not exceed the maximum of the salary range established under s. 20.923 (1) for positions assigned to executive salary group 6 and the compensation of each other employee of the authority shall not exceed the maximum of the salary range established under s. 20.923 (1) for positions assigned to executive salary group 3.~~ The executive director or associate executive director or other person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The executive director or associate executive director or other person may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

SECTION 2413. 234.02 (3) of the statutes is amended to read:

234.02 (3) The governor shall appoint a public member as the chairperson of the authority for a one-year term beginning on the expiration of the term of the chairperson's predecessor. The authority shall elect a vice chairperson. The

governor shall nominate, and with the advice and consent of the senate appoint, the executive director of the authority, to serve a 2-year term. The authority shall employ the executive director so appointed, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation, all notwithstanding subch. II of ch. 230, except that s. 230.40 shall apply, ~~and except that the compensation of any employee of the authority shall not exceed the maximum of the executive salary group range established under s. 20.923 (1) for positions assigned to executive salary group 6.~~ The authority may delegate any of its powers or duties to its employees with the consent of the executive director or to its agents.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1494/P4
JPC:klm

DOA:.....Sherwin, BB0343 - Infertility coverage in health plans

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Coverage of infertility services

This bill requires health insurance policies and self-insured governmental health plans that cover medical or hospital expenses to cover diagnosis of and treatment for infertility and standard fertility preservation services. Coverage required under the bill must include at least four completed egg retrievals with unlimited embryo transfers, in accordance with certain guidelines, and single embryo transfer is allowed when recommended and medically appropriate. Policies and plans are prohibited from imposing an exclusion, limitation, or other restriction on coverage of medications of which the bill requires coverage that is not imposed on any other prescription medications covered under the policy or plan. Similarly, policies and plans may not impose any exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period or other restriction on diagnosis, treatment, or services for which coverage is required under the bill that is different from any exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period or other restriction imposed on benefits for other services. Also, policies and plans may not impose an exclusion, limitation, or other restriction on diagnosis, treatment, or services for which coverage is required under the bill on the basis that an insured person participates in fertility services provided by or to a third party. Current law refers to health insurance policies as disability insurance policies.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2414. 609.74 of the statutes is created to read:

609.74 Coverage of infertility services. Defined network plans and preferred provider plans are subject to s. 632.895 (15m).

SECTION 2415. 632.895 (15m) of the statutes is created to read:

632.895 (15m) COVERAGE OF INFERTILITY SERVICES. (a) In this subsection:

1. “Diagnosis of and treatment for infertility” means any recommended procedure or medication to treat infertility at the direction of a physician that is consistent with established, published, or approved medical practices or professional guidelines from the American College of Obstetricians and Gynecologists, or its successor organization, or the American Society for Reproductive Medicine, or its successor organization.

2. “Infertility” means a disease, condition, or status characterized by any of the following:

a. The failure to establish a pregnancy or carry a pregnancy to a live birth after regular, unprotected sexual intercourse for, if the woman is under the age of 35, no longer than 12 months or, if the woman is 35 years of age or older, no longer than 6 months, including any time during those 12 months or 6 months that the woman has a pregnancy that results in a miscarriage.

b. An individual’s inability to reproduce either as a single individual or with a partner without medical intervention.

c. A physician's findings based on a patient's medical, sexual, and reproductive history, age, physical findings, or diagnostic testing.

3. "Self-insured health plan" means a self-insured health plan of the state or a county, city, village, town, or school district.

4. "Standard fertility preservation service" means a procedure that is consistent with established medical practices or professional guidelines published by the American Society for Reproductive Medicine or its successor organization, or the American Society of Clinical Oncology or its successor organization, for a person who has a medical condition or is expected to undergo medication therapy, surgery, radiation, chemotherapy, or other medical treatment that is recognized by medical professionals to cause a risk of impairment to fertility.

(b) Subject to pars. (c) to (e), every disability insurance policy and self-insured health plan that provides coverage for medical or hospital expenses shall cover diagnosis of and treatment for infertility and standard fertility preservation services. Coverage required under this paragraph includes at least 4 completed oocyte retrievals with unlimited embryo transfers, in accordance with the guidelines of the American Society for Reproductive Medicine or its successor organization, and single embryo transfer may be used when recommended and medically appropriate.

(c) 1. A disability insurance policy or self-insured health plan may not do any of the following:

a. Impose any exclusions, limitations, or other restrictions on coverage required under par. (b) based on a covered individual's participation in fertility services provided by or to a 3rd party.

b. Impose any exclusion, limitation, or other restriction on coverage of medications that are required to be covered under par. (b) that are different from

those imposed on any other prescription medications covered under the policy or plan.

c. Impose any exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period, or other restriction on coverage that is required under par. (b) of diagnosis of and treatment for infertility and standard fertility preservation services that is different from an exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period or other restriction imposed on benefits for services that are covered by the policy or plan and that are not related to infertility.

2. A disability insurance policy or self-insured health plan shall provide coverage required under par. (b) to any covered individual under the policy or plan, including any covered spouse or nonspouse dependent, to the same extent as other pregnancy-related benefits covered under the policy or plan.

(d) The commissioner, after consulting with the department of health services on appropriate treatment for infertility, shall promulgate any rules necessary to implement this subsection. Before the promulgation of rules, disability insurance policies and self-insured health plans are considered to comply with the coverage requirements of par. (b) if the coverage conforms to the standards of the American Society for Reproductive Medicine.

(e) This subsection does not apply to a disability insurance policy that is a health benefit plan described under s. 632.745 (11) (b).

SECTION 9323. Initial applicability; Insurance.

(1) COVERAGE OF INFERTILITY SERVICES.

(a) For policies and plans containing provisions inconsistent with these sections, the treatment of ss. 609.74 and 632.895 (15m) first applies to policy or plan

years beginning on January 1 of the year following the year in which this paragraph takes effect, except as provided in pars. (b) and (c).

(b) For policies and plans that have a term greater than one year and contain provisions inconsistent with these sections, the treatment of ss. 609.74 and 632.895 (15m) first applies to policy or plan years beginning on January 1 of the year following the year in which the policy or plan is extended, modified, or renewed, whichever is later.

(c) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with these sections, the treatment of ss. 609.74 and 632.895 (15m) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is entered into, extended, modified, or renewed, whichever is later.

SECTION 9423. Effective dates; Insurance.

(1) COVERAGE OF INFERTILITY SERVICES. The treatment of ss. 609.74 and 632.895 (15m) and SECTION 9323 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1497/P2
MDE:amn

DOA:.....Rice, BB0348 - Municipal Home Rehabilitation Grant Program
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HOUSING

Municipal home rehabilitation grants

This bill requires DOA to award grants to municipalities to fund initiatives to rehabilitate and restore blighted residential properties within the municipality. The bill authorizes DOA to establish eligibility requirements and other program guidelines for the grant program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2416. 16.3095 of the statutes is created to read:

16.3095 Municipal home rehabilitation grants. (1) From the appropriation under s. 20.505 (7) (d), the department shall award grants to municipalities to fund initiatives to rehabilitate and restore blighted residential properties within the municipality.

(2) The department may establish eligibility requirements and other program guidelines for the grant program under this section.

SECTION 2417. 20.505 (7) (d) of the statutes is created to read:

20.505 (7) (d) *Municipal home rehabilitation grants.* Biennially, the amounts in the schedule for program operations and grants to municipalities under s. 16.3095.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1498/P2
MIM:amn

DOA:.....Sherwin, BB0349 - State Employee Paid Family and Medical Leave
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

STATE EMPLOYMENT

Paid family and medical leave

This bill requires the administrator of the Division of Personnel Management in DOA to develop a program for paid family and medical leave of 12 weeks annually for most state employees. The bill requires the administrator to submit the plan for approval as a change to the state compensation plan to the Joint Committee on Employment Relations. If JCOER approves the plan, the plan becomes effective immediately.

The bill also requires the Board of Regents of the UW System to develop a plan for a program for paid family and medical leave of 12 weeks annually for employees of the system and requires the board to submit the plan to the administrator of the Division of Personnel Management in DOA with its compensation plan changes for the 2023-25 biennium.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2418. 230.12 (9m) of the statutes is created to read:

230.12 (9m) PAID FAMILY AND MEDICAL LEAVE. (a) *Definitions.* In this subsection:

1. “Family leave” means leave from employment for a reason specified in s. 103.10 (3) (b) 1. to 3.

2. “Medical leave” means leave from employment when an employee has a serious health condition that makes the employee unable to perform his or her employment duties, or makes the employee unable to perform the duties of any suitable employment.

3. “Serious health condition” has the meaning given in s. 103.10 (1) (g).

(b) *Program.* The administrator shall develop and recommend to the joint committee on employment relations a program, administered by the division, that provides paid family and medical leave for 12 weeks per year to employees whose compensation is established under this section or s. 20.923 (2) or (3) but does not include employees of the Board of Regents of the University of Wisconsin System. The approval process for the program is the same as that provided under sub. (3) (b), and, if approved, the program shall be incorporated into the compensation plan under sub. (1).

(c) *Rules.* The administrator may promulgate rules to implement the family and medical leave program under par. (b).

SECTION 9101. Nonstatutory provisions; Administration.

(1) PAID FAMILY AND MEDICAL LEAVE. If the paid family and medical leave program under s. 230.12 (9m) is approved by the joint committee on employment relations, it shall go into effect immediately upon approval by the joint committee on employment relations.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) PAID FAMILY AND MEDICAL LEAVE.

(a) *Definitions.* In this subsection:

1. “Family leave” means leave from employment for a reason specified in s. 103.10 (3) (b) 1. to 3.

2. “Medical leave” means leave from employment when an employee has a serious health condition that makes the employee unable to perform his or her employment duties, or makes the employee unable to perform the duties of any suitable employment.

3. “Serious health condition” has the meaning given in s. 103.10 (1) (g).

(b) *Program plan.* The Board of Regents of the University of Wisconsin System shall submit to the administrator of the division of personnel management in the department of administration, with its recommendations for adjustments to compensation and employee benefits for employees of the system under s. 230.12 (3) (e) 1. for 2023-25, a plan for a program to provide paid family and medical leave for 12 weeks annually to employees of the system.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1502/P1
MCP:cde

DOA:.....Hutter, BB0352 - Farmland preservation grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Farmland preservation implementation grants

The bill authorizes DATCP to award grants to counties to implement a certified county farmland preservation plan.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2419. 20.115 (7) (tm) of the statutes is amended to read:

20.115 (7) (tm) *Farmland preservation planning grants, working lands fund.*

From the working lands fund, the amounts in the schedule for farmland preservation planning grants under s. 91.10 (6) and for farmland preservation implementation grants under s. 91.10 (7).

SECTION 2420. 91.10 (title) of the statutes is amended to read:

91.10 (title) County plan required; planning and implementation grants.

SECTION 2421. 91.10 (7) of the statutes is created to read:

91.10 (7) (a) From the appropriation under s. 20.115 (7) (tm), the department may award implementation grants to counties for implementing a county's certified farmland preservation plan.

(b) The department shall enter into a contract with a county to which it awards a planning grant under par. (a) before the department distributes any grant funds to the county. In the contract, the department shall identify the costs that are eligible for reimbursement through the grant.

(c) The department may distribute grant funds under this subsection only after the county shows that it has incurred costs that are eligible for reimbursement under par. (b).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1503/P1
MCP:cde

DOA:.....Hutter, BB0351 - Meat talent development grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
AGRICULTURE

Meat processing tuition and curriculum development grants

This bill requires DATCP to provide grants to universities, colleges, and technical colleges to reimburse tuition costs of students enrolled in a meat processing program and for curriculum development of those meat processing programs. Each tuition reimbursement covers up to 80 percent of the tuition cost for enrolling in a meat processing program, limited to a maximum reimbursement of \$7,500.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2422. 20.115 (3) (f) of the statutes is created to read:

20.115 (3) (f) *Meat processing tuition and curriculum development grants.* The amounts in the schedule for providing meat processing tuition grants and curriculum development grants under s. 93.525.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2423. 93.525 of the statutes is created to read:

93.525 Meat processing tuition and curriculum development grants.

(1) From the appropriation under s. 20.115 (3) (f), the department shall provide grants to universities, colleges, and technical colleges located in this state that have programs in meat processing to reimburse tuition costs of students enrolled in a meat processing program and for curriculum development for the meat processing program.

(2) Each tuition reimbursement made with a grant received under this section shall reimburse a student for not more than 80 percent of the first \$9,375 of the tuition cost for enrolling in a meat processing program.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1504/P4
MCP:cdc&amn

DOA:.....Hutter, BB0350 - Agricultural assistance programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

New appropriation for existing and new grant and loan programs

This bill combines appropriations for several existing and new DATCP grant and loan programs. Under the bill, the following programs are all funded from the same GPR appropriation: the existing meat processing facility grant program, dairy processing plant grant program, dairy producer loan and grant program, and Buy Local grant program; and the new food security and Wisconsin products grant program, Farm to Fork grant program, value-added agricultural products grant program, and the farm business consultant grant program, all of which are newly created under the bill. The bill also allows DATCP to use funds from this GPR appropriation for the Something Special from Wisconsin program, in addition to the program's current funding from program fees.

Food security and Wisconsin products grant program

This bill allows DATCP to provide grants to food banks, food pantries, and other nonprofit organizations to purchase Wisconsin food products.

Farm to Fork program

The bill creates a farm to fork program, similar to the existing farm to school program, to connect entities, other than school districts, that have cafeterias to nearby farms to provide locally produced foods in meals and snacks, to help the public

develop healthy eating habits, to provide nutritional and agricultural education, and to improve farmers' incomes and direct access to markets. Under the bill, DATCP may provide grants to entities for these purposes.

Value-added agricultural practices

The bill allows DATCP to provide education and technical assistance related to producing value-added agricultural products. Under the bill, DATCP may provide education and assistance related to organic farming practices; collaborate with organic producers, industry participants, and local organizations that coordinate organic farming; and stimulate interest and investment in organic production. The bill also allows DATCP to provide grants to organic producers, industry participants, and local organizations, which may be used to provide education and technical assistance related to organic farming, to help create organic farming plans, and to assist farmers in transitioning to organic farming. The bill also authorizes DATCP to provide grants to entities to provide education and training to farmers about best practices related to grazing. DATCP is also authorized under the bill to help farmers market value-added agricultural products.

Grants for hiring farm business consultants

The bill authorizes DATCP to provide grants to county agriculture agents of the University of Wisconsin-Extension to help farm operators hire business consultants and attorneys to examine their farm business plans and help them create farm succession plans.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2424. 20.115 (4) (am) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2425. 20.115 (4) (d) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2426. 20.115 (4) (dm) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2427. 20.115 (4) (f) of the statutes is amended to read:

20.115 (4) (f) *Grants for meat processing facilities Agricultural assistance programs.* Biennially, the amounts in the schedule to provide grants ~~for meat~~

~~processing facilities and loans under s. ss. 93.40 (1) (g), 93.44, 93.48, 93.60, 93.62,~~
93.65, 93.66, and 93.68.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2428. 93.40 (1) (g) of the statutes is amended to read:

93.40 (1) (g) Promote the growth of the dairy industry through research, planning, and assistance, including grants and loans to dairy producers and grants to persons operating processing plants, as defined under s. 97.20 (1) (h), from the appropriation under s. 20.115 (4) (f).

SECTION 2429. 93.48 (1) of the statutes is amended to read:

93.48 (1) The department may award grants from the appropriation under s. 20.115 (4) ~~(am)~~ (f) to individuals or organizations to fund projects that are designed to increase the sale of agricultural products grown in this state that are purchased in close proximity to where they are produced. The department may not award a grant under this section unless the applicant contributes matching funds equal to at least 50 percent of the costs of the project. The department shall promulgate rules for the program under this section.

SECTION 2430. 93.60 of the statutes is created to read:

93.60 Food security and Wisconsin products grant program. The department may award grants from the appropriation under s. 20.115 (4) (f) to nonprofit food banks, nonprofit food pantries, and other nonprofit organizations that provide food assistance for the purpose of purchasing food products that are made or grown in this state.

SECTION 2431. 93.62 of the statutes is created to read:

93.62 Farm to fork program. (1) DEFINITION. In this section, “farm to fork program” means a program to connect entities that are not school districts and that have cafeterias to nearby farms to provide locally produced fresh fruits and vegetables, dairy products, and other nutritious, locally produced foods in meals and snacks; to help the public develop healthy eating habits; to provide nutritional and agricultural education; and to improve farmers’ incomes and direct access to markets.

(2) GRANTS. (a) The department may award grants from the appropriation under s. 20.115 (4) (f) to businesses, universities, hospitals, and other entities that are not school districts and that have cafeterias for the creation and expansion of farm to fork programs. The department shall give preference to proposals that are innovative or that provide models that other entities can adopt.

(b) In awarding grants under this section, the department shall promote agricultural development and farm profitability by supporting the development and adoption of practices and agribusiness opportunities that involve the production of value-added agricultural products, as defined under s. 93.65 (1).

(c) The department may award grants under this subsection for projects that do any of the following:

1. Create, expand, diversify, or promote production, processing, marketing, and distribution of food produced in this state for sale to entities in this state other than school districts.

2. Create, expand, or renovate facilities, including purchases of equipment for the facilities, that would ensure the use of food produced in this state in locations in this state other than schools.

3. Provide, expand, or promote training for food service personnel, farmers, and distributors.

4. Provide, expand, or promote nutritional and agricultural education.

(d) The department shall consult with interested persons to establish grant priorities for each fiscal year.

(3) REPORTS. At least annually, the department shall report to the legislature under s. 13.172 (2) and to the secretary on the needs and opportunities for farm to fork programs.

(4) RULES. The department may promulgate rules to administer this section.

SECTION 2432. 93.65 of the statutes is created to read:

93.65 Value-added agricultural practices. (1) DEFINITION. In this section, “value-added agricultural product” means a farm product that satisfies any of the following:

- (a) The product has undergone a change in physical state.
- (b) The product is produced in a manner that enhances its value.
- (c) The product is physically segregated in a manner that enhances its value.
- (d) The product is a source of farm-based or ranch-based renewable energy.
- (e) The product is aggregated and marketed as a locally produced farm product.

(2) VALUE-ADDED PRODUCTS. The department may provide education and technical assistance related to promoting and implementing agricultural practices that produce value-added agricultural products, including by doing all of the following:

(a) *Assistance for organic farming practices.* Providing education and technical assistance related to organic farming practices, including business and market development assistance; collaborating with organic producers, industry

participants, and local organizations that coordinate organic farming; and stimulating interest and investment in organic production. The department may award grants from the appropriation under s. 20.115 (4) (f) to organic producers, industry participants, and local organizations that coordinate organic farming. The department may award a grant to an organic producer, industry participant, or local organization under this paragraph for any of the following purposes:

1. Providing education and technical assistance related to implementing organic farming practices.

2. Helping to create organic farming plans.

3. Assisting farmers to transition to organic farming.

(b) *Grazing grants.* Awarding grants from the appropriation under s. 20.115 (4) (f) to appropriate entities to provide education and training to farmers about best practices related to grazing.

(c) *Promotion.* Helping producers market value-added agricultural products, including products produced through the use of a practice described in s. 93.67.

(3) RULES. The department may promulgate rules to administer this section.

SECTION 2433. 93.66 of the statutes is created to read:

93.66 Grants for hiring farm business consultants. The department may award grants from the appropriation under s. 20.115 (4) (f) to county agriculture agents of the University of Wisconsin-Extension to help farm operators hire business consultants and attorneys to examine their farm business plans and create a farm succession plan. The department may promulgate rules to administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1508/P1
MPG&MDE:kms

DOA:.....Rice, BB0347 - Housing Safety Grants Pilot Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Rental housing safety grants

This bill establishes a pilot program under which DOA must award one or more grants to a first class city (presently only Milwaukee) for activities that support the improvement of rental housing safety in the city, including the enhancement or creation of a property inspection program and the development and launch of a searchable online database that discloses the history of rental properties within the city. The bill authorizes DOA to establish program guidelines for the grant program under this subsection. Under the bill, the grant program sunsets on June 30, 2025.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2434. 16.3067 of the statutes is created to read:

16.3067 Rental housing safety grants. (1) GRANTS. From the appropriation under s. 20.505 (7) (fs), the department shall award one or more grants to a 1st class

city for activities that support the improvement of rental housing safety in the city, including the enhancement or creation of a property inspection program and the development and launch of a searchable online database that discloses the history of rental properties within the city. The department may establish program guidelines for the grant program under this subsection.

(2) SUNSET. No grants may be awarded under sub. (1) after June 30, 2025.

SECTION 2435. 20.505 (7) (fs) of the statutes is created to read:

20.505 (7) (fs) *Rental housing safety grants.* Biennially, the amounts in the schedule for grants to a 1st class city under s. 16.3067.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1509/P1
JK&KP:cdc

DOA:.....Quinn, BB0356 - Data Sharing with the Department of Revenue

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Information sharing between WEDC and DOR

This bill allows WEDC and DOR to enter into an agreement under which WEDC may obtain copies of tax returns and related documents from DOR. The bill also authorizes WEDC to examine tax returns and related documents held by DOR to the extent necessary to administer WEDC's economic development programs. Under current law, WEDC's examination authority is limited to the development zone program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2436. 71.78 (4) (m) of the statutes is amended to read:

71.78 (4) (m) The chief executive officer of the Wisconsin Economic Development Corporation and employees of the corporation to the extent necessary

to administer ~~the development zone program~~ economic development programs under subch. II of ch. 238.

SECTION 2437. 71.78 (5) of the statutes is amended to read:

71.78 (5) AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified in sub. (1) and related schedules, exhibits, writings or audit reports shall not be furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k), (n), (o) and (q) or under an agreement between the department of revenue and another agency of government or the Wisconsin Economic Development Corporation.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1510/P1
MPG&MIM:cjs

DOA:.....Quinn, BB0353 - Badger Fund of Funds Evergreen

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Fund of funds investment program

Currently, DOA administers a program for the investment of moneys in venture capital funds that invest in businesses located in this state, called the fund of funds investment program. Under the program, the state initially contracted with an investment manager during the 2013-14 fiscal year to invest \$25,000,000 in venture capital funds. The gross proceeds from the investment of this \$25,000,000 were to be returned to the state for deposit into the general fund. This bill provides that the gross proceeds are to be reinvested in venture capital funds unless otherwise directed by DOA.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2438. 16.295 (5) (b) 4. of the statutes is created to read:

16.295 (5) (b) 4. Unless otherwise directed by the department, the gross proceeds from all investments of the moneys designated in subd. 1.

***NOTE: Should the "otherwise directed" language be limited in any way, such as DOA depositing the moneys in the general fund?

SECTION 2439. 16.295 (6) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1511/P1
MPG&MDE:skw

DOA:.....Quinn, BB0357 - Cooperative Development Funding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Cooperative development funding

This bill requires WEDC to allocate at least \$500,000 from its economic development appropriations in the 2023-24 fiscal year for the purpose of assisting cooperative development activities in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.

(1) COOPERATIVE DEVELOPMENT FUNDING. From the appropriation under s. 20.192 (1) (a) or (r), the Wisconsin Economic Development Corporation shall allocate at least \$500,000 in the 2023-24 fiscal year for the purpose of assisting cooperative

development activities in this state, including the performance of feasibility studies and other technical assistance and implementation efforts.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1512/P1
MDE&KP:amn

DOA:.....Quinn, BB0358 - Business Development Credit Technical
Modifications

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Business development tax credit changes

Under current law, the tax benefits WEDC may award to a person certified under the business development tax credit program include an amount equal to up to 50 percent of the person's training costs incurred to undertake activities to enhance an eligible employee's general knowledge, employability, and flexibility in the workplace; to develop skills unique to the person's workplace or equipment; or to develop skills that will increase the quality of the person's product. Under this bill, that criterion for awarding business development tax credits is changed to an amount equal to up to 50 percent of the person's training costs incurred to undertake activities to upgrade or improve the job-related skills of an eligible employee, train an eligible employee on the use of job-related new technologies, or provide job-related training to an eligible employee whose employment with the person represents the employee's first full-time job.

Also, under current law, the tax benefits WEDC may award to a person certified under the business development tax credit program include an amount determined by WEDC that is equal to a percentage of the amount of wages that the person paid

to an eligible employee in the taxable year, if the position in which the eligible employee was employed was created or retained in connection with the person's location or retention of the person's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions. Under this bill, WEDC may award business development tax credits under that criterion regardless of whether the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2440. 71.07 (3y) (b) 5. of the statutes is amended to read:

71.07 (3y) (b) 5. ~~An~~ For taxable years beginning before January 1, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

SECTION 2441. 71.07 (3y) (b) 5m. of the statutes is created to read:

71.07 (3y) (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

SECTION 2442. 71.28 (3y) (b) 5. of the statutes is amended to read:

71.28 (3y) (b) 5. ~~An~~ For taxable years beginning before January 1, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

SECTION 2443. 71.28 (3y) (b) 5m. of the statutes is created to read:

71.28 (3y) (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

SECTION 2444. 71.47 (3y) (b) 5. of the statutes is amended to read:

71.47 (3y) (b) 5. ~~An~~ For taxable years beginning before January 1, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.

SECTION 2445. 71.47 (3y) (b) 5m. of the statutes is created to read:

71.47 (3y) (b) 5m. For taxable years beginning after December 31, 2022, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 5., equal to a percentage of the amount of wages that the claimant paid to an eligible employee in the taxable year if the position in which the eligible employee was employed was created or retained in connection with the claimant's location or retention of the claimant's corporate headquarters in Wisconsin.

SECTION 2446. 238.308 (4) (a) 3. of the statutes is amended to read:

238.308 (4) (a) 3. An amount equal to up to 50 percent of the person's training costs incurred to undertake activities to enhance ~~an eligible employee's general knowledge, employability, and flexibility in the workplace; to develop skills unique to the person's workplace or equipment; or to develop skills that will increase the quality of the person's product~~ upgrade or improve the job-related skills of an eligible employee, train an eligible employee on the use of job-related new technologies, or provide job-related training to an eligible employee whose employment with the person represents the employee's first full-time job.

SECTION 2447. 238.308 (4) (a) 5. of the statutes is amended to read:

238.308 (4) (a) 5. An amount, as determined by the corporation, equal to a percentage of the amount of wages that the person paid to an eligible employee in the taxable year, if the position in which the eligible employee was employed was created or retained in connection with the person's location or retention of the person's corporate headquarters in Wisconsin and ~~the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions.~~

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1514/P2
JK&KP:cdc&kms

DOA:.....Quinn, BB0355 - Flood Insurance Premium Tax Credit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Flood insurance premiums

This bill creates a nonrefundable individual income tax credit for flood insurance premiums. The credit is equal to 10 percent of the amount of the premiums that an individual paid in the taxable year for flood insurance, but the amount of the claim may not exceed \$60 in any taxable year. Because the credit is nonrefundable, it may be claimed only up to the amount of the individual's tax liability.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2448. 71.07 (8s) of the statutes is created to read:

71.07 (8s) FLOOD INSURANCE PREMIUMS CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an individual who files a claim under this subsection.

2. "Flood insurance" means a flood insurance policy that covers the principal dwelling of the claimant.

(b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, 2022, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to 10 percent of the amount of the premiums the claimant paid in the taxable year for flood insurance, but the amount of the credit may not exceed \$60 in any taxable year.

(c) *Limitations.* 1. No credit may be claimed under this subsection by a part-year resident or a nonresident of this state.

2. No credit may be allowed under this subsection unless it is claimed within the period specified in s. 71.75 (2).

3. No credit may be allowed under this subsection for a taxable year covering a period of less than 12 months, except for a taxable year closed by reason of the death of the taxpayer.

(d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

SECTION 2449. 71.10 (4) (hg) of the statutes is created to read:

71.10 (4) (hg) Flood insurance premiums credit under s. 71.07 (8s).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1516/P1
JK:kms

DOA:.....Quinn, BB0359 - First-time homebuyer accounts and tax deduction

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

First-time home buyer savings accounts

This bill creates a tax-advantaged first-time home buyer savings account. Under the bill, an individual, known as the account holder, may open an account at a financial institution for the purpose of paying the down payment and closing costs for the purchase of a single-family residence in Wisconsin by the account's designated beneficiary. The beneficiary, who may be the account holder, must be a Wisconsin resident who has not owned a single-family residence during the 36 months prior to the purchase. An individual may be designated the beneficiary of more than one account, but not by the same account holder. The account holder may change the beneficiary at any time. An account may only remain open for 10 years.

The bill provides that an account holder, when calculating his or her income for state tax purposes, may subtract the deposits that he or she made into the account during the year, as well as any interest and other gains on the account that are redeposited into it. The maximum amount of deposits that the account holder may subtract per account each year is \$5,000, which is increased to \$10,000 if he or she is married and files a joint return. Over all taxable years, the account holder may

not subtract more than \$50,000 of deposits into any account for each beneficiary. The bill provides that other persons may contribute to the account, but they may not subtract their contributions.

Under the bill, with limited exceptions, if an amount is withdrawn from the account for any reason other than paying the down payment and closing costs, the account holder is subject to a 10 percent penalty tax on the withdrawal and must include the amount of the withdrawal in income for state tax purposes.

The bill requires that the account holder annually submit information about the account to DOR, including a list of the account's transactions. The bill's provisions apply to taxable years beginning after December 31, 2022.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2450. 71.05 (6) (a) 30. of the statutes is created to read:

71.05 (6) (a) 30. For an account holder, as defined in s. 71.10 (10) (a) 1., or an account holder's estate:

a. Any amount distributed under s. 71.10 (10) (d) 2. or 3.

b. Any amount withdrawn from the account created under s. 71.10 (10) (b) 1. for any reason other than payment or reimbursement of eligible costs, as defined in s. 71.10 (10) (a) 4., except that this subd. 30. b. does not apply to the transfer of funds to another account as described in s. 71.10 (10) (c) 4. or to the disbursement of funds pursuant to a filing for bankruptcy protection under 11 USC 101 et seq.

SECTION 2451. 71.05 (6) (b) 57. of the statutes is created to read:

71.05 (6) (b) 57. For each account an account holder, as defined in s. 71.10 (10) (a) 1., creates under s. 71.10 (10) (b) 1., and subject to s. 71.10 (10) (d), the amount deposited, limited to \$5,000, by the account holder into the account during the taxable year and any interest, dividends, and other gains that accrue in the account

and are redeposited into it. If the account holder is married and files a joint return, the \$5,000 limitation shall be increased to \$10,000. The subtraction under this subdivision does not apply to the transfer of funds from another account as described in s. 71.10 (10) (c) 4.

SECTION 2452. 71.10 (4) (k) of the statutes is created to read:

71.10 (4) (k) Any amount computed under s. 71.83 (1) (ch).

SECTION 2453. 71.10 (10) of the statutes is created to read:

71.10 (10) FIRST-TIME HOME BUYER SAVINGS ACCOUNTS. (a) *Definitions.* In this subsection:

1. “Account holder” means an individual who creates, individually or jointly with his or her spouse, an account under par. (b) 1.

2. “Allowable closing costs” means disbursements listed in a settlement statement for the purchase of a single-family residence by a beneficiary.

3. “Beneficiary” means a first-time home buyer who is designated by an account holder as the beneficiary of an account created under par. (b) 1.

4. “Eligible costs” means the down payment and allowable closing costs for the purchase of a single-family residence in this state by a beneficiary.

5. “Financial institution” means a bank, trust company, savings institution, savings bank, savings and loan association, industrial loan association, consumer finance company, credit union, benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this state.

6. “First-time home buyer” means an individual who resides in this state and did not have, either individually or jointly, a present ownership interest in a

single-family residence during the 36 months before the month in which the individual purchases a single-family residence in this state.

7. “Single-family residence” means a residence intended for occupation by a single family unit that is purchased by a beneficiary for use as his or her principal residence.

(b) *Creation of account.* 1. An individual may create an account and become the account holder by opening an account at a financial institution for the purpose of paying or reimbursing the eligible costs of a first-time home buyer. The account holder shall designate a beneficiary when the account is created and may designate himself or herself as the beneficiary. An account may have only one beneficiary at any one time. An individual may be the beneficiary of more than one account, and an individual may be the account holder of more than one account, but an account holder may not have more than one account that designates the same beneficiary. The account holder may change the beneficiary at any time.

2. An individual may jointly own an account created under subd. 1 with his or her spouse.

3. Only cash and marketable securities may be contributed to an account created under subd. 1.

4. Persons other than an account holder may contribute to an account created under subd. 1, but the subtraction under s. 71.05 (6) (b) 57. may be made only by the account holder.

(c) *Account holder rights and responsibilities.* 1. An account holder may withdraw funds from an account created under par. (b) 1. to pay eligible costs for the benefit of the beneficiary or to reimburse the beneficiary for eligible costs the beneficiary incurs and has paid.

2. An account holder may not use funds in an account created under par. (b) 1. to pay any expenses he or she incurs in administering the account, although a financial institution may deduct a service fee from the account.

3. Annually, an account holder shall submit to the department with his or her income tax return, on forms prepared by the department, information regarding the account created under par. (b) 1. The information submitted shall include all of the following:

a. A list of transactions in the account during the taxable year to which the return relates, including the beginning and ending balances of the account.

b. The 1099 form issued by the financial institution that relates to the account.

c. A list of eligible costs, and other costs, for which funds from the account were withdrawn during the taxable year to which the return relates.

4. An account holder may withdraw funds from an account created under par. (b) 1. with no penalty due under s. 71.83 (1) (ch) and no responsibility to make an addition under s. 71.05 (6) (a) 30. if he or she immediately transfers the funds to a different financial institution and deposits the funds into an account created under par. (b) 1. at that financial institution.

(d) *Limitations on accounts, dissolution.* 1. An account holder may not claim a subtraction under s. 71.05 (6) (b) 57. for more than a total of \$50,000 of deposits into any account created under par. (b) 1. for each beneficiary.

2. An account holder shall dissolve an account created under par. (b) 1. no later than 120 months after it is created. The financial institution shall distribute any funds in the account at dissolution to the account holder.

3. If an account holder dies while funds remain in an account created under par. (b) 1., the account shall be dissolved and the financial institution shall distribute the funds to the account holder's estate.

(e) *Department responsibilities.* The department shall:

1. Prepare and distribute any forms that an account holder is required to submit under par. (c) 3. and any other forms necessary to administer this subsection and the adjustments to income under s. 71.05 (6) (a) 30. and (b) 57.

2. Prepare and distribute to financial institutions and potential home buyers informational materials about the accounts described in this subsection.

SECTION 2454. 71.83 (1) (ch) of the statutes is created to read:

71.83 (1) (ch) *First-time home buyer savings account withdrawals.* If an account holder, as defined under s. 71.10 (10) (a) 1., or an account holder's estate is required to add any amount to federal adjusted gross income under s. 71.05 (6) (a) 30., the account holder or the account holder's estate shall also pay an amount equal to 10 percent of the amount that is added to income under s. 71.05 (6) (a) 30. The department of revenue shall assess, levy, and collect the penalty under this paragraph as it assesses, levies, and collects taxes under this chapter.

SECTION 9337. Initial applicability; Revenue.

(1) **FIRST-TIME HOME BUYER SAVINGS ACCOUNT.** The treatment of ss. 71.05 (6) (a) 30. and (b) 57., 71.10 (4) (k) and (10), and 71.83 (1) (ch) first applies to taxable years beginning on January 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1519/P3
MIM:cjs&amn

DOA:.....Sherwin, BB0362 - Office of Environmental Justice, Risk Assessment and Resiliency Plans; Office of Sustainability and Clean Energy

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Creating the Office of Environmental Justice

This bill creates the Office of Environmental Justice within DOA. The office is led by a director outside the classified service who is appointed by the secretary of administration.

The duties of the office include all of the following: 1) developing a statewide climate risk assessment and resiliency plan; 2) assisting state agencies, local governments, and tribal governments with the development of climate risk assessment and resiliency plans; 3) administering a climate risk assessment and resiliency plan technical assistance grant program; 4) collaborating with state agencies and entities that serve vulnerable communities to address the impact of climate change on vulnerable communities; 5) providing guidance to state entities on issues regarding environmental justice and related community issues to address environmental issues and concerns that affect primarily low income and minority communities; and 6) creating an annual report on issues, concerns, and problems related to environmental justice. The bill also creates the unclassified positions of

chief resiliency officer and director of the Office of Environmental Justice. Under the bill, the chief resiliency officer and the director of the Office of Environmental Justice are assigned to executive salary group 3.

This bill makes an appropriation for the administration of the Office of Environmental Justice and the Office of Sustainability and Clean Energy and for the chief resiliency officer.

This bill also makes an appropriation for the climate risk assessment and resiliency plan technical assistance grant program.

Office of Sustainability and Clean Energy

This bill creates the Office of Sustainability and Clean Energy in DOA to administer certain energy programs. The bill requires the Office of Sustainability and Clean Energy to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the Office of Sustainability and Clean Energy to provide technical assistance to governmental units and private entities. In addition, the bill requires the Office of Sustainability and Clean Energy to establish a program for making grants for clean energy production research. This bill also makes an appropriation for grants for clean energy production research.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2455. 15.105 (34) of the statutes is created to read:

15.105 (34) OFFICE OF ENVIRONMENTAL JUSTICE. There is created in the department of administration an office of environmental justice. The office shall be under the direction and supervision of a director, who shall be appointed by the secretary of administration to serve at the pleasure of the secretary.

SECTION 2456. 15.105 (35) of the statutes is created to read:

15.105 (35) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. There is created in the department of administration an office to be known as the office of sustainability and clean energy.

SECTION 2457. 16.035 of the statutes is created to read:

16.035 Office of environmental justice. The office of environmental justice shall do all of the following:

(1) Develop a statewide climate risk assessment and resiliency plan.

(2) Assist state agencies, local governments, and federally recognized tribal governing bodies in this state with the development of climate risk assessment and resiliency plans.

(3) Administer a climate risk assessment and resiliency plan technical assistance grant program.

(4) Collaborate with state agencies and entities that serve vulnerable communities to address the impact of climate change on vulnerable communities.

(5) Analyze grant opportunities and enforcement of environmental laws and regulations and, based on those analyses and input from residents of this state, advise and provide guidance to state entities on environmental justice and related community issues to address environmental issues and concerns that affect primarily low income and minority communities.

(6) Based on the analyses required under sub. (5), create an annual report on issues, concerns, and problems related to environmental justice, including addressing areas of this state that have environmental justice issues that require immediate attention.

SECTION 2458. 16.954 of the statutes is created to read:

16.954 Office of sustainability and clean energy. (1) DEFINITIONS. In this section:

(a) "Office" means the office of sustainability and clean energy.

(b) "Public utility" has the meaning given in s. 196.01 (5).

(2) INITIATIVES. The office shall work on initiatives that have the following goals:

(a) Promoting the development and use of clean and renewable energy across this state.

(b) Advancing innovative sustainability solutions in ways that improve this state's economy and environment, including energy initiatives that reduce carbon emissions, accelerate economic growth, and lower customer energy costs.

(c) Diversifying the resources used to reliably meet the energy needs of consumers in this state and generate family-supporting jobs through the expansion of this state's clean energy economy.

(3) OTHER DUTIES. The office shall do all of the following:

(a) Provide advice and support to state agencies in developing or retrofitting sustainable infrastructure to reduce energy use and lessen negative impacts on this state's air and water quality.

(b) Study and report on the status of existing clean and renewable energy efforts by the state, including economic development initiatives, and develop future energy policy opportunities for consideration by the governor and state agencies.

(c) Serve as a single point of contact to assist businesses, local units of government, and nongovernmental organizations that are pursuing clean energy opportunities.

(d) Identify and share information about clean energy funding and employment opportunities for private and state and local governmental entities.

(e) Take other steps necessary to facilitate the implementation of the initiatives specified in sub. (2) and to identify and address barriers to the implementation of those initiatives.

(4) CLEAN ENERGY GRANTS. The office shall establish a program for making grants from the appropriation under s. 20.505 (4) (cm) to fund research in support of clean energy production.

(5) TECHNICAL ASSISTANCE. (a) The office may provide technical assistance to local governmental units and private entities to assist in the planning and implementation of energy efficiency and renewable resources and may charge for those services. The office may request technical and staff assistance from other state agencies in providing technical assistance to those units of government and private entities.

(b) The office may require a public utility to provide energy billing and use data regarding public schools, if the office determines that the data are necessary to provide technical assistance under par. (a) in public schools, including those with the highest energy costs.

(c) The office shall consult with the public service commission in implementing this subsection.

SECTION 2459. 20.505 (1) (cf) of the statutes is created to read:

20.505 (1) (cf) *Climate risk assessment and resiliency plan technical assistance grants.* Biennially, the amounts in the schedule for the climate risk assessment and resiliency plan technical assistance grants under s. 16.035 (3).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2460. 20.505 (1) (fz) of the statutes is created to read:

20.505 (1) (fz) *Office of environmental justice; office of sustainability and clean energy; administration.* The amounts in the schedule for the administration of the

office of environmental justice and the office of sustainability and clean energy and for the chief resiliency officer.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2461. 20.505 (4) (cm) of the statutes is created to read:

20.505 (4) (cm) *Clean energy grants.* Biennially, the amounts in the schedule for grants under s. 16.954 (4).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2462. 20.923 (4) (c) 1s. of the statutes is created to read:

20.923 (4) (c) 1s. Administration, department of: chief resiliency officer.

SECTION 2463. 20.923 (4) (c) 1t. of the statutes is created to read:

20.923 (4) (c) 1t. Administration, department of: director of the office of environmental justice.

SECTION 2464. 230.08 (2) (ya) of the statutes is created to read:

230.08 (2) (ya) The director of the office of environmental justice in the department of administration.

SECTION 2465. 230.08 (2) (yf) of the statutes is created to read:

230.08 (2) (yf) The chief resiliency officer in the department of administration.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1521/P2
MDE:amn&cjs

DOA:.....Kirschbaum, BB0367 - Clean Energy Training and Reemployment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Clean energy training and reemployment

This bill requires DWD to establish and administer a clean energy training and reemployment program to connect workers with employers and use other apprenticeship and technical college programs to deliver training for clean energy jobs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2466. 20.445 (1) (bq) of the statutes is created to read:

20.445 (1) (bq) *Clean energy training and reemployment program.* As a continuing appropriation, the amounts in the schedule for program administration and associated costs under s. 106.28.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2467. 106.28 of the statutes is created to read:

106.28 Clean energy training and reemployment program. The department shall, from the appropriation under s. 20.445 (1) (bq), establish and administer a clean energy training and reemployment program to connect workers with employers and use other apprenticeship and technical college programs to deliver training for clean energy jobs.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1522/P2
MIM:wlj

DOA:.....Ziegler, BB0368 - Budget Stabilization Fund

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

This bill transfers \$500,000,000 from the general fund to the budget stabilization fund in fiscal year 2023-24.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9201. Fiscal changes; Administration.

(1) TRANSFER TO THE BUDGET STABILIZATION FUND. There is transferred from the general fund to the budget stabilization fund \$500,000,000 in fiscal year 2023-24.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1523/P1
KP:klm

DOA:.....Quinn, BB0354 - Dividends received deduction limitation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Dividends received deduction limitation

Current law allows corporations to deduct, for income and franchise tax purposes, the dividends received from related corporations. The dividends must be paid on common stock, and the corporation receiving the dividends must own at least 70 percent of the total combined voting stock of the other corporation. Current law also allows businesses to carry forward net business losses to future taxable years in order to offset income in those years. Under this bill, a business may not take the dividends received deduction into account when determining if it has a net business loss that can be carried forward.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2468. 71.26 (3) (j) of the statutes is amended to read:

71.26 (3) (j) Sections 243, 244, 245, 245A, 246 and 246A are excluded and replaced by the rule that corporations may deduct from income dividends received from a corporation with respect to its common stock if the corporation receiving the dividends owns, directly or indirectly, during the entire taxable year at least 70 percent of the total combined voting stock of the payor corporation. In this paragraph, “dividends received” means gross dividends minus taxes on those dividends paid to a foreign nation and claimed as a deduction under this chapter. The same dividends may not be deducted more than once and may not be used in the determination of a net business loss under ss. 71.26 (4) and 71.45 (4).

SECTION 2469. 71.26 (4) (a) of the statutes is amended to read:

71.26 (4) (a) Except as provided in par. (b) and s. 71.80 (25), a corporation, except a tax-option corporation or an insurer to which s. 71.45 (4) applies, may offset against its Wisconsin net business income any Wisconsin net business loss incurred in any of the 20 immediately preceding taxable years, if the corporation was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset by other items of Wisconsin income in the loss year and by Wisconsin net business income of any year between the loss year and the taxable year for which an offset is claimed. For purposes of this subsection, Wisconsin net business income or loss shall consist of all the income attributable to the operation of a trade or business in this state, less the business expenses allowed as deductions in computing net income, except that the dividends received deduction under sub. (3) (j) may not be used in the determination of a net business loss. The Wisconsin net business income or loss of corporations engaged in business within and without the state shall be determined under s. 71.25 (6) and (10) to (12). Nonapportionable losses

having a Wisconsin situs under s. 71.25 (5) (b) shall be included in Wisconsin net business loss; and nonapportionable income having a Wisconsin situs under s. 71.25 (5) (b), whether taxable or exempt, shall be included in other items of Wisconsin income and Wisconsin net business income for purposes of this subsection.

SECTION 2470. 71.45 (4) (a) of the statutes is amended to read:

71.45 (4) (a) Except as provided in par. (b) and s. 71.80 (25), insurers computing tax under this subchapter may subtract from Wisconsin net income any Wisconsin net business loss incurred in any of the 20 immediately preceding taxable years, if the insurer was subject to taxation under this chapter in the taxable year in which the loss was incurred, to the extent not offset by Wisconsin net business income of any year between the loss year and the taxable year for which an offset is claimed and computed without regard to sub. (2) (a) 8. and 9. and this subsection and limited to the amount of net income, but no loss incurred for a taxable year before taxable year 1987 by a nonprofit service plan of sickness care under ch. 148, or dental care under s. 447.13 may be treated as a net business loss of the successor service insurer under ch. 613 operating by virtue of s. 148.03 or 447.13. For purposes of this paragraph, the dividends received deduction under s. 71.26 (3) (j) may not be used in the determination of a net business loss.

SECTION 9337. Initial applicability; Revenue.

(1) DIVIDENDS RECEIVED DEDUCTION. The treatment of ss. 71.26 (3) (j) and (4) (a) and 71.45 (4) (a) first applies to taxable years beginning after December 31, 2022.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1524/P1
EHS:wlj

DOA:.....Sherwin, BB0360 - Social cost of carbon

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Social cost of carbon

This bill requires PSC to consider the social cost of carbon in determining whether to issue certificates required to construct large electric generating facilities or high-voltage transmission lines or to engage in certain other public utility projects. The bill defines “social cost of carbon” as a measure of the economic harms and other impacts expressed in dollars that result from emitting one ton of carbon dioxide into the atmosphere. The bill requires PSC to evaluate and set the social cost of carbon emissions as a dollar amount per ton of carbon dioxide emitted into the atmosphere. The bill requires PSC to evaluate and adjust as necessary that dollar amount every two years. In making the evaluations, PSC must use integrated assessment models and consider appropriate discount rates. The bill requires any adjustment by PSC to be consistent with the international consensus on the social cost of carbon. The bill requires PSC to consult with DNR in making the evaluations.

The bill also requires that, beginning no later than December 31, 2023, PSC must submit a report every odd-numbered year to the legislature describing PSC’s evaluation of the social cost of carbon. If PSC adjusts the previously set dollar amount, the report must specify the social cost of carbon as adjusted by PSC.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2471. 196.025 (1h) of the statutes is created to read:

196.025 (1h) SOCIAL COST OF CARBON EMISSIONS. (a) In this subsection, “social cost of carbon” means a measure of the economic harms and other impacts expressed in dollars that result from emitting one ton of carbon dioxide into the atmosphere.

(b) In consultation with the department of natural resources, the commission shall evaluate and set the social cost of carbon and shall evaluate and adjust as necessary that dollar amount every 2 years. The evaluations shall use integrated assessment models and consider appropriate discount rates. Any adjustment shall be consistent with the international consensus on the social cost of carbon.

(c) No later than December 31, 2023, and no later than December 31 every odd-numbered year thereafter, the commission shall submit to the appropriate standing committees of the legislature under s. 13.172 (3) a report that describes the commission’s evaluation under par. (b) and, if the commission adjusts the previously set dollar amount under par. (b), specifies the social cost of carbon as adjusted by the commission.

(d) The commission shall consider the social cost of carbon in determining whether to issue certificates under ss. 196.49 and 196.491 (3).

SECTION 9336. Initial applicability; Public Service Commission.

(1) SOCIAL COST OF CARBON. The treatment of s. 196.025 (1h) (d) first applies to applications for certificates that are received on December 31, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1526/P1
KP:skw

DOA:.....Sherwin, BB0364 - Lead service lines statutory changes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Remove size limit on grants for lead service line replacement

The bill allows water public utilities to make grants that cover the full cost of replacing lead-containing customer-side water service lines. Under current law, water public utilities may, after applying to and receiving approval from PSC, make grants and loans to property owners to assist replacement of customer-side water service lines containing lead. Current law prohibits PSC from approving a water public utility's application to provide these grants unless grants are limited to no more than one-half of the total cost of replacing lead-containing customer-side water service lines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2472. 196.372 (3) (e) 2. (intro.) and b. of the statutes are consolidated, renumbered 196.372 (3) (e) 2. and amended to read:

196.372 (3) (e) 2. The commission may not approve an application under subd. 1. unless the application satisfies ~~all of the following conditions:~~ ~~b. Any states that~~ any loan provided may not be forgiven by the water public utility or the municipality.

SECTION 2473. 196.372 (3) (e) 2. a. of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1529/P1
MCP:wlj

DOA:.....Potts, BB0370 - Planning grants for regional biodigesters

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Planning grants for establishing regional biodigesters

Under the bill, DATCP must provide planning grants for establishing regional biodigesters in the state. Biodigesters are used to break down organic material into gas, liquids, and solids.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2474. 20.115 (7) (u) of the statutes is created to read:

20.115 (7) (u) *Planning grants for regional biodigesters.* From the environmental fund, the amounts in the schedule for providing planning grants for establishing regional biodigesters under s. 93.74.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2475. 93.74 of the statutes is created to read:

93.74 Planning grants for regional biodigesters. (1) GRANT PROGRAM.

From the appropriation under s. 20.115 (7) (u), the department shall provide planning grants for establishing regional biodigesters.

(2) RULES. The department shall promulgate rules for the administration of this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1531/P1
MCP:wlj

DOA:.....Hutter, BB0371 - Food waste reduction

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Grants for food waste reduction pilot projects

The bill requires DATCP to provide grants for food waste reduction pilot projects that have an objective of preventing food waste, redirecting surplus food to hunger relief organizations, and composting food waste. Under the bill, DATCP must give preference to grant proposals that serve census tracts for which the median household income is below the statewide median household income and in which no grocery store is located.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2476. 20.115 (3) (e) of the statutes is created to read:

20.115 (3) (e) *Food waste reduction grants.* The amounts in the schedule for providing food waste reduction grants under s. 93.53.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2477. 93.53 of the statutes is created to read:

93.53 Food waste reduction grants. (1) The department shall provide grants for food waste reduction pilot projects that have an objective of preventing food waste, redirecting surplus food to hunger relief organizations, and composting food waste. In awarding grants under this section, the department shall give preference to proposals that serve census tracts for which the median household income is below the statewide median household income and in which no grocery store is located.

(2) The department shall promulgate rules for the administration of this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1534/P1

MIM:amn

DOA:.....Sherwin, BB0379 - Clean Energy Small Business Incubator

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Clean energy small business incubator

This bill creates a clean energy small business incubator that is operated by the Office of Sustainability and Clean Energy in DOA. The incubator is required to provide business development, mentorship, and expertise to small businesses with primary places of business in this state that operate in the clean energy sector. The bill also creates a grant program operated by the incubator to provide grants to small business start-ups that operate in the clean energy sector with a primary place of business in this state and requires the Office of Sustainability and Clean Energy to establish requirements for recipients of such grants. Finally, the bill creates a new GPR appropriation for the administration of the incubator and for grants to small business start-ups in the clean energy sector.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2478. 16.955 of the statutes is created to read:

16.955 Clean energy small business incubator. (1) INCUBATOR. The office of sustainability and clean energy in the department shall operate a small business incubator.

(2) DUTIES. The incubator operated under sub. (1) shall provide business development, mentorship, and expertise to small businesses with their primary place of business in this state that operates in the clean energy sector.

(3) GRANTS. From the appropriation under s. 20.505 (4) (cn), the incubator shall award grants to small business start-up companies with their primary place of business in this state that operate in the clean energy sector. The office of sustainability and clean energy shall establish requirements for grant recipients under this subsection.

SECTION 2479. 20.505 (4) (cn) of the statutes is created to read:

20.505 (4) (cn) *Clean energy small business incubator.* Biennially, the amounts in the schedule for the operation of the clean energy small business incubator under s. 16.955 (1) and grants under s. 16.955 (3).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1535/P1
MPG&MIM:emw

DOA:.....Ziegler, BB0369 - General Fund Required Balance

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Required general fund statutory balance

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total GPR appropriations for that fiscal year. Beginning in fiscal year 2017-18, that amount has been equal to the prior fiscal year's required statutory balance plus \$5,000,000, but not to exceed 2 percent of total GPR appropriations for the fiscal year.

This bill provides that for fiscal year 2023-24 and each fiscal year thereafter, the amount is \$600,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2480. 20.003 (4) (L) of the statutes is amended to read:

20.003 (4) (L) For fiscal year years 2017-18 and ~~each fiscal year thereafter to 2022-23~~, an amount equal to the prior fiscal year's required statutory balance plus \$5,000,000, but not to exceed 2 percent.

SECTION 2481. 20.003 (4) (m) of the statutes is created to read:

20.003 (4) (m) For fiscal year 2023-24 and each fiscal year thereafter, \$600,000,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1536/P2
MPG:klm

DOA:.....Quinn, BB0382 - Main Street Bounceback Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Main street bounceback grants

This bill creates an annual GPR appropriation for WEDC to award grants to provide assistance to businesses opening a new location or expanding operations in a vacant commercial space. WEDC already administers such a program, which is nonstatutory, with federal America Rescue Plan Act (ARPA) funding. Under the bill, WEDC must establish eligibility requirements and other policies and procedures for grants awarded under the bill that are substantially similar to the eligibility requirements and policies and procedures in effect on June 30, 2023, for the Wisconsin Tomorrow Main Street Bounceback Grant program administered by WEDC. Additionally, WEDC may not award a grant under the bill to a nonprofit organization.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2482. 20.192 (1) (br) of the statutes is created to read:

20.192 (1) (br) *Main street bounceback grants.* The amounts in the schedule for grants awarded under s. 238.129.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2483. 238.129 of the statutes is created to read:

238.129 Main street bounceback grants. (1) GRANTS. From the appropriation under s. 20.192 (1) (br), the corporation may award grants to provide assistance to businesses opening a new location or expanding operations in a vacant commercial space.

(2) ELIGIBILITY. (a) Subject to par. (b), the corporation shall establish eligibility requirements and other policies and procedures for the grants awarded under sub. (1) that are substantially similar to the eligibility requirements and policies and procedures in effect on June 30, 2023, for the Wisconsin Tomorrow Main Street Bounceback Grant program administered by the corporation.

(b) The corporation may not award a grant under this section to a nonprofit organization.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1537/P5
MPG/ZDW/EHS/FFK:emw&amn

DOA:.....Bork, BB0375 - Additional Tribal Gaming Items

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Funding from Indian gaming receipts

Current law requires DOA to transfer portions of Indian gaming receipts to certain DNR appropriations annually. This bill eliminates the requirement to transfer these amounts to an appropriation that funds snowmobile law enforcement operations and safety training and fatality reporting and eliminates that appropriation. The bill makes no change to an appropriation funding the same purposes from the conservation fund.

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Grants to replace race-based nicknames, logos, mascots, or team names associated with American Indians

This bill authorizes DPI to award a grant to a school board that terminates the use of a race-based nickname, logo, mascot, or team name that is associated with a federally recognized American Indian tribe or American Indians, in general. Under the bill, a school board is eligible for a grant whether or not the school board decides to terminate the use of a race-based nickname, logo, mascot, or team name

voluntarily, in response to an objection to its use, or in compliance with an order issued by the Division of Hearings and Appeals. The bill specifies that the amount of the grant may not exceed the greater of \$50,000 or the actual cost incurred by the school board to replace the race-based nickname, logo, mascot, or team name. Under the bill, these grants are funded from Indian gaming receipts.

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Director of Native American affairs

This bill requires the secretary of administration to appoint a director of Native American affairs in the unclassified service to manage relations between the state and American Indian tribes or bands in the state.

Grants to each American Indian tribe or band in Wisconsin

This bill requires DOA to award grants of equal amounts to each American Indian tribe or band in the state for the purpose of supporting programs to meet the needs of members of the tribe or band.

The bill also requires DOA to award grants of equal amounts to each American Indian tribe or band in the state to promote tribal language revitalization and cultural preservation.

Under the bill, no grant moneys awarded under the above grant programs may be used to pay gaming-related expenses.

Other tribal grants

This bill requires DOA to do all of the following:

1. Award grants to the Oneida Nation of Wisconsin to support the Healing to Wellness Court program at the Oneida Nation, in an amount not to exceed \$259,100 annually.
2. Award grants to the Oneida Nation of Wisconsin to support coordination between the National Estuarine Research Reserve System and Great Lakes tribal nations, in an amount not to exceed \$110,100 annually.
3. Award grants to the Oneida Nation of Wisconsin to support the Oneida Nation's collaboration with the Audubon Society concerning Audubon Great Lakes restoration projects, in an amount not to exceed \$175,000 annually. This grant requirement sunsets after five years.
4. Award grants to the Menominee Indian Tribe of Wisconsin to support the Menominee Indian Tribe's transit services, in an amount not to exceed \$266,600 annually.

TOURISM

Tourism marketing funding from Indian gaming receipts

Current law requires DOA to transfer portions of Indian gaming receipts to the Department of Tourism for certain tourism marketing expenses. This bill eliminates that requirement. The bill leaves in place an appropriation funding the same purposes from general purpose revenues and from the transportation fund.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2484. 16.004 (26) of the statutes is created to read:

16.004 (26) TRIBAL RELATIONS. The secretary shall appoint a director of Native American affairs to manage relations between the state and American Indian tribes or bands in this state.

SECTION 2485. 16.07 of the statutes is created to read:

16.07 Grants to support tribal programs. From the appropriation under s. 20.505 (1) (kk), the department shall award a grant to each American Indian tribe or band in this state for use as the tribe or band deems necessary to support programs to meet the needs of its members. No tribe or band may be awarded grant moneys under this section that exceed the amount awarded to any other tribe or band. No grant moneys may be used to pay gaming-related expenses.

SECTION 2486. 16.08 of the statutes is created to read:

16.08 Grants to promote tribal language revitalization and cultural preservation. From the appropriation under s. 20.505 (1) (kk), the department shall award a grant to each American Indian tribe or band in this state to promote tribal language revitalization and cultural preservation. No tribe or band may be awarded grant moneys under this section that exceed the amount awarded to any other tribe or band. No grant moneys may be used to pay gaming-related expenses.

SECTION 2487. 16.085 of the statutes is created to read:

16.085 Other tribal grants. From the appropriation under s. 20.505 (1) (kt) the department shall do all of the following:

(1) Award grants to the Oneida Nation of Wisconsin to support the Healing to Wellness Court program at the Oneida Nation, in an amount not to exceed \$259,100 annually.

(2) Award grants to the Oneida Nation of Wisconsin to support coordination between the National Estuarine Research Reserve System and Great Lakes tribal nations, in an amount not to exceed \$110,100 annually.

(3) Award grants to the Oneida Nation of Wisconsin to support the Oneida Nation's collaboration with the Audubon Society concerning Audubon Great Lakes restoration projects, in an amount not to exceed \$175,000 annually. No grant may be awarded under this subsection after June 30, 2028.

(4) Award grants to the Menominee Indian Tribe of Wisconsin to support the Menominee Indian Tribe's transit services, in an amount not to exceed \$266,600 annually.

SECTION 2488. 20.255 (2) (kg) of the statutes is created to read:

20.255 (2) (kg) *Grants to replace certain race-based nicknames, logos, mascots, and team names.* The amounts in the schedule for grants to school boards under s. 118.134 (6). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 29. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2489. 20.370 (3) (ak) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2490. 20.380 (1) (b) of the statutes is amended to read:

20.380 (1) (b) *Tourism marketing; general purpose revenue.* Biennially, the amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17. ~~In each fiscal year, the department shall expend for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the same proportion to the amount in the schedule for the fiscal year as the amount expended under par. (kg) in that fiscal year bears to the amount in the schedule for par. (kg) for that fiscal year.~~ Of the amounts under this paragraph, not more than 50 percent shall be used to match funds allocated under s. 41.17 by private or public organizations for the joint effort marketing of tourism with the state.

SECTION 2491. 20.380 (1) (kg) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2492. 20.505 (1) (kk) of the statutes is created to read:

20.505 (1) (kk) *Tribal grants.* The amounts in the schedule for the grants to American Indian tribes or bands in this state under ss. 16.07 and 16.08. All moneys transferred from the appropriation account under sub. (8) (hm) 26. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2493. 20.505 (1) (kt) of the statutes is created to read:

20.505 (1) (kt) *Tribal grants; other.* The amounts in the schedule for the grants under s. 16.085. All moneys transferred from the appropriation account under sub. (8) (hm) 27. shall be credited to this appropriation account. Notwithstanding s.

20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2494. 20.505 (8) (hm) (intro.) of the statutes is amended to read:

20.505 (8) (hm) *Indian gaming receipts.* (intro.) All moneys required to be credited to this appropriation under s. 569.06, all moneys transferred under 2001 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk), 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account from the appropriation accounts specified in subds. 1c. to ~~19., 22., and 23.~~ 29., less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following amounts:

***NOTE: This is reconciled s. 20.505 (8) (hm) (intro.). This SECTION has been affected by drafts with the following LRB numbers: 23-0882, 23-1537, and 23-1591.

SECTION 2495. 20.505 (8) (hm) 6. of the statutes is repealed.

SECTION 2496. 20.505 (8) (hm) 8k. of the statutes is repealed.

SECTION 2497. 20.505 (8) (hm) 26. of the statutes is created to read:

20.505 (8) (hm) 26. The amount transferred to sub. (1) (kk) shall be the amount in the schedule under sub. (1) (kk).

SECTION 2498. 20.505 (8) (hm) 27. of the statutes is created to read:

20.505 (8) (hm) 27. The amount transferred to sub. (1) (kt) shall be the amount in the schedule under sub. (1) (kt).

SECTION 2499. 20.505 (8) (hm) 29. of the statutes is created to read:

20.505 (8) (hm) 29. The amount transferred to s. 20.255 (2) (kg) shall be the amount in the schedule under s. 20.255 (2) (kg).

SECTION 2500. 20.923 (4) (c) 8. of the statutes is created to read:

20.923 (4) (c) 8. Administration, department of: director of Native American affairs.

****NOTE: This is reconciled s. 20.923 (4) (c) 8. This SECTION has been affected by drafts with the following LRB numbers: LRB-1537 and LRB-1823.

SECTION 2501. 41.17 (5) of the statutes is amended to read:

41.17 (5) FUNDING SOURCE. Subject to the 50 percent limitation under s. 20.380 (1) (b) and the proportional expenditure requirements under s. 20.380 (1) (b) and (kg), the department shall expend, from the appropriations under s. 20.380 (1) (b), (kg), and (w), at least \$1,130,000 in the aggregate in each fiscal year in joint effort marketing funds under this section.

SECTION 2502. 118.134 (6) of the statutes is created to read:

118.134 (6) Regardless of whether or not an objection is made under sub. (1) or an order is issued under sub. (3), if a school board adopts a resolution to terminate the use of a race-based nickname, logo, mascot, or team name that is associated with a federally recognized American Indian tribe or American Indians, in general, the state superintendent may award a grant to the school board for the costs associated with adopting and implementing a nickname, logo, mascot, or team name that is not race-based. The state superintendent may not award a grant under this subsection in an amount that exceeds the greater of \$50,000 or a school board's actual costs to adopt and implement a nickname, logo, mascot, or team name. The state superintendent shall pay the awards under this subsection from the appropriation under s. 20.255 (2) (kg).

SECTION 2503. 230.08 (2) (yh) of the statutes is created to read:

230.08 (2) (yh) The director of Native American affairs in the department of administration.

SECTION 2504. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The moneys appropriated from s. 20.370 (3) ~~(ak)~~ and (aq), (5) (es) and (9) (mu) and (mw) may be used for the following:

SECTION 2505. 350.12 (4) (a) 3m. of the statutes is amended to read:

350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated under s. 20.370 (3) ~~(ak)~~ and (aq); and

SECTION 2506. 350.12 (4) (am) of the statutes is amended to read:

350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated under s. 20.370 (3) ~~(ak)~~ and (aq), the department shall allocate \$26,000 in each fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry snowmobiles, or both, to be used in state law enforcement efforts.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1538/P1
SWB:amn

DOA:.....Quinn, BB0380 - County and Municipal Levy Limit Exclusion for
Transit Routes

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Levy limit exclusion for cross-municipality transit routes

Generally, under current law, local levy limits are applied to the property tax levies imposed by political subdivisions. A political subdivision may not increase its levy above its "valuation factor," which is the greater of 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. Current law contains a number of exceptions to the levy limit, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair.

The bill creates another exception to local levy limits. Under the bill, amounts levied by a political subdivision for costs related to new or enhanced transit services that cross adjacent county or municipal borders do not apply to the limit if the political subdivisions between which the routes operate have entered into an agreement to provide for the services and if the agreement is approved in a referendum.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2507. 66.0602 (3) (p) of the statutes is created to read:

66.0602 (3) (p) 1. Subject to subd. 2., the limit otherwise applicable under this section does not apply to the amount that a political subdivision levies in that year for operating and capital costs directly related to the provision of new or enhanced transit services across adjacent county borders or across adjacent municipal borders. For costs to be eligible for the exception under this paragraph, the starting date for the new or enhanced transit services must be on or after the effective date of this subdivision ... [LRB inserts date], and the costs to which the levy applies must be described in the agreement under subd. 2.

2. A political subdivision may not use the exception under this paragraph unless all of the following apply:

a. The political subdivisions between which the new or enhanced transit routes operate have entered into an intergovernmental cooperation agreement under s. 66.0301 to provide for the new or enhanced transit services. The agreement shall describe the services and the amounts that must be levied to pay for those services.

b. The agreement described in subd. 2. a. is approved in a referendum, by the electors in each political subdivision that is a party to the agreement, to be held at the next succeeding spring primary or election or partisan primary or general election to be held not earlier than 70 days after the adoption of the agreement by

all of the parties to the agreement. The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1542/P1
MPG&MDE:kms

DOA:.....Kirschbaum, BB0388 - Tourism Opportunity Attraction Fund
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TOURISM

Major opportunities and events

This bill authorizes the Department of Tourism to expend moneys to attract major opportunities and events to this state, including expenditures for major marketing and professional efforts. The bill requires the department to collaborate with WEDC to implement the department's duties under the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2508. 20.380 (1) (c) of the statutes is created to read:

20.380 (1) (c) *Major opportunities and events.* As a continuing appropriation, the amounts in the schedule for expenditures under s. 41.11 (1) (gm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2509. 41.11 (1) (gm) of the statutes is created to read:

41.11 (1) (gm) From the appropriation under s. 20.380 (1) (c), expend moneys to attract major opportunities and events to this state, including expenditures for major marketing and professional efforts. The department shall collaborate with the Wisconsin Economic Development Corporation to implement the department's duties under this paragraph.

***NOTE: Do you want to be more specific with respect to the nature of the opportunities and events Tourism is to attract? MPG

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1543/P1
SWB:emw

DOA:.....Bollhorst, BB0389 - Medicaid Coverage of Acupuncture Services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Medical Assistance program coverage of acupuncture services

This bill includes acupuncture that is provided by a certified acupuncturist as a reimbursable benefit under the Medical Assistance program. The bill requires DHS to submit to the federal government any request for federal approval necessary to provide the reimbursement for an acupuncture benefit under the Medical Assistance program. The Medical Assistance program is a joint federal and state program administered by DHS that provides health care services to individuals with limited financial resources.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2510. 49.46 (2) (b) 11m. of the statutes is created to read:

49.46 (2) (b) 11m. Subject to par. (bx), acupuncture provided by an acupuncturist who holds a certificate under ch. 451.

SECTION 2511. 49.46 (2) (bx) of the statutes is created to read:

49.46 (2) (bx) The department shall submit to the federal department of health and human services any request for a state plan amendment, waiver, or other federal approval necessary to provide reimbursement for the benefit under par. (b) 11m. If the federal department approves the request or if no federal approval is necessary, the department shall provide the benefit and reimbursement under par. (b) 11m. If the federal department disapproves the request, the department may not provide the benefit or reimbursement for the benefit described under par. (b) 11m.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1545/P1
MDE&KP:kms

DOA:.....Quinn, BB0385 - Business Development Credit Incentives for
Renewable Energy

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

***Energy efficiency and renewable energy project expenditures for the
business development tax credit***

This bill adds a new category of expenditures that qualify for the business development tax credit. Under current law, WEDC may award the tax credit to a certified business based on its qualifying expenses related to job creation and retention, employee training, capital investment, and corporate headquarters location or retention in Wisconsin. Under the bill, WEDC may also award the tax credit based on a certified business's energy efficiency or renewable energy project expenditures. The credit is up to 25 percent of the expenditures, with WEDC directed under the bill to ensure that the percentage of expenditures taken into account positively correlates to the scale of the project. The bill applies to credits awarded after December 31, 2023.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2512. 71.07 (3y) (b) 6. of the statutes is created to read:

71.07 (3y) (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

SECTION 2513. 71.28 (3y) (b) 6. of the statutes is created to read:

71.28 (3y) (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

SECTION 2514. 71.47 (3y) (b) 6. of the statutes is created to read:

71.47 (3y) (b) 6. For taxable years beginning after December 31, 2023, an amount, as determined by the Wisconsin Economic Development Corporation under s. 238.308 (4) (a) 6., equal to a percentage, not to exceed 25 percent, of the claimant's energy efficiency or renewable energy project expenditures on real or personal property located in this state.

SECTION 2515. 238.308 (4) (a) 6. of the statutes is created to read:

238.308 (4) (a) 6. An amount equal to up to 25 percent of the person's energy efficiency or renewable energy project expenditures on real or personal property

located in this state. When making an award under this subdivision, the corporation shall ensure that the percentage of expenditures taken into account positively correlates to the scale of the project.

SECTION 9349. Initial applicability; Wisconsin Economic Development Corporation.

(1) ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECT EXPENDITURES FOR BUSINESS DEVELOPMENT TAX CREDIT. The treatment of s. 238.308 (4) (a) 6. first applies to credits awarded under s. 238.308 on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1547/P1

JK:amn

DOA:.....Quinn, BB0384 - Private school tuition deduction limitation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Private school tuition deduction

Under current law, an individual, when computing income for income tax purposes, may deduct the tuition paid during the year to send his or her dependent child to private school. The maximum deduction is \$4,000 for an elementary school pupil and \$10,000 for a secondary school pupil.

Under this bill, only individuals whose Wisconsin adjusted gross income is below a threshold amount may claim the deduction for private school tuition. The threshold amount is \$100,000 for single individuals and heads of household, \$150,000 for married couples filing jointly, and \$75,000 for married individuals filing separately.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2516. 71.05 (6) (b) 49. a. of the statutes is amended to read:

71.05 (6) (b) 49. a. Subject to the definitions provided in subd. 49. b. to g. and the limitations specified in subd. 49. h. to j. for taxable years beginning after December 31, 2013, ~~and subject to the limitation in subd. 49. k. for taxable years beginning after December 31, 2017, and subject to the limitation in subd. 49. m. for taxable years beginning after December 31, 2022,~~ tuition expenses that are paid by a claimant for tuition for a pupil to attend an eligible institution.

SECTION 2517. 71.05 (6) (b) 49. m. of the statutes is created to read:

71.05 (6) (b) 49. m. For taxable years beginning after December 31, 2022, no modification may be made under this subdivision unless the adjusted gross income of the claimant is less than \$100,000 if the claimant is filing as single or head of household, \$150,000 if the claimant is married and filing jointly, or \$75,000 if the claimant is married and filing separately.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1549/P1
MPG&MDE:kms

DOA:.....Rice, BB0397 - Whole-Home Upgrades Pilot Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Whole-home upgrade grants

This bill establishes a pilot program under which DOA must award one or more grants to the Walnut Way Conservation Corporation and Elevate, Inc., for the purpose of funding home improvements in low-income households in a first class city (presently only Milwaukee) that have one or more of the following goals: 1) reducing carbon emissions, 2) reducing energy burdens, 3) creating cost savings, or 4) creating healthier living environments.

The bill authorizes DOA to establish eligibility requirements and other program guidelines for the grant program. Under the bill, the grant program sunsets on July 1, 2025.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2518. 16.3069 of the statutes is created to read:

16.3069 Whole-home upgrade grants. (1) GRANTS. (a) From the appropriation under s. 20.505 (7) (fr), the department shall award one or more grants to the Walnut Way Conservation Corporation and Elevate, Inc., for the purpose of funding home improvements in low-income households in a 1st class city that have one or more of the following goals:

1. Reducing carbon emissions.
2. Reducing energy burdens.
3. Creating cost savings.
4. Creating healthier living environments.

(b) The department may establish eligibility requirements and other program guidelines for the grant program under this subsection.

(2) SUNSET. No grants may be awarded under sub. (1) after June 30, 2025.

SECTION 2519. 20.505 (7) (fr) of the statutes is created to read:

20.505 (7) (fr) *Whole-home upgrade grants.* Biennially, the amounts in the schedule for grants under s. 16.3069.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1552/P1
FFK:wlj

DOA:.....Bollhorst, BB0391 - Low-value Care Analysis Grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Low-value care analysis grant

In each of the 2023-24 and 2024-25 fiscal years, this bill requires DHS to award a grant of up to \$900,000 to an organization for the purpose of conducting a data analysis of claims under the Medical Assistance program and under health insurance plans offered to state employees to identify low-value care. The grant recipient must report its findings, including any recommendations for providing effective and efficient care, to DHS and ETF, who must then distribute the grant recipient's findings to certain health care providers, health care maintenance organizations, and insurance companies.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9119. Nonstatutory provisions; Health Services.

(1) **LOW-VALUE CARE ANALYSIS GRANT.** From the appropriation under s. 20.435 (1) (b), in the 2023-24 and 2024-25 fiscal years, the department of health services shall award a grant in an amount not to exceed \$900,000 in each fiscal year to an organization for the purpose of conducting a data analysis of claims under the medical assistance program administered by the department of health services and claims under health care coverage plans offered by the state under s. 40.51 (6) to identify low-value care. The recipient of the grant under this subsection shall report the organization's findings, including any recommendations for providing effective and efficient care, to the department of health services and the department of employee trust funds. The department of health services and the department of employee trust funds shall distribute the findings reported under this subsection to health care providers that provide services covered by the medical assistance program or a health care coverage plan and to health maintenance organizations and insurance companies that provide health insurance to state employees.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1553/P1
SWB:emw

DOA:.....Bollhorst, BB0392 - Medicaid Graduate Medical Education Grant
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Graduate medical education grants

This bill extends from three years to five years the maximum term for grants awarded by DHS to assist rural hospitals and groups of rural hospitals in procuring infrastructure and increasing case volume to develop accredited graduate medical training programs. The bill also increases the maximum amounts that DHS may award each fiscal year in grants to hospitals to support existing graduate medical training programs. Under current law, DHS may not distribute more than \$225,000 to a particular hospital or more than \$75,000 to fund an individual position in an existing graduate medical training program during a given fiscal year. The bill increases those limits to \$450,000 and \$150,000 per fiscal year, respectively.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2520. 146.63 (5) of the statutes is amended to read:

146.63 (5) TERM OF GRANTS. The department may not distribute a grant under sub. (2) (a) to a rural hospital or group of rural hospitals for a term that is more than ~~3~~ 5 years.

SECTION 2521. 146.64 (2) (c) 1. of the statutes is amended to read:

146.64 (2) (c) 1. The department shall distribute funds for grants under par. (a) from the appropriation under s. 20.435 (4) (bf). The department may not distribute more than ~~\$225,000~~ \$450,000 from the appropriation under s. 20.435 (4) (bf) to a particular hospital in a given state fiscal year and may not distribute more than ~~\$75,000~~ \$150,000 from the appropriation under s. 20.435 (4) (bf) to fund a given position in a graduate medical training program in a given state fiscal year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1554/P3
SWB:kms

DOA:.....Bollhorst, BB0395 - Medicaid Hospital Reimbursement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Medical Assistance hospital reimbursement

This bill requires DHS to increase the reimbursement rates paid to hospitals under the Medical Assistance program in fiscal years 2023-24 and 2024-25 if the state implements the Medicaid expansion under the federal Patient Protection and Affordable Care Act. DHS must limit the payments made with these increases to the upper payment limit set forth under federal law. The increase is \$7,605,400 in fiscal year 2023-24 and \$15,506,100 in fiscal year 2024-25 as the state share of the increase, and in addition, DHS must provide the matching federal share of payments. The Medical Assistance program provides health services to individuals who have limited financial resources.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9119. Nonstatutory provisions; Health Services.

(1) **MEDICAL ASSISTANCE HOSPITAL REIMBURSEMENT.** The department of health services shall increase the Medical Assistance rates paid to hospitals by a budgeted sum of \$7,605,400 as the state share of payments, and provide the matching share of payments, in fiscal year 2023-24, and by a budgeted sum of \$15,506,100 as the state share of payments, and provide the matching share of payments, in fiscal year 2024-25. The increases under this subsection may apply only if the department has expanded eligibility under section 2001 (a) (1) (C) of the Patient Protection and Affordable Care Act, P.L. 111-148, for the Medical Assistance program under subch. IV of ch. 49. The department shall limit payments to hospitals under this subsection at the upper payment limit as required under 42 CFR 447.272.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1557/P1
JPC:skw

DOA:.....Bollhorst, BB0387 - Reimbursement of doula services under
Medicaid

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Coverage of doula services under Medical Assistance

This bill requires DHS to request any necessary waiver or amendment to the state Medical Assistance plan to allow Medical Assistance reimbursement for doula services and, if any necessary waiver or amendment is approved, directs DHS to reimburse certified doulas for doula services provided to Medical Assistance recipients. Doula services consist of childbirth education and support services, including emotional and physical support provided during pregnancy, labor, birth, and the postpartum period.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2522. 49.45 (30t) of the statutes is created to read:

49.45 (30t) DOULA SERVICES. (a) In this subsection:

1. “Certified doula” means an individual who has received certification from a doula certifying organization recognized by the department.

2. “Doula services” means childbirth education and support services, including emotional and physical support provided during pregnancy, labor, birth, and the postpartum period.

(b) The department shall request from the secretary of the federal department of health and human services any required waiver or any required amendment to the state plan for Medical Assistance to allow reimbursement for doula services provided by a certified doula. If the waiver or state plan amendment is granted, the department shall reimburse a certified doula under s. 49.46 (2) (b) 12p. for the allowable charges for doula services provided to Medical Assistance recipients.

SECTION 2523. 49.46 (2) (b) 12p. of the statutes is created to read:

49.46 (2) (b) 12p. Doula services provided by a certified doula, as specified under s. 49.45 (30t).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1558/P2
JPC:klm

DOA:.....Bollhorst, BB0390 - Medicaid community health benefit

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Services that contribute to determinants of health

This bill includes nonmedical services, as determined by DHS, that contribute to the determinants of health as a benefit under the Medical Assistance program. The Medical Assistance program is a joint federal and state program that provides health services to individuals who have limited financial resources. The bill requires DHS to seek any necessary state plan amendment or request any waiver of federal Medicaid law to provide the services but does not require DHS to provide the services as a Medical Assistance benefit if the federal Department of Health and Human Services does not provide federal financial participation for the services.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2524. 49.46 (2) (b) 24. of the statutes is created to read:

49.46 (2) (b) 24. Subject to par. (by), nonmedical services that contribute to the determinants of health.

SECTION 2525. 49.46 (2) (by) of the statutes is created to read:

49.46 (2) (by) The department shall determine those services under par. (b) 24. that contribute to the determinants of health. The department shall seek any necessary state plan amendment or request any waiver of federal Medicaid law to implement this paragraph. The department is not required to provide the services under this paragraph as a benefit under the Medical Assistance program if the federal department of health and human services does not provide federal financial participation for the services under this paragraph.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1559/P3
MIM:kms

DOA:.....Kirschbaum, BB0403 - Wisconsin Green Jobs Corps

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Green jobs training program grants

This bill creates a green jobs training program to be administered by DWD. Under the program, DWD is required to award grants to public and private organizations for the development and implementation of green jobs training programs. The bill defines green jobs as jobs that produce goods or provide services that benefit the environment or conserve natural resources. The bill also allows DWD to require a public or private organization, as a condition of receiving a grant, to provide matching funds at a percentage to be determined by DWD.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2526. 20.445 (1) (bm) of the statutes is amended to read:

20.445 (1) (bm) *Workforce training; administration.* Biennially, the amounts in the schedule for the administration of the local youth apprenticeship grant

program under s. 106.13 (3m), the youth summer jobs program under s. 106.18, the employment transit assistance grant program under s. 106.26, the workforce training ~~program~~ programs under s. 106.27, the teacher development program grants under s. 106.272, the career and technical education incentive grant program under s. 106.273, the technical education equipment grant program under s. 106.275, and the apprentice programs under subch. I of ch. 106.

SECTION 2527. 20.445 (1) (bp) of the statutes is created to read:

20.445 (1) (bp) *Wisconsin green jobs training program; grants.* As a continuing appropriation, the amounts in the schedule for green jobs training program grants under s. 106.27 (1p).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2528. 106.27 (title) of the statutes is amended to read:

106.27 (title) **Workforce training ~~program~~ programs.**

SECTION 2529. 106.27 (1p) of the statutes is created to read:

106.27 (1p) **WISCONSIN GREEN JOBS TRAINING PROGRAM.** (a) In this subsection, “green jobs” means jobs that produce goods or provide services that benefit the environment or conserve natural resources.

(b) From the appropriation under s. 20.445 (1) (bp), the department shall award grants to public or private organizations for the development and implementation of green jobs training programs in this state. As a condition of receiving a grant under this subsection, the department may require a public or private organization to provide matching funds at a percentage to be determined by the department.

SECTION 2530. 106.27 (2g) (a) 1. of the statutes is amended to read:

106.27 (2g) (a) 1. Promulgate rules prescribing procedures and criteria for awarding grants under ~~sub~~ subs. (1) and (1p) and the information with respect to those grants that must be contained in the reports required under subd. 3.

SECTION 2531. 106.27 (2g) (a) 2. of the statutes is amended to read:

106.27 (2g) (a) 2. Receive and review applications for grants under subs. (1), (1g), ~~and~~ (1j) (am), and (1p) and prescribe the form, nature, and extent of the information that must be contained in an application for a grant under ~~sub~~ subs. (1), (1g), or (1j) (am), and (1p).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1560/P2
JPC:amn

DOA:.....Bollhorst, BB0396 - Medicaid primary care reimbursement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Primary care reimbursement under Medical Assistance

This bill requires DHS to increase the rates paid in the Medical Assistance program for primary care services. The increase is \$21,110,400 in fiscal year 2023-24 and \$43,040,400 in fiscal year 2024-25 as the state share of the increase, and, in addition, DHS must provide the matching federal share of payments. The bill provides, however, that the increases may apply only if DHS expands eligibility under the Medical Assistance program pursuant to the federal Patient Protection and Affordable Care Act. The Medical Assistance program is a joint federal and state program that provides health services to individuals who have limited financial resources.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9119. Nonstatutory provisions; Health Services.

(1) PRIMARY CARE REIMBURSEMENT UNDER MEDICAL ASSISTANCE. The department of health services shall increase the Medical Assistance rates paid for primary care services by a budgeted sum of \$21,110,400 as the state share of payments, and provide the matching federal share of payments, in fiscal year 2023-24, and by a budgeted sum of \$43,040,400 as the state share of payments, and provide the matching federal share of payments, in fiscal year 2024-25. The increases under this subsection may apply only if the department of health services has expanded eligibility under section 2001 (a) (1) (C) of the Patient Protection and Affordable Care Act, P.L. 111-148, for the Medical Assistance program under subch. IV of ch. 49.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1561/P1
JAM:wlj

DOA:.....Mott, BB0400 - Veterans services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Support services for veteran students enrolled in the UW System

This bill creates a continuing appropriation to provide support services to students who are veterans at UW System institutions.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2532. 20.285 (1) (av) of the statutes is created to read:

20.285 (1) (av) *Veterans services.* As a continuing appropriation, the amounts in the schedule to provide support services to students who are veterans.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1563/P2
JAM:cjs

DOA:.....Potts, BB0372 - Biodigester operator certification grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Biodigester operator certification grants

This bill requires DATCP to provide grants to individuals seeking biodigester operator certification. Biodigesters are used to break down organic material into gas, liquids, and solids. The bill also allows DATCP to promulgate rules establishing the application process and grant-awarding criteria for the biodigester operator certification grants.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2533. 20.115 (7) (da) of the statutes is created to read:

20.115 (7) (da) *Biodigester operator certification grants.* The amounts in the schedule for biodigester operator certification grants under s. 93.75.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2534. 93.75 of the statutes is created to read:

93.75 Biodigester operator certification grants. (1) GRANTS. From the appropriation under s. 20.115 (7) (da), the department shall award grants to individuals seeking biodigester operator certification.

(2) RULES. The department may promulgate rules establishing the application process and grant-awarding criteria for the biodigester operator certification grants.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1565/P1
EHS:cjs

DOA:.....Bork, BB0374 - Domestic abuse survivor support

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Assistance for survivors of domestic abuse

Under this bill, DCF may allocate up to \$14,000,000 per fiscal year to establish and administer the Living Independently through Financial Empowerment program. Under that program, DCF may provide short-term assistance to individuals who are survivors of domestic abuse. The bill allows DCF to contract with Wisconsin Works agencies to administer the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2535. 20.437 (1) (ce) of the statutes is created to read:

20.437 (1) (ce) *Assistance to survivors of domestic abuse.* The amounts in the schedule for the purposes of the living independently through financial empowerment program under s. 49.166.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2536. 49.166 of the statutes is created to read:

49.166 Living independently through financial empowerment. From the appropriation under s. 20.437 (1) (ce), the department may allocate no more than \$14,000,000 in each fiscal year to establish and administer the living independently through financial empowerment program. Under that program, the department may provide short-term assistance to individuals who are survivors of domestic abuse. The department may contract with a Wisconsin works agency to administer the program under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1568/P2
FFK:emw

DOA:.....Bollhorst, BB0394 - Amyotrophic Lateral Sclerosis Grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Amyotrophic lateral sclerosis grant

Under current law, DHS awards grants for certain community programs. This bill requires DHS to annually award \$250,000 to an organization that supports and provides services to individuals with amyotrophic lateral sclerosis (ALS) to assist individuals with ALS and their families with respite care costs and costs associated with ALS that are not covered by insurance.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2537. 46.48 (36) of the statutes is created to read:

46.48 (36) AMYOTROPHIC LATERAL SCLEROSIS. From the appropriation under s. 20.435 (1) (b), the department shall award \$250,000 in each fiscal year as a grant to

an organization that supports and provides services to individuals with amyotrophic lateral sclerosis for the purposes of assisting individuals diagnosed with amyotrophic lateral sclerosis and their families with the costs of respite care and costs associated with amyotrophic lateral sclerosis that are not covered by insurance.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1570/P1
EAW:cde

DOA:.....Bork, BB0373 - Sibling connections

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Grants to support foster parents and children

2017 Wisconsin Act 260 established a one-year pilot program for DCF to distribute grants to counties, nonprofit organizations, and tribes for the purpose of supporting foster parents and providing normalcy for children in out-of-home care. This bill makes the grant program permanent and specifies that grants under the program may be distributed for the purpose of sibling reconnection.

Sibling connections scholarships

This bill requires DCF to provide scholarships to adopted children and their biological siblings who do not reside in the same household to attend programs together in order to build sibling connections.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2538. 20.437 (1) (bg) of the statutes is amended to read:

20.437 (1) (bg) *Grants to support foster parents and children.* The amounts in the schedule for grants by the department of children and families under ~~2017 Wisconsin Act 260, section 3 s. 48.53.~~

SECTION 2539. 20.437 (1) (dm) of the statutes is created to read:

20.437 (1) (dm) *Sibling connections scholarships.* The amounts in the schedule for the scholarship program under s. 48.483.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2540. 48.483 of the statutes is created to read:

48.483 Sibling connections scholarships. From the appropriation under s. 20.437 (1) (dm), the department shall award scholarships to adopted children and their biological siblings who do not reside in the same household to attend programs together in order to build sibling connections.

SECTION 2541. 48.53 of the statutes is created to read:

48.53 Grants to support foster parents and children. From the appropriation account under s. 20.437 (1) (bg), the department shall distribute grants to counties, nonprofit organizations, or tribes for the purpose of supporting foster parents and providing normalcy for children in out-of-home care.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1578/P2
ARG:emw

DOA:.....Mott, BB0410 - Financial futures incentive program appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Funding for financial education provided through the UW System

This bill creates a continuing appropriation for the UW System to provide funding for a Financial Futures Incentive Program in UW-Madison's Division of Extension that makes financial education and coaching available to Wisconsin residents.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2542. 20.285 (1) (at) of the statutes is created to read:

20.285 (1) (at) *Wisconsin financial futures incentive program.* As a continuing appropriation, the amounts in the schedule for a Wisconsin financial futures

incentive program in the University of Wisconsin-Madison's division of extension that makes financial education and coaching available statewide to assist residents in reaching their financial goals.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1579/P1
MIM:cdc

DOA:.....Sherwin, BB0407 - Additional Biweekly Payroll Appropriations
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Additional biweekly payroll appropriations

Under current law, there are supplemental appropriations from general purpose revenue, program revenue, and segregated revenue to pay for salary and fringe benefits for permanent state employees, including permanent project employees, on the state's biweekly payroll system in any fiscal year in which a 27th pay period occurs. This bill clarifies that the supplemental appropriations for salary and fringe benefits include permanent University of Wisconsin System employees, including permanent project employees, on the University of Wisconsin System biweekly payroll system.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2543. 20.865 (1) (e) of the statutes is amended to read:

20.865 (1) (e) *Additional biweekly payroll.* The amounts in the schedule to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system, and permanent University of Wisconsin System employees, including permanent project employees, on the biweekly payroll system of the University of Wisconsin System.

SECTION 2544. 20.865 (1) (jm) of the statutes is amended to read:

20.865 (1) (jm) *Additional biweekly payroll; nonfederal program revenues.* From the appropriate nonfederal program revenue and program revenue — service accounts, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system, and and permanent University of Wisconsin System employees, including permanent project employees, on the biweekly payroll system of the University of Wisconsin System.

SECTION 2545. 20.865 (1) (m) of the statutes is amended to read:

20.865 (1) (m) *Additional biweekly payroll; federal program revenues.* From the appropriate federal program revenue accounts, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system, and permanent University of Wisconsin System employees, including permanent project employees, on the biweekly payroll system of the University of Wisconsin System.

SECTION 2546. 20.865 (1) (tm) of the statutes is amended to read:

20.865 (1) (tm) *Additional biweekly payroll; nonfederal segregated revenues.*

From the appropriate segregated funds derived from nonfederal segregated revenues, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system, and permanent University of Wisconsin System employees, including permanent project employees, on the biweekly payroll system of the University of Wisconsin System.

SECTION 2547. 20.865 (1) (x) of the statutes is amended to read:

20.865 (1) (x) *Additional biweekly payroll; federal segregated revenues.* From the appropriate segregated funds derived from federal segregated revenues, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system, and permanent University of Wisconsin System employees, including permanent project employees, on the biweekly payroll system of the University of Wisconsin System.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1583/P2
JAM:emw

DOA:.....Mott, BB0409 - Rural Wisconsin entrepreneurship initiative

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Funding for a rural Wisconsin entrepreneurship initiative

This bill creates a continuing appropriation for the UW System to provide funding for a rural Wisconsin entrepreneurship initiative in UW-Madison's Division of Extension that provides business development assistance, rural entrepreneurship ecosystems, and access to finance for rural entrepreneurs in this state.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2548. 20.285 (1) (aw) of the statutes is created to read:

20.285 (1) (aw) *Rural Wisconsin entrepreneurship initiative.* As a continuing appropriation, the amounts in the schedule for a rural Wisconsin entrepreneurship

initiative in the University of Wisconsin-Madison's division of extension that provides business development assistance, rural entrepreneurship ecosystems, and access to finance for rural entrepreneurs in this state.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1584/P2
JAM&MCP:klm

DOA:.....Hutter, BB0412 - County conservation staffing

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

County land conservation staff

Under current law, as part of the Soil and Water Resource Management program, DATCP provides grants to counties for county conservation staffing. Current law specifies the activities that county conservation staff may engage in with grants provided under this program. The bill provides that these grants may also be used to fund county conservation staff who administer or implement long-range planning and erosion control mitigation.

Under current law, grants for county conservation staffing provide full funding for a county's first conservation staff position; 70 percent of the cost of a county's second position; and 50 percent of the cost of a county's third or subsequent position. The county must provide the remaining funds for these conservation staff positions. DATCP and DNR jointly prepare an allocation plan each year, setting out the amounts to be paid to each county under the program. Current law also requires DATCP and DNR to attempt to provide an average of \$100,000 to each county for staffing grants.

Under the bill, if any money remains after meeting these goals, DATCP and DNR may provide, in their annual grant allocation plan, grants to counties for fourth and subsequent conservation staff positions, with a requirement for the county to pay an amount towards those positions as determined by DATCP and DNR; and

grants to counties to assist them in meeting their funding requirements for a second or third conservation staff position.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2549. 92.14 (3) (intro.) of the statutes is amended to read:

92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their land and water conservation activities, the department shall award an annual grant from the appropriation under s. 20.115 (7) (c), (qe), or (qf) or s. 20.866 (2) (we) to any county land conservation committee that has a land and water resource management plan approved by the department under s. 92.10 (4) (d), and that, by county board action, has resolved to provide any matching funds required under sub. (5g) unless the county is seeking a grant under sub. (3) (h). The county may use the grant for land and water resource management planning and for any of the following purposes, consistent with the approved land and water resource management plan:

SECTION 2550. 92.14 (3) (a) 6. of the statutes is created to read:

92.14 (3) (a) 6. Long-range planning and erosion control mitigation.

SECTION 2551. 92.14 (3) (h) of the statutes is created to read:

92.14 (3) (h) A grant to a county that assists the county in meeting a matching funds requirement under sub. (5g) for a 2nd or 3rd staff person, as provided under sub. (6) (b).

SECTION 2552. 92.14 (5g) (a) of the statutes is amended to read:

92.14 (5g) (a) Except as provided in par. (b), if a grant under sub. (3) (a) to (g) provides funding for salary and fringe benefits for more than one county staff person, a county shall provide matching funds, as determined by the department by rule,

equal to 30 percent of the cost of salary and fringe benefits for the 2nd staff person and 50 percent of the cost of salary and fringe benefits for ~~any additional staff persons~~ the 3rd staff person for whom the grant provides funding.

SECTION 2553. 92.14 (6) (b) of the statutes is amended to read:

92.14 (6) (b) The department and the department of natural resources shall prepare an annual grant allocation plan identifying the amounts to be provided to counties under this section and ss. 281.65 and 281.66. In the allocation plan, the departments shall attempt to provide funding under this section for an average of 3 staff persons per county with full funding for the first staff person, 70 percent funding for the 2nd staff person and 50 percent funding for ~~any additional staff persons~~ the 3rd staff person and to provide an average of \$100,000 per county for cost-sharing grants under sub. (3) (a) to (g). If after meeting these goals there are additional funds available, the departments may provide funding in the allocation plan to counties for a 4th or subsequent staff person with a matching requirement to be determined by the departments and for assistance under sub (3) (h). The department shall submit that plan to the board.

***NOTE: Does the \$100,000 average per county provision need to be changed/deleted?

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1585/P3
EAW:cde

DOA:.....Rice, BB0408 - Early childhood education center

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Early childhood education center

The bill requires DCF to provide \$1,680,000 to Wellpoint Care Network to establish an early childhood education center in the city of Milwaukee.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2554. 20.437 (2) (fm) of the statutes is created to read:

20.437 (2) (fm) *Early childhood education center.* Biennially, the amounts in the schedule for payments under 2023 Wisconsin Act ... (this act), section 9106 (1).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2555. 20.437 (2) (fm) of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2556. 49.175 (1) (qm) of the statutes is amended to read:

49.175 (1) (qm) *Quality care for quality kids.* For the child care quality improvement activities specified in ss. 49.155 (1g) and 49.257, ~~\$16,683,700 in each fiscal year and the establishment of an early childhood education center under 2023 Wisconsin Act ... (this act), section 9106 (1), \$42,850,900 in fiscal year 2023-24 and \$42,647,700 in fiscal year 2024-25.~~

****NOTE: This is reconciled s. 49.175 (1) (qm). This SECTION has been affected by drafts with the following LRB numbers: 1600/P4 and 1585/P2.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) EARLY CHILDHOOD EDUCATION CENTER. From the appropriation account under s. 20.437 (2) (fm) and the allocation under s. 49.175 (1) (qm), the department of children and families shall provide \$1,680,000 in fiscal year 2023-24 to Wellpoint Care Network to establish an early childhood education center in the city of Milwaukee.

SECTION 9406. Effective dates; Children and Families.

(1) EARLY CHILDHOOD EDUCATION CENTER. The repeal of s. 20.437 (2) (fm) takes effect on July 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1586/P2
EVM:emw

DOA:.....Quinn, BB0414 - Repeal negative levy limit adjustment for covered charges

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Levy limit negative adjustment for certain service revenues

Generally, under current law, local levy increase limits are applied to the property tax levies that are imposed by political subdivisions in December of each year. Current law prohibits a political subdivision from increasing its levy by a percentage that exceeds its “valuation factor,” which is defined as the greater of either 0 percent or the percentage change in the political subdivision’s equalized value due to new construction, less improvements removed.

Also under current law, a political subdivision must reduce its allowable levy by the estimated amount of any revenue from fees or payments in lieu of taxes if the revenue is received for providing certain “covered services” that were funded with property tax revenues in calendar year 2013. The “covered services” are certain garbage collection, fire protection, snow plowing, street sweeping, and storm water management.

This bill repeals the requirement that a political subdivision must reduce its allowable levy by the estimated amount of revenues received for providing covered services that were funded with property tax revenues in calendar year 2013.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2557. 66.0602 (2m) (b) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1588/P1
JK:cde

DOA:.....Bork, BB0413 - Voter registration in high schools

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT *to amend* 6.28 (1) (b); and *to create* 6.28 (2m) of the statutes; **relating**
to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Voter registration in high schools

Prior to 2011 Wisconsin Act 240, state law required that all public high schools be used for voter registration for enrolled students and members of the high school staff. Prior law also authorized voter registration to take place at a private high school or a tribal school that operates high school grades if requested by the principal. This bill reinstates those provisions.

Under the bill, the municipal clerk must notify the school board of each school district in which the municipality is located that high schools will be used for voter registration. The school board and the clerk then appoint at least one qualified voter at each high school to be a special school registration deputy. The bill allows students and staff to register at the school on any day that classes are regularly held. The deputies promptly forward the registration forms to the clerk and the clerk adds qualified voters to the registration list. The clerk may reject a registration form, but the clerk must notify the registrant and inform the registrant of the reason for being rejected. Under the bill, a form completed by an individual who will be 18 years of

age before the next election and who is otherwise qualified to vote must be filed in such a way so that the individual is automatically registered to vote when the individual is 18.

Finally, the bill allows a principal of a private high school or tribal school that operates high school grades to request that the municipal clerk appoint a qualified voter at the school to be a special school registration deputy. Under the bill, the clerk must appoint a special school registration deputy if the clerk determines that the private high school or tribal school has a substantial number of students residing in the municipality.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2558. 6.28 (1) (b) of the statutes is amended to read:

6.28 (1) (b) All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of the county clerk, or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2m) (a). An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

SECTION 2559. 6.28 (2m) of the statutes is created to read:

6.28 (2m) AT HIGH SCHOOLS. (a) Public high schools shall be used for registration for enrolled students and members of the high school staff.

(b) The municipal clerk of each municipality shall notify the school board of each school district in which the municipality is located that high schools shall be used for registration pursuant to par. (a). The school board and the municipal clerk

shall agree upon the appointment of at least one qualified elector at each high school as a special school registration deputy. The municipal clerk shall appoint such person as a school registration deputy and explain the person's duties and responsibilities. Students and staff may register at the high school on any day that classes are regularly held. The school registration deputies shall promptly forward properly completed registration forms to the municipal clerk of the municipality in which the registering student or staff member resides. The municipal clerk, upon receiving such registration forms, shall add all those registering electors who have met the registration requirements to the registration list. The municipal clerk may reject any registration form and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if he or she is qualified. The form of each high school student who is qualified and will be eligible to vote at the next election shall be filed in such a way that when a student attains the age of 18 years the student is registered to vote automatically. Each school board shall assure that the principal of every high school communicates elector registration information to students.

(c) The principal of any private high school or of any tribal school, as defined in s. 115.001 (15m), that operates high school grades that has a substantial number of students residing in a municipality may request the municipal clerk to appoint a special school registration deputy in accordance with par. (b). Students and staff may register at the high school on any day that classes are regularly held. The clerk shall appoint a special school registration deputy in the high school if the clerk determines the school to have a substantial number of students residing in the municipality.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1589/P3
SWB:skw

DOA:.....Bollhorst, BB0404 - Health Information Exchange
Pay-For-Performance

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Health information exchange pay-for-performance system

This bill requires DHS to develop and implement for non-hospital providers in the Medical Assistance program, including physicians, clinics, health departments, home health agencies, and post-acute care facilities, a payment system based on performance to incentivize participation in the health information exchange as specified in the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2560. 49.45 (7m) of the statutes is created to read:

49.45 (7m) PAY-FOR-PERFORMANCE; HEALTH INFORMATION EXCHANGE. The department shall develop and implement for non-hospital providers in the Medical

Assistance program, including physicians, clinics, health departments, home health agencies, and post-acute care facilities, a payment system based on performance to incentivize participation in health information data sharing to facilitate better patient care, reduced costs, and easier access to patient information. The department shall establish performance metrics for the payment system under this subsection that satisfy all of the following:

(a) The metric shall include participation by providers in a health information exchange at a minimum level of patient record access.

(b) The payment under the payment system shall increase as the participation level in the health information exchange increases.

(c) The payment system shall begin in the 2024 rate year.

(d) For purposes of the payment system, the department shall seek any available federal moneys.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1590/P3
JPC&JK:wlj/amn/cjs

DOA:.....Bollhorst, BB0405 - Easy enrollment program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Determination of eligibility for Medical Assistance or subsidized health insurance coverage by indicating interest on an individual income tax return

This bill requires DOR to include questions on an individual income tax return to determine whether the taxpayer or any member of the taxpayer's household does not have health care coverage under a health insurance policy or health plan. If the taxpayer indicates that the taxpayer or any member of the taxpayer's household does not have health care coverage, DOR shall, at the taxpayer's request, forward the taxpayer's response to DHS to have DHS evaluate whether the taxpayer or a member of the taxpayer's household is eligible to enroll in the Medical Assistance program or whether the taxpayer or a member of the taxpayer's household is eligible for subsidized health insurance coverage through a health insurance marketplace for qualified health plans under the federal Patient Protection and Affordable Care Act. The bill specifies that DHS may not use any information provided to determine that the individual is ineligible to enroll in the Medical Assistance program. The Medical Assistance program is a joint federal and state program that provides health services to individuals with limited financial resources.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2561. 71.03 (9) of the statutes is created to read:

71.03 (9) MEDICAL ASSISTANCE COVERAGE. (a) The department shall include the following questions and explanatory information on each individual income tax return under this section and a method for the taxpayer to respond to each question:

1. “Are you, your spouse, your dependent children, or any eligible adult child dependent not covered under a health insurance policy, health plan, or other health care coverage? ‘Eligible adult child dependent’ means a child who is under the age of 26 who is a full-time student or a child who is under the age of 27 who is called to active duty in the national guard or armed forces reserve while enrolled as a full-time student.”

2. “If you responded ‘yes’ to question 1, do you want to have evaluated your eligibility for Medical Assistance under subch. IV of ch. 49 or your eligibility for subsidized health insurance coverage?”

(b) For each person who responded “yes” to the question under par. (a) 2., the department shall provide that person’s contact information and other relevant information from that person’s individual income tax return to the department of health services to perform an evaluation of that person’s eligibility under the Medical Assistance program or an evaluation of that person’s eligibility for subsidized health insurance coverage through an exchange, as defined under 45 CFR 155.20. The information provided to the department of health services may not be used to

determine that the individual is ineligible to enroll in the Medical Assistance program.

SECTION 2562. 71.78 (4) (v) of the statutes is created to read:

71.78 (4) (v) The secretary of health services and employees of that department for the purpose of performing an evaluation under s. 71.03 (9).

SECTION 9319. Initial applicability; Health Services.

(1) DETERMINATION OF MEDICAL ASSISTANCE ELIGIBILITY BY INDICATING INTEREST ON AN INDIVIDUAL INCOME TAX RETURN. The treatment of ss. 71.03 (9) and 71.78 (4) (v) first applies to taxable years beginning after December 31, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1591/P4
MCP:kms&wlj

DOA:.....Hutter, BB0411 - Tribal food security program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Tribal elder food security program

The bill creates a grant program under which DATCP must provide grants to one or more nonprofit entities for the purpose of purchasing and distributing food to tribal elders and for the purpose of supporting the growth and operations of producers participating in the program. A nonprofit that receives a grant under the program must give preference to purchasing food from, and supporting the growth and operations of, indigenous-based food producers and local food producers.

The bill requires, annually, \$1,500,000 in tribal gaming receipts to be used for grants to purchase food and support distribution operations and \$500,000 of tribal gaming receipts to be used for grants to support the growth and operations of producers under the program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2563. 20.115 (4) (k) of the statutes is created to read:

20.115 (4) (k) *Tribal elder community food box program.* All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 24m. for the program under s. 93.485. Notwithstanding s. 20.001 (3) (c), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2564. 20.505 (8) (hm) 24m. of the statutes is created to read:

20.505 (8) (hm) 24m. The amount transferred to s. 20.115 (4) (k) shall be \$1,500,000 for grants for purchasing food and supporting distribution operations and \$500,000 for grants for supporting the growth and operations of producers.

SECTION 2565. 93.485 of the statutes is created to read:

93.485 Tribal elder community food box program. From the appropriation under s. 20.115 (4) (k), the department shall provide grants to one or more nonprofit entities for the purpose of purchasing and distributing food to tribal elders and for the purpose of supporting the growth and operations of food producers participating in the program under this section. A nonprofit entity that receives a grant under this section shall give preference to purchasing food from, and supporting the growth and operations of, indigenous-based food producers and local food producers. The department may promulgate rules to administer this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1592/P1
EVM:cde

DOA:.....Quinn, BB0415 - Levy limit exclusion for regional planning
commission contributions

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Levy limit exception for regional planning commission contributions

This bill creates a local levy increase limit exception for the amount a political subdivision levies to pay for the political subdivision's share of a regional planning commission's (RPC's) budget.

Generally, under current law, local levy increase limits are applied to the property tax levies that are imposed by a political subdivision in December of each year. Current law prohibits a political subdivision from increasing its levy by a percentage that exceeds its "valuation factor." "Valuation factor" is defined as the greater of either 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed.

Current law contains a number of exceptions to these levy increase limits, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair. In addition, a political subdivision may exceed the levy increase limit that is otherwise applicable if its governing body adopts a resolution to do so and if that resolution is approved by the electors in a referendum.

An RPC's budget is determined annually by the RPC. The RPC then charges all political subdivisions within its jurisdiction a proportional amount to fund the

budget based on the equalized value of property in the political subdivision and the total amount of equalized value of property within the RPC's jurisdiction.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2566. 66.0602 (3) (e) 10. of the statutes is created to read:

66.0602 (3) (e) 10. The amount that a political subdivision levies in that year to pay for the political subdivision's share of a regional planning commission's budget as charged by the commission under s. 66.0309 (14) (a) to (c).

SECTION 9130. Nonstatutory provisions; Local Government.

(1) LEVY LIMIT EXCEPTION FOR REGIONAL PLANNING COMMISSION CHARGES. For the purposes of a levy imposed by a city, village, town, or county in December 2023, the base amount to which s. 66.0602 (2) applies does not include any amount that the city, village, town, or county levied in the immediately preceding year to pay for the city's, village's, town's, or county's share of a regional planning commission's budget as charged by the commission under s. 66.0309 (14) (a) to (c).

SECTION 9330. Initial applicability; Local Government.

(1) LEVY LIMIT EXCEPTION FOR REGIONAL PLANNING COMMISSION CHARGES. The treatment of s. 66.0602 (3) (e) 10. first applies to a levy that is imposed in December 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1593/P1
FFK:cjs

DOA:.....Potts, BB0416 - Pay progression 10 percent cap

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

Pay progression caps; deputy and assistant district attorneys, assistant state public defenders, and assistant attorneys general

Under current law, there are pay progression plans for deputy and assistant district attorneys, assistant state public defenders, and assistant attorneys general. These pay progression plans consist of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest hourly salary and the highest hourly salary for the salary range, and are based entirely on merit. However, current law caps the annual salary adjustment that a deputy or assistant district attorney, assistant state public defender, or assistant attorney general may receive under the respective pay progression plans to no more than 10 percent of the individual's base pay.

Under the bill, the 10 percent cap on annual salary adjustments for deputy and assistant district attorneys, assistant state public defenders, and assistant attorneys general does not apply during the 2023-24 and 2024-25 fiscal years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9101. Nonstatutory provisions; Administration.

(1) PAY PROGRESSION CAPS; DEPUTY AND ASSISTANT DISTRICT ATTORNEYS, ASSISTANT STATE PUBLIC DEFENDERS, AND ASSISTANT ATTORNEYS GENERAL.

(a) *Deputy and assistant district attorneys.* Notwithstanding s. 230.12 (10) (c), during the 2023-24 and 2024-25 fiscal years, a salary adjustment under s. 230.12 (10) (c) for a deputy or assistant district attorney may exceed 10 percent of the deputy or assistant district attorney's base pay.

(b) *Assistant state public defenders.* Notwithstanding s. 230.12 (11) (c), during the 2023-24 and 2024-25 fiscal years, a salary adjustment under s. 230.12 (11) (c) for an assistant state public defender may exceed 10 percent of the assistant public defender's base pay.

(c) *Assistant attorneys general.* Notwithstanding s. 230.12 (12) (c), during the 2023-24 and 2024-25 fiscal years, a salary adjustment under s. 230.12 (12) (c) for an assistant attorney general may exceed 10 percent of the assistant attorney general's base pay.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1596/P1
EVM:skw

DOA:.....Quinn, BB0419 - Repeal negative levy limit adjustment for transferred services

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Levy limit reduction for service transfers

Generally under current law, local levy increase limits are applied to the property tax levies that are imposed by a political subdivision in December of each year. Current law prohibits any political subdivision from increasing its levy by a percentage that exceeds its valuation factor. "Valuation factor" is defined as the greater of either zero percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed.

Also under current law, if a political subdivision transfers to another governmental unit the responsibility to provide a service that it provided in the previous year, the levy increase limit otherwise applicable in the current year is decreased to reflect the cost that the political subdivision would have incurred to provide that service. This bill repeals that provision.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2567. 66.0602 (3) (a) of the statutes is repealed.

SECTION 9330. Initial applicability; Local Government.

(1) LEVY LIMIT SERVICE TRANSFERS. The treatment of s. 66.0602 (3) (a) first applies to a levy that is imposed in December 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1597/P2
KP:klm

DOA:.....Sherwin, BB0376 - Strategic energy assessment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT
PUBLIC UTILITY REGULATION

Electric utility integrated resource plans

The bill requires investor-owned and municipal electric utilities to file integrated resource plans with PSC. An integrated resource plan must describe the resources an electric utility could use to meet the service needs of its customers over the next 5-year, 10-year, and 15-year periods, and must contain certain other information, including forecasts of electricity demand under various reasonable scenarios and plans and projected costs for meeting that electricity demand. PSC must establish requirements for the contents and filing of the plans, and PSC must approve, reject, or modify an electric utility's integrated resource plan consistent with the public interest. The bill also requires PSC to review the integrated resource plans filed by electric utilities to inform its biennial strategic energy assessment. Under current law, the strategic energy assessment evaluates the adequacy and reliability of the state's current and future energy supply.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2568. 196.491 (2) (title) of the statutes is amended to read:

196.491 (2) (title) STRATEGIC ENERGY ASSESSMENT AND INTEGRATED RESOURCE PLANS.

SECTION 2569. 196.491 (2) (a) 3s. of the statutes is created to read:

196.491 (2) (a) 3s. Review the integrated resource plans submitted by electric utilities under par. (h) to help inform the strategic energy assessment.

SECTION 2570. 196.491 (2) (h) of the statutes is created to read:

196.491 (2) (h) 1. Each electric utility shall prepare and file an integrated resource plan with the commission. The commission shall by order establish integrated resource plan content and filing requirements, including filing deadlines. An integrated resource plan shall include a set of resource options that an electric utility could use to meet the service needs of its customers over the next 5-year, 10-years, and 15-year periods, including an explanation of the supply-and-demand circumstances under which, and the extent to which, each resource option would be used to meet those service needs. Resource options that could be used to meet service needs include using, refurbishing, and constructing electric generating plants and equipment; buying electricity generated by other entities; controlling customer loads; and implementing customer energy conservation. The commission shall approve, reject, or modify an electric utility's integrated resource plan consistent with the public interest. The commission's acceptance of an integrated resource plan under this paragraph does not constitute issuance of a certificate under s. 196.49 or issuance of a certificate of public convenience and necessity under s. 196.491 (3).

2. An integrated resource plan under this paragraph shall include all of the following:

a. A long-term forecast of the electric utility's sales and peak demand under various reasonable scenarios.

b. Details regarding the amount of peak demand reduction the electric utility expects to achieve and the electric utility's proposals for achieving the reduction in peak demand, including through load management and demand response.

c. If the plan identifies constructing a generation facility as a resource option, the type of generation technology proposed for the generation facility, the proposed capacity of the generation facility, and the projected fuel costs for the proposed generation facility under various reasonable scenarios.

d. Projected electricity purchased or produced by the electric utility that is generated from a renewable energy resource. If the electricity utility projects the total level of electricity purchased or produced from a renewable energy resource to decrease over the periods described in subd. 1. a., the electric utility shall explain why the decrease is in the best interests of ratepayers.

e. Details regarding the impacts of energy efficiency programs on the electric utility's electricity sales and peak demand under various reasonable scenarios, including the total amount of customer energy savings and the associated costs of the energy efficiency programs.

f. Projected energy and capacity purchased or produced by the electric utility from a cogeneration resource.

g. An analysis of potential new or upgraded electricity transmission options for the electric utility.

h. Data regarding the electric utility's current generation portfolio, including the age, capacity factor, licensing status, and estimated remaining operating time for each electric generating facility in the portfolio.

i. Plans for meeting current and future capacity needs, including cost estimates for any power purchase agreements, any proposed construction or major investments, and any transmission or distribution infrastructure necessary to support proposed construction or major investments.

j. An analysis of the cost, capacity factor, and viability of all reasonable options available to meet projected energy and capacity needs, including existing electric generating facilities in this state.

k. Projected total costs for each scenario reviewed.

L. If applicable, projected long-term natural gas transportation contracts or natural gas storage that the electric utility will hold to provide an adequate supply of natural gas to new electric generating facilities.

m. Any other information required by the commission by order.

3. This paragraph does not apply to cooperative associations.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1598/P2
EHS:amn

DOA:.....Sherwin, BB0378 - Focus on Energy electrification projects

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Focus on Energy

Current law requires investor-owned electric and natural gas utilities to fund statewide energy efficiency and renewable resources programs, known as Focus on Energy. This bill expands the definition of “energy efficiency program” to include a program that deploys electric technologies to meet energy needs currently served by other fuels in order to 1) reduce the usage of energy, increase the efficiency of usage of energy on a fuel-neutral basis, or reduce adverse environmental impacts, including carbon dioxide emissions; and 2) reduce costs for electric public utilities and retail electric cooperatives or their customers or members.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2571. 196.374 (1) (d) of the statutes is renumbered 196.374 (1) (d)

(intro.) and amended to read:

196.374 (1) (d) (intro.) “Energy efficiency program” means a program for reducing the usage or increasing the efficiency of the usage of energy by a customer or member of an energy utility, municipal utility, or retail electric cooperative. “Energy efficiency program” does not include load management. “Energy efficiency program” includes a program that deploys electric technologies to meet energy needs currently served by other fuels in order to do all of the following:

SECTION 2572. 196.374 (1) (d) 1. and 2. of the statutes are created to read:

196.374 (1) (d) 1. Reduce the usage of energy, increase the efficiency of usage of energy on a fuel-neutral basis, or reduce adverse environmental impacts, including carbon dioxide emissions.

2. Reduce costs for electric public utilities and retail electric cooperatives or their customers or members.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1599/P2
EHS:cdc&amn

DOA:.....Sherwin, BB0377 - Utility rate affordability and rate equity

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATIONS

Recovery of cost of low-income assistance programs

Under current law, a public utility must charge rates that are just and reasonable. The bill provides that it is not unreasonable or unjustly discriminatory for a public utility to implement low-income assistance programs if approved in a rate case in which PSC reviewed the program eligibility criteria and program credits or rebates and if that cost is incorporated in the public utility's published schedules or tariffs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2573. 196.37 (7) of the statutes is created to read:

196.37 (7) It is not unreasonable or unjustly discriminatory for a public utility to implement low-income assistance programs if approved in a rate case in which the

commission reviewed the program eligibility criteria and program credits or rebates and if that cost is incorporated in the public utility's published schedules or tariffs.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1600/P5
EHS:amn

DOA:.....Rice, BB0421 - TANF allocations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Child support debt reduction

The bill creates a new program administered by DCF to provide debt reduction for overdue child support. Under the bill, if a noncustodial parent completes an eligible employment program as determined by DCF, and the custodial parent agrees to a reduction, the parent is eligible for child support debt reduction in the amount of \$1,500. Under the bill, a parent may not qualify for the debt reduction more than once in any 12-month period.

Temporary Assistance for Needy Families

Under current law, DCF allocates specific amounts of federal moneys, including child care development funds and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program for various public assistance programs. Under this bill, TANF funding allocations are changed in the following ways, as compared to the funding allocation in the 2021-23 fiscal biennium:

14. For Wisconsin Works benefits, total funding is decreased by 10 percent.

15. For the Families and Schools Together program, total funding is maintained at \$250,000, but an additional \$250,000 is available if the grant recipient provides matching funds.

16. For homeless case management services grants, total funding is doubled.
17. For state administration of public assistance programs and overpayment collections, total funding is increased by 12 percent.
18. For grants to Wisconsin Trust Account Foundation, Inc., for distribution to programs that provide civil legal services to low-income families, total funding is doubled.
19. For the Transform Milwaukee and Transitional Jobs programs, total funding is increased by 18 percent.
20. For Jobs for America's Graduates, total funding is doubled.
21. For child care state administration and licensing activities, total funding is increased by 10 percent.
22. For child care quality improvement activities, total funding is tripled.
23. For payments to support the dependent children of recipients of supplemental security income, total funding is decreased by 32 percent.
24. For kinship care payments, total funding is increased by 62 percent.
25. For safety and out-of-home placement services, total funding is decreased by 39 percent.
26. For grants to the Boys and Girls Clubs of America, total funding is increased by a multiple of 12.
27. For the earned income tax credit supplement, total funding is increased by 69 percent.
28. The funding for the offender reentry demonstration project is eliminated, and the deadline for the project evaluation is extended to June 30, 2024. This was a five-year project ending in fiscal year 2022-23.
29. For all other programs under TANF, funding is continued with a funding change of less than 5 percent.

The bill adds a new TANF allocation item for the child support debt reduction program.

The bill also specifies that, with respect to a TANF-funded contract for services, "allocate" means to designate an amount of money equal to the amount under the contract that the department is obligated to pay.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2574. 49.175 (1) (intro.) of the statutes is amended to read:

49.175 (1) ALLOCATION OF FUNDS. (intro.) In this section, with respect to any of the following that fund a contract for services, "allocate" means to designate an amount of money equal to the amount under the contract that the department is

obligated to pay. Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate the following amounts for the following purposes:

SECTION 2575. 49.175 (1) (a) of the statutes is amended to read:

49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits, \$37,000,000 \$30,717,200 in fiscal year ~~2021-22~~ 2023-24 and \$34,000,000 \$32,913,100 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2576. 49.175 (1) (b) of the statutes is amended to read:

49.175 (1) (b) *Wisconsin Works agency contracts; job access loans.* For contracts with Wisconsin Works agencies under s. 49.143 and for job access loans under s. 49.147 (6), \$54,009,700 \$52,580,300 in fiscal year ~~2021-22~~ 2023-24 and \$57,071,200 \$59,854,900 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2577. 49.175 (1) (d) of the statutes is amended to read:

49.175 (1) (d) *Families and Schools Together.* For the families and schools together program in 5 Milwaukee elementary schools to be chosen by the department, \$250,000 in each fiscal year and an additional \$250,000 in each fiscal year for this purpose to be distributed only if the recipient provides matching funds.

SECTION 2578. 49.175 (1) (f) of the statutes is amended to read:

49.175 (1) (f) *Homeless case management services grants.* For grants to shelter facilities under s. 16.3085, \$500,000 \$1,000,000 in each fiscal year. All moneys allocated under this paragraph shall be credited to the appropriation account under s. 20.505 (7) (kg).

SECTION 2579. 49.175 (1) (g) of the statutes is amended to read:

49.175 (1) (g) *State administration of public assistance programs and overpayment collections.* For state administration of public assistance programs and the collection of public assistance overpayments, ~~\$17,231,100~~ \$19,160,100 in fiscal year ~~2021-22~~ 2023-24 and ~~\$17,482,300~~ \$19,569,100 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2580. 49.175 (1) (k) of the statutes is amended to read:

49.175 (1) (k) *Transform Milwaukee and Transitional Jobs programs.* For contract costs under the Transform Milwaukee Jobs program and the Transitional Jobs program under s. 49.163, ~~\$9,500,000~~ \$11,200,000 in each fiscal year.

SECTION 2581. 49.175 (1) (Lm) of the statutes is amended to read:

49.175 (1) (Lm) *Jobs for America's Graduates.* For grants to the Jobs for America's Graduates-Wisconsin to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., ~~\$500,000~~ \$1,000,000 in each fiscal year.

SECTION 2582. 49.175 (1) (ms) of the statutes is created to read:

49.175 (1) (ms) *Child support debt reduction.* For the child support debt reduction program for low-income noncustodial parents under s. 49.226, ~~\$3,472,000~~ in fiscal year 2023-24 and ~~\$6,944,000~~ in fiscal year 2024-25.

SECTION 2583. 49.175 (1) (p) of the statutes is amended to read:

49.175 (1) (p) *Direct child care services.* For direct child care services under s. 49.155 or 49.257, ~~\$376,700,400~~ \$385,628,800 in fiscal year ~~2021-22~~ 2023-24 and ~~\$383,900,400~~ \$403,573,700 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2584. 49.175 (1) (q) of the statutes is amended to read:

49.175 (1) (q) *Child care state administration and licensing activities.* For state administration of child care programs under s. 49.155 and for child care licensing

activities, \$42,117,800 ~~\$45,957,600~~ in fiscal year ~~2021-22~~ 2023-24 and \$41,803,100 ~~\$46,043,900~~ in fiscal year ~~2022-23~~ 2024-25.

SECTION 2585. 49.175 (1) (r) of the statutes is amended to read:

49.175 (1) (r) *Children of recipients of supplemental security income.* For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~\$18,564,700~~ \$12,762,400 in fiscal year ~~2021-22~~ 2023-24 and ~~\$18,145,000~~ \$12,188,900 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2586. 49.175 (1) (s) of the statutes is amended to read:

49.175 (1) (s) *Kinship care and long-term kinship care assistance.* For kinship care and long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments, and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the kinship care and long-term kinship care programs within the boundaries of the reservations of those tribes, ~~\$28,727,100~~ \$43,574,100 in fiscal year ~~2021-22~~ 2023-24 and ~~\$31,441,800~~ \$53,719,500 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2587. 49.175 (1) (t) of the statutes is amended to read:

49.175 (1) (t) *Safety and out-of-home placement services.* For services provided to ensure the safety of children who the department or a county determines may remain at home if appropriate services are provided, and for services provided to families with children placed in out-of-home care, ~~\$10,314,300~~ \$6,282,400 in each fiscal year. To receive funding under this paragraph, a county shall match a percentage of the amount received that is equal to the percentage the county is required to match for a distribution under s. 48.563 (2) as specified by the schedule established by the department under s. 48.569 (1) (d).

SECTION 2588. 49.175 (1) (u) (title) of the statutes is amended to read:

49.175 (1) (u) (title) *Prevention Child welfare prevention services.*

SECTION 2589. 49.175 (1) (y) of the statutes is repealed.

SECTION 2590. 49.175 (1) (z) of the statutes is amended to read:

49.175 (1) (z) *Grants to the Boys and Girls Clubs of America.* For grants to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., focusing on study habits, intensive tutoring in math and English, and exposure to career options and role models, ~~\$2,807,000~~ \$3,307,000 in each fiscal year. Grants provided under this paragraph may not be used by the grant recipient to replace funding for programs that are being funded, when the grant proceeds are received, with moneys other than those from the appropriations specified in sub. (1) (intro.). The total amount of the grants includes funds for the BE GREAT: Graduate program in the amount of matching funds that the program provides, up to \$1,532,000 in each fiscal year, to be used only for activities for which federal Temporary Assistance for Needy Families block grant moneys may be used.

SECTION 2591. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$63,600,000~~ \$109,020,000 in fiscal year ~~2021-22~~ 2023-24 and ~~\$66,600,000~~ \$111,260,000 in fiscal year ~~2022-23~~ 2024-25.

SECTION 2592. 49.226 of the statutes is created to read:

49.226 Child support debt reduction. (1) The department shall establish a program to provide a noncustodial child support debt reduction. A noncustodial

parent qualifies to receive \$1,500 in debt reduction under this section if all of the following apply:

(a) The noncustodial parent completes an eligible employment program, as defined by the department in rules promulgated under sub. (3).

(b) The custodial parent agrees to reducing child support debt owed up to the amount of the benefit paid.

(2) A noncustodial parent may not receive debt reduction under sub. (1) more than once in any 12-month period.

(3) The department shall promulgate rules to implement this section, including rules to determine how debt reduction provided under sub. (1) is apportioned among multiple child support orders.

SECTION 2593. 49.37 of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 2594. 49.37 (2) of the statutes is amended to read:

49.37 (2) Upon completion of the demonstration project under sub. (1) and by June 30, ~~2023~~ 2024, the department of children and families shall conduct an evaluation of the demonstration project.

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) CHILD SUPPORT DEBT REDUCTION; EMERGENCY RULEMAKING. The department of children and families may promulgate emergency rules under s. 227.24 to implement s. 49.226. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9406. Effective dates; Children and Families.

(1) CHILD SUPPORT DEBT REDUCTION. The treatment of s. 49.226 takes effect on the first day of the 7th month beginning after publication.

(2) OFFENDER REENTRY DEMONSTRATION PROJECT. The repeal of s. 49.37 takes effect on July 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1601/P3
ARG:cjs&amn

DOA:.....Mott, BB0399 - UW direct admissions

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

UW System direct admission program

This bill requires the Board of Regents of the UW System to establish a direct admission program that provides Wisconsin high school graduates with conditional or guaranteed admission to a UW System institution based on established eligibility criteria.

Institute for Sustainable Technology at UW-Stevens Point

This bill requires the Board of Regents of the UW System to provide funding to the Wisconsin Institute for Sustainable Technology at UW-Stevens Point to broaden the institute's support for, and further technical contributions to, the state's forest and paper industries and for the institute's ongoing operations.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2595. 36.11 (3) (a) of the statutes is amended to read:

36.11 (3) (a) ~~The Subject to par. (am), the~~ board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

SECTION 2596. 36.11 (3) (am) of the statutes is created to read:

36.11 (3) (am) The board shall establish a direct admission program that provides Wisconsin high school graduates with conditional or guaranteed undergraduate admission to an institution based on established eligibility criteria.

SECTION 2597. 36.25 (58) of the statutes is created to read:

36.25 (58) INSTITUTE FOR SUSTAINABLE TECHNOLOGY AT THE UNIVERSITY OF WISCONSIN-STEVENS POINT. From the appropriation under s. 20.285 (1) (a), the Board of Regents shall provide funding to the Wisconsin Institute for Sustainable Technology at the University of Wisconsin-Stevens Point to broaden the institute's support for, and further technical contributions to, the state's forest and paper industries and for the institute's ongoing operations.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System

(1) DIRECT ADMISSION PROGRAM. The Board of Regents of the University of Wisconsin System shall work with a consultant to develop the direct admission program under s. 36.11 (3) (am) and, in developing the program, shall also consult with the department of public instruction, the technical college system board, and other interested stakeholders. The Board of Regents shall implement the direct

admission program under s. 36.11 (3) (am) no later than the beginning of the admissions cycle for the 2025-26 academic year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1602/P1
ARG:cdc

DOA:.....Martin, BB0418 - Wine sales in public parks

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Sales by a municipality or county of wine in a public park

This bill allows a municipality or county to sell wine in its public parks without an alcohol beverage license.

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Under one exception, no license or permit is required for the sale, by officers or employees of a county or municipality, of fermented malt beverages (beer) in a public park operated by the county or municipality.

This bill applies this exception to wine along with beer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2598. 125.06 (6) of the statutes is amended to read:

125.06 (6) PUBLIC PARKS. The sale of fermented malt beverages and wine in any public park operated by a county or municipality. Fermented malt beverages and

wine shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the governing body.

SECTION 2599. 125.09 (6) of the statutes is amended to read:

125.09 (6) MUNICIPAL STORES SALES. No municipality may engage in the sale of alcohol beverages, except as authorized under s. ss. 125.06 (6) and 125.26 (6). This subsection does not apply to municipal stores in operation on November 6, 1969.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1603/P1
ARG:wlj

DOA:.....Martin, BB0422 - Extended closing hours during 2024 Republican National Convention

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Closing hours for alcohol beverage retailers during the 2024 Republican National Convention

This bill creates an exception allowing southeast Wisconsin municipalities to authorize extended closing hours for certain alcohol beverage retailers during the time that the 2024 Republican National Convention is held in Milwaukee.

Under current law, a Class "B" license authorizes the retail sale of beer for consumption on or off the licensed premises. Except when issued to a winery, a "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to restrictions, for consumption off the licensed premises. Class "B" and "Class B" licenses are often issued together for restaurants and taverns. A "Class C" license, which may be issued only for a restaurant, authorizes the retail sale of wine for consumption on the licensed premises. With limited exceptions, a retailer operating under a Class "B," "Class B," or "Class C" license may not remain open between the hours of 2 a.m. and 6 a.m. on weekdays or between 2:30 a.m. and 6 a.m. on Saturday and Sunday, and a municipality may not impose different closing hours by ordinance.

This bill creates a closing hour exception that may be available for Class “B,” “Class B,” and “Class C” licensees operating in a municipality any part of which is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County (southeast Wisconsin municipality). Under the bill, from July 15 to July 19, 2024, the closing hour for a Class “B,” “Class B,” or “Class C” licensed premises in a southeast Wisconsin municipality is 4 a.m. if the municipality issuing the license has adopted a resolution allowing extended closing hours and, upon application by a licensee, has authorized the extended closing hour for that licensee. This bill does not affect the hours during which a Class “B” or “Class B” licensee may make sales for off-premises consumption.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9137. Nonstatutory provisions; Revenue

(1) CLOSING HOURS EXCEPTION FOR CERTAIN ALCOHOL BEVERAGE RETAILERS DURING THE REPUBLICAN NATIONAL CONVENTION IN MILWAUKEE.

(a) In this subsection:

1. “Municipality” has the meaning given in s. 125.02 (11).
2. “Southeast Wisconsin municipality” means a municipality any part of which is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County.

(b) 1. Notwithstanding s. 125.32 (3) (a), from July 15 to July 19, 2024, the closing hours for premises operating under a Class “B” license issued by a southeast Wisconsin municipality shall be between 4 a.m. and 6 a.m. if the municipality that issued the license has adopted a resolution allowing extended closing hours within the municipality and has authorized this extended closing hour as provided in subd.

2.

2. If a southeast Wisconsin municipality has adopted a resolution under subd. 1., the municipality shall establish a process to authorize, and may upon application so authorize, the extended closing hour under subd. 1. for any Class “B” licensed premises within the municipality.

(c) 1. Notwithstanding s. 125.68 (4) (c) 1. and 3m., from July 15 to July 19, 2024, the closing hours for premises operating under a “Class B” or “Class C” license issued by a southeast Wisconsin municipality shall be between 4 a.m. and 6 a.m. if the municipality that issued the license has adopted a resolution allowing extended closing hours within the municipality and has authorized this extended closing hour as provided in subd. 2.

2. If a southeast Wisconsin municipality has adopted a resolution under subd. 1., the municipality shall establish a process to authorize, and may upon application so authorize, the extended closing hour under subd. 1. for any “Class B” or “Class C” licensed premises within the municipality.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1605/P1
MJW:kms

DOA:.....Richter, BB0420 - Deputy District Attorney Allocation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DISTRICT ATTORNEYS

Increase in deputy district attorney allocation

This bill increases the number of deputy district attorneys that may be appointed in a prosecutorial unit with a population of 200,000 or more but less than 750,000 from three deputy district attorneys to four deputy district attorneys.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2600. 978.03 (1m) of the statutes is amended to read:

978.03 (1m) The district attorney of any prosecutorial unit having a population of 200,000 or more but less than 750,000 may appoint ~~3~~ 4 deputy district attorneys and such assistant district attorneys as may be requested by the department of

administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1607/P1
EVM:amn

DOA:.....Martin, BB0423 - Premier resort authority - city of Prescott and village of Pepin

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Premier resort area exceptions

This bill allows the city of Prescott and the village of Pepin to become premier resort areas notwithstanding the fact that they do not meet the generally applicable requirement that at least 40 percent of the equalized assessed value of the taxable property within a political subdivision be used by tourism-related retailers (the 40-percent requirement). "Tourism-related retailers" is defined to include certain retailers who are classified in the *Standard Industrial Classification Manual* that is published by the U.S. Office of Management and Budget. The statutory definition lists 21 types of retailers, including variety stores, dairy product stores, gasoline service stations, eating places, drinking places, and hotels and motels.

Currently, a number of cities and villages are authorized to enact an ordinance or adopt a resolution to become a premier resort area notwithstanding the fact that none of these cities or villages meet the 40-percent requirement. As is the case with the villages of Sister Bay, Ephraim, and Stockholm, and the city of Rhinelander, the premier resort area tax may not take effect in Prescott or Pepin unless it is approved in a referendum of the electors.

A premier resort area may impose a tax at a rate of 0.5 percent of the gross receipts from the sale, lease, or rental of goods or services that are subject to the

general sales and use tax and are sold by tourism-related retailers. The proceeds of the tax may be used only to pay for infrastructure expenses within the jurisdiction of the premier resort area. The definition of “infrastructure expenses” includes the costs of purchasing, constructing, or improving parking lots; transportation facilities, including roads and bridges; sewer and water facilities; recreational facilities; exposition center facilities; fire fighting equipment; and police vehicles.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2601. 66.1113 (2) (a) of the statutes is amended to read:

66.1113 (2) (a) The governing body of a political subdivision, by a two-thirds vote of the members of the governing body who are present when the vote is taken, may enact an ordinance or adopt a resolution declaring itself to be a premier resort area if, except as provided in pars. (e), (f), (g), (h), (i), ~~and (j)~~, (k), and (L), at least 40 percent of the equalized assessed value of the taxable property within such political subdivision is used by tourism-related retailers.

SECTION 2602. 66.1113 (2) (b) of the statutes is amended to read:

66.1113 (2) (b) Subject to pars. (g), (h), (i), ~~and (j)~~, (k), and (L), a political subdivision that is a premier resort area may impose the tax under s. 77.994.

SECTION 2603. 66.1113 (2) (k) of the statutes is created to read:

66.1113 (2) (k) The city of Prescott may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within the city is used by tourism-related retailers. The city may not impose the tax authorized under par. (b) unless the common council adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the city voting on the resolution at a referendum, to be held at the first spring primary or election or

partisan primary or general election following by at least 70 days the date of adoption of the resolution.

SECTION 2604. 66.1113 (2) (L) of the statutes is created to read:

66.1113 (2) (L) The village of Pepin in Pepin County may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within the village is used by tourism-related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at the first spring primary or election or partisan primary or general election following by at least 70 days the date of adoption of the resolution.

SECTION 9430. Effective dates; Local Government.

(1) PREMIER RESORT AREA EXCEPTIONS. The treatment of s. 66.1113 (2) (a), (b), (k), and (L) takes effect on the first day of the first calendar quarter beginning at least 120 days after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1609/P1
MPG&MDE:wlj

DOA:.....Rice, BB0417 - Water Utility Assistance Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT
GENERAL STATE GOVERNMENT

Water utility assistance program for low-income households

This bill creates a water utility assistance program for low-income households that is administered by DOA. Under the program, low-income households may apply for assistance from the state to help pay the cost of their water utility bills. Although the program is administered by DOA, DOA may contract with a county department, another local governmental agency, or a private nonprofit organization for processing applications and making assistance payments. DOA must establish a payments schedule for the program. If the number of household applicants exceeds the number anticipated to apply, payments to households may be reduced and DOA may suspend additional applications for assistance. Under the bill, a household eligible for water utility assistance may also be eligible for a crisis assistance payment if the household is experiencing or at risk of experiencing a water utility-related emergency, as defined by DOA.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2605. 16.293 of the statutes is created to read:

16.293 Water utility assistance for low-income households. (1)

DEFINITIONS. In this section:

(a) “County department” means a county department under s. 46.215 or 46.22.

(b) “Crisis assistance” means a benefit that is given to a household experiencing or at risk of experiencing a water utility–related emergency.

(c) “Household” means any individual or group of individuals who are living together as one economic unit for whom residential water is customarily purchased in common or who make undesignated payments for water in the form of rent.

(d) “Utility allowance” means the amount of utility costs paid by those individuals in subsidized housing who pay their own utility bills, as averaged from total utility costs for the housing unit by the housing authority.

(e) “Water utility assistance” means a benefit that is given to a household to assist in meeting the cost of water utility.

(2) ADMINISTRATION. (a) The department shall administer a water utility assistance program for low-income households to assist eligible households to meet home water utility costs and shall establish a payments schedule for the program.

(b) The department may contract with a county department, another local governmental agency, or a private nonprofit organization to process applications and make payments under the water utility assistance program for low-income households.

(3) APPLICATION PROCEDURE. (a) A household may apply for water utility assistance from the department under the water utility assistance program for low-income households. A household shall apply on a form prescribed by the department.

(b) If by February 1 of any year the number of households applying for assistance under par. (a) substantially exceeds the number anticipated to apply, the department may reduce the assistance payments under sub. (5) made after that date. The department may also suspend the processing of additional applications until the department adjusts assistance amounts payable.

(4) ELIGIBILITY. (a) Subject to sub. (3) (b), all of the following households are eligible to receive water utility assistance under this section:

1. A household with income that is not more than 60 percent of the statewide median household income.

2. A household entirely composed of persons receiving food stamps under 7 USC 2011 to 2036 or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

3. A household with income within the limits specified under par. (b) that resides in housing that is subsidized or administered by a municipality, a county, the state, or the federal government for which a utility allowance is applied to determine the amount of rent or the amount of the subsidy.

(b) The department may establish additional eligibility requirements and other program guidelines for the program.

(5) ASSISTANCE PAYMENTS. Subject to moneys appropriated under s. 20.505 (7) (ee), water utility assistance shall be paid according to the payments schedule established under sub. (2) (a).

(6) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No assistance payment under sub. (5) may be made to an individual who is imprisoned in a state prison under s. 302.01 or to an individual placed at a juvenile correctional facility,

as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g).

(7) CRISIS ASSISTANCE PROGRAM. A household eligible for water utility assistance under sub. (4) may also be eligible for a crisis assistance payment. The department shall define the circumstances constituting a crisis for which an assistance payment may be made and shall establish the amount of payment to an eligible household. The department may delegate a portion of its responsibility under this subsection to a county department, another local governmental agency, or a private nonprofit organization.

SECTION 2606. 20.505 (7) (dd) of the statutes is created to read:

20.505 **(7)** (dd) *Water utility assistance for low-income households; administration.* The amounts in the schedule to pay program operations costs for the water utility assistance program for low-income households under s. 16.293.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2607. 20.505 (7) (ee) of the statutes is created to read:

20.505 **(7)** (ee) *Water utility assistance for low-income households; payments.* As a continuing appropriation, the amounts in the schedule to make assistance payments to eligible households under the water utility assistance program for low-income households under s. 16.293.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1610/P2
MPG:kms

DOA:.....Rice, BB0426 - Workforce Housing Rehabilitation Loan Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HOUSING

Workforce housing rehabilitation fund

Under current law, as created by 2021 Wisconsin Act 221, WHEDA may make workforce housing rehabilitation loans to eligible applicants for the cost of certain kinds of rehabilitation to the applicant's home, subject to certain requirements. Currently, WHEDA makes those loans from WHEDA's housing rehabilitation loan fund, which preexisted the creation of the workforce housing rehabilitation loan program in Act 221.

This bill establishes a workforce housing rehabilitation fund under the jurisdiction and control of WHEDA for the purpose of providing workforce housing rehabilitation loans. At WHEDA's discretion, the workforce housing rehabilitation fund may additionally be used for purposes of marketing WHEDA's programs and services to the public. The fund consists in part of general purpose revenues transferred to the fund.

The bill also makes certain changes to the workforce housing rehabilitation loan program, including requiring that an eligible residence be the loan applicant's primary residence and authorizing WHEDA to defer or forgive the payment of a workforce housing rehabilitation loan under certain criteria established by WHEDA.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2608. 20.490 (6) (a) of the statutes is created to read:

20.490 (6) WORKFORCE HOUSING REHABILITATION. (a) *Workforce housing rehabilitation fund.* As a continuing appropriation, the amounts in the schedule to be transferred to the workforce housing rehabilitation fund under s. 234.043 for the purposes of that fund.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2609. 234.043 of the statutes is created to read:

234.043 Workforce housing rehabilitation fund. There is established under the jurisdiction and control of the authority, for the purpose of providing workforce housing rehabilitation loans under s. 234.045, a workforce housing rehabilitation fund. The authority may use moneys in the fund to cover actual and necessary expenses incurred to accomplish the purposes of this section and s. 234.045. At its discretion, the authority may also use moneys in the fund to pay costs associated with marketing its programs and services to the public, including by use of housing navigators. The workforce housing rehabilitation fund shall consist of all of the following:

- (1) All moneys appropriated to the authority under s. 20.490 (6) (a).
- (2) All moneys received from the repayment of loans provided under s. 234.045.
- (3) All income from the investment of moneys in the workforce housing rehabilitation fund by the authority under s. 234.03 (18). All such investments shall be the exclusive property of the fund.

(4) All moneys received by the authority for the workforce housing rehabilitation fund from any other source.

SECTION 2610. 234.045 (1) (intro.) of the statutes is amended to read:

234.045 (1) DEFINITION. (intro.) In this section, “eligible rehabilitation” means an improvement to housing to maintain the housing in a decent, safe, and sanitary condition or to restore it to that condition if the improvement is the removal of lead paint or constitutes a structural or safety improvement, as determined by the authority, including any of the following:

SECTION 2611. 234.045 (2) (a) (intro.) of the statutes is amended to read:

234.045 (2) (a) (intro.) From the workforce housing rehabilitation ~~loan~~ fund, the authority may make a loan to a person applying for the loan to pay for the cost of eligible rehabilitation to the applicant’s home if all of the following apply:

SECTION 2612. 234.045 (2) (a) 2. of the statutes is amended to read:

234.045 (2) (a) 2. The applicant’s home is a single-family residence that serves as the primary residence of the applicant ~~occupies and that was constructed before~~ 1980.

SECTION 2613. 234.045 (2) (a) 3. of the statutes is amended to read:

234.045 (2) (a) 3. The applicant agrees to the terms of the loan, as determined by the authority. The loan terms may include a requirement to repay the loan by making monthly principal and interest payments so that the loan is fully repaid within a given term; a requirement to repay the loan, including all interest, upon the applicant selling or otherwise transferring title to the residence to another person or upon the applicant and his or her family vacating the residence; and any other terms determined by the authority.

SECTION 2614. 234.045 (2) (c) of the statutes is created to read:

234.045 (2) (c) The authority may defer the repayment or forgive the outstanding balance of any loan made under par. (a) according to criteria established by the authority.

SECTION 2615. 234.53 (2) of the statutes is amended to read:

234.53 (2) Except as provided in sub. (2m) ~~and s. 234.045~~, the authority shall use moneys in the fund for the purpose of purchasing housing rehabilitation loans or for funding commitments for loans to lenders for housing rehabilitation loans. All disbursements of funds under this subsection for purchasing such loans shall be made payable to an authorized lender, as defined in s. 234.49 (1) (b), or a duly authorized agent thereof.

SECTION 2616. 234.55 (1) of the statutes is amended to read:

234.55 (1) The authority shall establish the housing rehabilitation loan program bond redemption fund. All housing rehabilitation loans purchased with moneys from the housing rehabilitation loan fund or notes evidencing loans to lenders from such fund for housing rehabilitation loans shall be the exclusive property of such redemption fund. All moneys received from the repayment of such loans, any amounts transferred by the authority to such fund pursuant to s. 234.52 or from other funds or sources, any federal insurance or guarantee payments with respect to such loans, all moneys resulting from the sale of bonds for the purpose of refunding outstanding housing rehabilitation bonds unless credited to the housing rehabilitation loan program capital reserve fund, any other moneys which may be available to the authority for the purpose of such fund, and all moneys received from the repayment of loans provided under ~~ss. 234.045 and s. 234.53 (2m)~~ shall be

deposited into such fund to be used for the repayment of housing rehabilitation bonds issued under the authority of s. 234.50.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1611/P2
JK:cjs

DOA:.....Martin, BB0424 - Sales tax exemption for gun safes, trigger locks,
and barrel locks

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Sales and use tax exemption for gun safety items

This bill creates a sales and use tax exemption for sales of gun safes, trigger locks, and gun barrel locks.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2617. 77.54 (73) of the statutes is created to read:

77.54 **(73)** (a) The sales price from the sale of and the storage, use, or other consumption of gun safes that are specifically designed for the storage of guns, but not other items used for gun storage, such as locking gun cabinets and racks.

(b) The sales price from the sale of and the storage, use, or other consumption of trigger locks and gun barrel locks.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1616/P1
ZDW:skw

DOA:.....Vencill, BB0425 - Wild rice restoration and public education

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Wild rice stewardship

This bill appropriates to DNR from the general fund moneys for wild rice stewardship efforts within the waters of areas where American Indian tribes or bands hold treaty-based rights to harvest wild rice. The bill provides that not less than \$50,000 of the amounts appropriated for each fiscal year must be allocated for public education and outreach pertaining to wild rice harvesting.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2618. 20.370 (1) (kf) of the statutes is created to read:

20.370 (1) (kf) *Wild rice stewardship in ceded territory waters.* From the general fund, the amounts in the schedule for wild rice stewardship efforts

conducted, in consultation with federally recognized American Indian tribes or bands domiciled in this state, within the waters of areas where the American Indian tribes or bands hold treaty-based rights to harvest wild rice. Of the amounts in the schedule for each fiscal year, not less than \$50,000 shall be allocated for public education and outreach pertaining to wild rice harvesting.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1617/P1
KP:cjs

DOA:.....Martin, BB0427 - Expenditure restraint budget test--exclusions

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Expenditure restraint program

Under current law, generally, a municipality is eligible to receive an expenditure restraint payment if its property tax levy is greater than five mills and if the annual increase in its municipal budget is less than the sum of factors based on inflation and the increased value of property in the municipality as a result of new construction. The bill excludes the following from being considered in determining eligibility for an expenditure restraint program payment: 1) money received from the federal government; 2) revenues from a municipal vehicle registration fee that is approved by a majority of electors voting at a referendum; and 3) tax revenues resulting from a tax increase approved by a majority of electors voting at a referendum.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2619. 79.05 (2) (c) of the statutes is amended to read:

79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, moneys received from the federal government, revenues from a municipal registration fee under s. 341.35 (1) that is approved by a majority of the electors in the municipality voting at a referendum, tax revenues resulting from a tax increase approved by a majority of the electors in the municipality voting at a referendum, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, moneys received from the federal government, revenues from a municipal registration fee under s. 341.35 (1) that is approved by a majority of the electors in the municipality voting at a referendum, tax revenues resulting from a tax increase approved by a majority of the electors in the municipality voting at a referendum, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less

than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10 percent.

SECTION 9337. Initial applicability; Revenue.

(1) EXPENDITURE RESTRAINT PROGRAM. The treatment of s. 79.05 (2) (c) first applies to the distributions in 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1618/P1
KP:wlj

DOA:.....Martin, BB0428 - Tax credit for universal changing stations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Tax credit for installing universal changing stations

This bill creates an income and franchise tax credit for small businesses that install universal changing stations. Under the bill, a “universal changing station” is a floor-mounted or wall-mounted, powered, and height-adjustable adult changing table with a safety rail that can be used for personal hygiene by an individual with a disability of either sex and the individual’s care provider.

The credit applies for taxable years beginning after December 31, 2022. Under the bill, a small business is any entity that, during the preceding taxable year, either had gross receipts of no more than \$1,000,000 or employed no more than 30 full-time employees. The credit is equal to 50 percent of the amount the small business paid to install the universal changing station, up to a maximum credit of \$5,125. The credit may be claimed only if the universal changing station meets certain requirements relating to size, maneuverability space, weight load, and adjustability.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2620. 71.05 (6) (a) 15. of the statutes is amended to read:

71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 2621. 71.07 (8m) of the statutes is created to read:

71.07 (8m) UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a sole proprietor, a partner of a partnership, a member of a limited liability company, or a shareholder of a tax-option corporation who files a claim under this subsection and meets either of the following conditions during the preceding taxable year:

- a. Had gross receipts that did not exceed \$1,000,000.
- b. Employed no more than 30 full-time employees.

2. "Full-time employee" means an individual who is employed for at least 30 hours per week for 20 or more calendar weeks during a taxable year.

3. "Universal changing station" means a powered and height-adjustable adult changing table that is either floor mounted or wall mounted with a safety rail and can be used by an individual with a disability of either sex and the individual's care provider for personal hygiene and that satisfies all of the following:

- a. The changing table can lower to a height of 8 inches and raise to a height of 34 inches.
- b. The changing table is at least 31 inches wide by 72 inches long.

c. The changing table supports at least 350 pounds.

(b) *Filing claims.* For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.

(c) *Limitations.* 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.

2. The credit claimed under this subsection may not exceed \$5,125.

3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.

(d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

SECTION 2622. 71.10 (4) (ha) of the statutes is created to read:

71.10 (4) (ha) Universal changing station credit under s. 71.07 (8m).

SECTION 2623. 71.21 (4) (a) of the statutes is amended to read:

71.21 (4) (a) The amount of the credits computed by a partnership under s. 71.07 (2dm), (2dx), (2dy), (3g), (3h), (3n), (3q), (3s), (3t), (3w), (3wm), (3y), (4k), (4n), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and passed through to partners shall be added to the partnership's income.

SECTION 2624. 71.26 (2) (a) 4. of the statutes is amended to read:

71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dm), (1dx), (1dy), (3g), (3h), (3n), (3q), (3t), (3w), (3wm), (3y), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 2625. 71.28 (8m) of the statutes is created to read:

71.28 (8m) UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a person who files a claim under this subsection and meets either of the following conditions during the preceding taxable year:

a. Had gross receipts that did not exceed \$1,000,000.

b. Employed no more than 30 full-time employees.

2. "Full-time employee" means an individual who is employed for at least 30 hours per week for 20 or more calendar weeks during a taxable year.

3. "Universal changing station" has the meaning given in s. 71.07 (8m) (a) 3.

(b) *Filing claims.* For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.23, up to the amount of those taxes, an amount

equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.

(c) *Limitations.* 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.

2. The credit claimed under this subsection may not exceed \$5,125.

3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.

(d) *Administration.* Sub. (4) (e) to (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.

SECTION 2626. 71.30 (3) (cu) of the statutes is created to read:

71.30 (3) (cu) Universal changing station credit under s. 71.28 (8m).

SECTION 2627. 71.34 (1k) (g) of the statutes is amended to read:

71.34 (1k) (g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28 (1dm), (1dx), (1dy), (3), (3g), (3h), (3n), (3q), (3t), (3w), (3wm), (3y), (4), (5), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and passed through to shareholders.

SECTION 2628. 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 (2) (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dm) to (1dy), (3g), (3h), (3n), (3q), (3w), (3y), (5e), (5g), (5i), (5j), (5k), (5r), (5rm), (6n), (8m), and (10) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (3), (3t), (4), (4m), and (5).

SECTION 2629. 71.47 (8m) of the statutes is created to read:

71.47 (8m) UNIVERSAL CHANGING STATION CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a person who files a claim under this subsection and meets either of the following conditions during the preceding taxable year:

- a. Had gross receipts that did not exceed \$1,000,000.
- b. Employed no more than 30 full-time employees.

2. "Full-time employee" means an individual who is employed for at least 30 hours per week for 20 or more calendar weeks during a taxable year.

3. "Universal changing station" has the meaning given in s. 71.07 (8m) (a) 3.

(b) *Filing claims.* For taxable years beginning after December 31, 2022, subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.43, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid during the taxable year to install a universal changing station.

(c) *Limitations.* 1. No credit may be claimed under this subsection unless the universal changing station is installed in a single-occupant restroom that measures

at least 8 feet by 10 feet, with adequate space for a wheelchair and a care provider to maneuver; that is equipped with a waste receptacle, a toilet, a lavatory, a soap dispenser, and a paper towel dispenser; and that complies with accessibility standards under the federal Americans with Disabilities Act.

2. The credit claimed under this subsection may not exceed \$5,125.

3. Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts paid by the entity. A partnership, limited liability company, or tax-option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members, and shareholders may claim the credit in proportion to their ownership interests.

(d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

SECTION 2630. 71.49 (1) (cu) of the statutes is created to read:

71.49 (1) (cu) Universal changing station credit under s. 71.47 (8m).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1619/P1
MJW:cde

DOA:.....Stinebrink, BB0430 - Hmong and Laotian Veterans

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Hmong and Laotian veterans

This bill expands the definition of “veteran” to include either 1) individuals who were naturalized pursuant to the Hmong Veterans’ Naturalization Act of 2000; or 2) individuals who the secretary of Veterans Affairs has determined served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the armed forces of the United States at any time during the period from February 28, 1961, to May 7, 1975, and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States who reside in Wisconsin. The bill extends most veterans benefits to anyone who meets this newly expanded definition of veteran, however, admission to a state veterans home and burial in a veterans cemetery are not included benefits as they are subject to federal regulation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2631. 36.27 (2) (b) 5. of the statutes is created to read:

36.27 (2) (b) 5. A person who is a resident of and living in this state at the time of registering at an institution, and who is a veteran as described under s. 45.01 (12) (fm), is entitled to the exemption under par. (a).

SECTION 2632. 36.27 (3p) (a) 1r. g. of the statutes is created to read:

36.27 (3p) (a) 1r. g. The person meets the criteria described under s. 45.01 (12) (fm).

SECTION 2633. 38.24 (8) (a) 1r. g. of the statutes is created to read:

38.24 (8) (a) 1r. g. The person meets the criteria described under s. 45.01 (12) (fm).

SECTION 2634. 45.01 (12) (fm) of the statutes is created to read:

45.01 (12) (fm) A person who was naturalized pursuant to section 2 (1) of the federal Hmong Veterans' Naturalization Act of 2000, P.L. 106-207, and resides in this state or a person who the secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the armed forces of the United States at any time during the period beginning February 28, 1961, and ending May 7, 1975; is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and resides in the state.

SECTION 2635. 45.44 (3) (c) (intro.) of the statutes is amended to read:

45.44 (3) (c) (intro.) A veteran, as defined in s. 45.01 (12) (a) to (f) (fm), or one of the following:

SECTION 2636. 45.51 (2) (a) 1. of the statutes is amended to read:

45.51 (2) (a) 1. A veteran, other than a veteran described under s. 45.01 (12) (fm).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1621/P1
JK:amn

DOA:.....Martin, BB0429 - Utility aid for battery storage facilities

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Energy storage facility

Under current law, counties and municipalities where power production plants are located receive public utility aid payments on the basis of the value or megawatt capacity of the plant. Generally, the amount of the payment to a county or municipality is determined by applying a mill rate to a specified amount of the license fees paid by the power production plant located in the county and municipality.

This bill provides utility aid payments to counties and municipalities where energy storage facilities are located. The bill defines an “energy storage facility” as property that receives electrical energy, stores the energy in a different form, and converts that other form of energy back to electrical energy for sale or to use to provide reliability or economic benefits to the electrical grid. The bill also defines an “energy storage facility” as property that is owned by a light, heat, and power company, electric cooperative, or municipal electric company and includes hydroelectric pumped storage, compressed air energy storage, regenerative fuel cells, batteries, and similar technologies.

Under the bill, DOA annually distributes to each county and municipality in which an energy storage facility is located an amount calculated by multiplying the facility’s megawatt capacity by \$2,000 and then multiplying the product of that

calculation by three mills for a county and by six mills for a municipality. However, if the energy storage facility is located in a town, the town receives a payment equal to multiplying the product of that calculation by three mills and the county where the town is located receives a payment equal to multiplying the product of that calculation by six mills.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2637. 79.005 (1j) of the statutes is created to read:

79.005 (1j) (a) “Energy storage facility” means property to which all of the following applies:

1. The property is interconnected to the electrical grid.
2. The property is designed to receive electrical energy, to store the electrical energy as another form of energy, and to convert that other form back into electrical energy.
3. The property delivers the electrical energy converted from some other form, as described in subd. 2., for sale or to use for providing reliability or economic benefits to the electrical grid.

****NOTE: You may want to elaborate on what it means to provide reliability or economic benefits to the grid.

4. The property is owned by a light, heat, and power company assessed under s. 76.28 (2) or 76.29 (2), not including property described in s. 66.0813 unless the property is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825.

(b) “Energy storage facility” includes hydroelectric pumped storage, compressed air energy storage, regenerative fuel cells, batteries, superconducting

magnetic energy storage, flywheels, thermal energy storage systems, and hydrogen storage, or combination thereof, or any other similar technologies as determined by the federal energy regulatory commission.

SECTION 2638. 79.04 (8) of the statutes is created to read:

79.04 (8) Annually, the department of administration, upon certification by the department of revenue, shall distribute a payment from the public utility account to each municipality and county in which an energy storage facility with a name-plate capacity of at least one megawatt is located. If the energy storage facility is located in a city or village, the city or village receives a payment equal to 6 mills multiplied by the product of the facility's name-plate capacity multiplied by \$2,000 and the county in which the energy storage facility is located receives a payment equal to 3 mills multiplied by the product of the facility's name-plate capacity multiplied by \$2,000. If the energy storage facility is located in a town, the town receives a payment equal to 3 mills multiplied by the product of the facility's name-plate capacity multiplied by \$2,000 and the county in which the energy storage facility is located receives a payment equal to 6 mills multiplied by the product of the facility's name-plate capacity multiplied by \$2,000.

SECTION 9337. Initial applicability; Revenue.

(1) ENERGY STORAGE FACILITY. The treatment of ss. 79.005 (1j) and 79.04 (8) first applies to distributions made after January 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1622/P2
JK:amn&kms

DOA:.....Martin, BB0431 - Utility aid for electric vehicle charging infrastructure

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Electric vehicle charging infrastructure

Under current law, counties and municipalities where power production plants are located receive public utility aid payments on the basis of the value or megawatt capacity of the plant. Generally, the amount of the payment to a county or municipality is determined by applying a mill rate to a specified amount of the license fees paid by the power production plant located in the county and municipality.

This bill provides utility aid payments to counties and municipalities where qualified electric vehicle charging infrastructure is located. The bill defines “qualified electric vehicle charging infrastructure” as level 3 electric vehicle supply equipment that has a minimum charging capacity of 480 volts and that is owned by a light, heat, and power company, electric cooperative, or municipal electric company. Under the bill, DOA annually distributes to each county and municipality in which qualified electric vehicle charging infrastructure is located an amount equal to the value of the qualified electric vehicle charging infrastructure, multiplied by three mills for a county and by six mills for a municipality. However, if the qualified electric vehicle charging infrastructure is located in a town, the town receives a payment

equal to the value of the qualified electric vehicle charging infrastructure multiplied by three mills and the county where the town is located receives a payment equal to the value of the qualified electric vehicle charging infrastructure multiplied by six mills.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2639. 79.005 (3m) of the statutes is created to read:

79.005 (3m) “Qualified electric vehicle charging infrastructure” means level 3 electric vehicle supply equipment that has a minimum charging capacity of 480 volts and that is owned by a light, heat, and power company assessed under s. 76.28 (2) or 76.29 (2), not including property described in s. 66.0813 unless the qualified electric vehicle charging infrastructure is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825.

SECTION 2640. 79.04 (9) of the statutes is created to read:

79.04 (9) Annually, the department of administration, upon certification by the department of revenue, shall distribute a payment from the public utility account to each municipality and county in which qualified electric vehicle charging infrastructure is located. If the qualified electric vehicle charging infrastructure is located in a city or village, the city or village receives a payment equal to 6 mills multiplied by the value of the qualified electric vehicle charging infrastructure and the county in which the city or village is located receives a payment equal to 3 mills multiplied by the value of the qualified electric vehicle charging infrastructure. If the electric vehicle charging infrastructure is located in a town, the town receives a payment equal to 3 mills multiplied by the value of the qualified electric vehicle

charging infrastructure and the county in which the town is located receives a payment equal to 6 mills multiplied by the value of the qualified electric vehicle charging infrastructure.

SECTION 9337. Initial applicability; Revenue.

(1) ELECTRIC VEHICLE CHARGING. The treatment of ss. 79.005 (3m) and 79.04 (9) first applies to distributions made after January 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1625/P3
JK:amn

DOA:.....Martin, BB0434 - Sales tax exemption for breastfeeding equipment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Breastfeeding equipment

This bill creates a sales and use tax exemption for breast pumps, breast pump kits, and breast pump storage and collection supplies.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2641. 77.54 (72) of the statutes is created to read:

77.54 (72) The sales price from the sale of and the storage, use, or other consumption of breast pumps, breast pump kits, and breast pump storage and collection supplies.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1626/P1
JAM:klm

DOA:.....Mott, BB0433 - UniverCity Alliance program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

UniverCity Alliance program

This bill creates an appropriation funding the “UniverCity Alliance” program within the UW–Madison. The UniverCity Alliance program connects in partnership communities, towns, cities, and counties with UW–Madison education, service, and research activities in order to address the communities’ biggest local challenges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2642. 20.285 (1) (fm) of the statutes is created to read:

20.285 (1) (fm) *UniverCity Alliance program.* The amounts in the schedule for the purposes specified in s. 36.25 (56).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2643. 36.25 (56) of the statutes is created to read:

36.25 (56) UNIVERCITY ALLIANCE PROGRAM. From the appropriation under s. 20.285 (1) (fm), the board shall provide funding for the UniverCity Alliance program to connect in partnership Wisconsin communities, towns, cities, and counties with University of Wisconsin-Madison education, service, and research activities in order to address the communities' biggest local challenges.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1628/P1
JK:amn

DOA:.....Martin, BB0435 - Impose tax on all sales of prewritten computer software

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Prewritten computer software

This bill imposes the sales tax on the sale of the right to access and use prewritten computer software that remains in the possession of the seller or third party, including sales made on a per use, per user, per license, or subscription basis. Current law defines “prewritten computer software” as computer software that is not designed and developed by the author to the specifications of a specific purchaser.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2644. 77.52 (2) (a) 21. of the statutes is created to read:

77.52 (2) (a) 21. The sale of the right to access and use prewritten computer software, as defined in s. 77.51 (10r), if possession of the prewritten computer

software is maintained by the seller or a 3rd party, including sales made on a per use, per user, per license, or subscription basis, or some other basis. This subdivision includes the sale of the right to access and use prewritten computer software to perform data processing and information services, regardless of whether the primary purpose of the transaction is the processed data, including check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

SECTION 9437. Effective dates; Revenue.

(1) PREWRITTEN COMPUTER SOFTWARE. The treatment of s. 77.52 (2) (a) 21. takes effect on the first day of the 6th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1629/P1
ARG:amn

DOA:.....Mott, BB0437 - MCW violence prevention grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Providing funding to the Medical College of Wisconsin for violence prevention grants

This bill provides funding to the Medical College of Wisconsin to make violence prevention grants supporting activities that enhance the safety and well-being of children, youth, and families throughout Wisconsin.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2645. 20.250 (2) (title) of the statutes is amended to read:

20.250 (2) (title) RESEARCH AND COMMUNITY SUPPORT.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2646. 20.250 (2) (a) of the statutes is created to read:

20.250 (2) (a) *Violence prevention grants.* Biennially, the amounts in the schedule to make violence prevention grants supporting local, evidence-informed activities that enhance the safety and well-being of children, youth, and families throughout this state.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1631/P1
SWB:cjs

DOA:.....Bollhorst, BB0438 - Pediatric Inpatient Supplement

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Pediatric inpatient supplement

This bill establishes in statute reference to supplemental funding totaling \$2,000,000 to be distributed by DHS to certain acute care hospitals located in Wisconsin that have a total of more than 12,000 inpatient days in the hospital's acute care pediatric units and intensive care pediatric units, not including neonatal intensive care units. In addition, under the bill, DHS may distribute additional funding of \$10,000,000 in each state fiscal year to hospitals that are free-standing pediatric teaching hospitals located in Wisconsin that have a Medicaid inpatient utilization rate greater than 45 percent.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2647. 49.45 (6xm) of the statutes is created to read:

49.45 (6xm) PEDIATRIC INPATIENT SUPPLEMENT. (a) From the appropriations under s. 20.435 (4) (b), (o), and (w), the department shall, using a method determined by the department, distribute a total sum of \$2,000,000 in each state fiscal year to hospitals that meet all of the following criteria:

1. The hospital is an acute care hospital located in this state.
2. During the hospital's fiscal year, the inpatient days in the hospital's acute care pediatric units and intensive care pediatric units totaled more than 12,000 days, not including neonatal intensive care units. For purposes of this subdivision, the hospital's fiscal year is the hospital's fiscal year that ended in the 2nd calendar year preceding the beginning of the state fiscal year.

(b) Notwithstanding par. (a), from the appropriations under s. 20.435 (4) (b), (o), and (w), the department may, using a method determined by the department, distribute an additional total sum of \$10,000,000 in each state fiscal year to hospitals that are free-standing pediatric teaching hospitals located in Wisconsin that have a percentage calculated under s. 49.45 (3m) (b) 1. a. greater than 45 percent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1634/P3
JAM:cjs&emw

DOA:.....Stinebrink, BB0432 - Veterans homes institutional operations GPR
transfer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Transfer of funds

This bill transfer \$10,000,000 in fiscal year 2023-24 from the general fund to the DVA appropriation used for the institutional operations of veterans homes.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2648. 20.485 (1) (gk) of the statutes is amended to read:

20.485 (1) (gk) *Institutional operations.* The amounts in the schedule for the care of the members of the Wisconsin veterans homes under s. 45.50, for the payment of stipends under s. 45.50 (2m) (f), for the transfer of moneys to the appropriation

account under s. 20.435 (4) (ky) for payment of the state share of the medical assistance costs related to the provision of stipends under s. 45.50 (2m) (f), for the payment of assistance to indigent veterans under s. 45.43 to allow them to reside at the Wisconsin Veterans Home at Union Grove, for the transfer of moneys to the appropriation accounts under pars. (kc) and (kj), for the transfer of moneys in an amount up to \$10,000,000 to the appropriation account under par. (ks), for the payment of burial expenses under s. 45.61 (5), and for the payment of grants under s. 45.82. Not more than 1 percent of the moneys credited to this appropriation account may be used for the payment of assistance to indigent veterans under s. 45.43. All moneys received under par. (m) and s. 45.51 (7) (b) and (8) and all moneys received for the care of members under medical assistance, as defined in s. 49.43 (8), shall be credited to this appropriation account. All moneys transferred under 2023 Wisconsin Act ... (this act), section 9248 (1) shall be credited to this appropriation account. Except for the moneys transferred under this paragraph to the appropriation account under par. (kc), no moneys may be expended from this appropriation for the purposes specified in par. (kc).

***NOTE: The above s. 20.485 (1) (gk) is reconciled, affected by LRB number 23-0404/P1.

SECTION 9248. Fiscal changes; Veterans Affairs.

(1) VETERANS HOMES INSTITUTIONAL OPERATIONS. There is transferred from the general fund to the appropriation account under 20.485 (1) (gk) \$10,000,000 in fiscal year 2023-24.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1637/P1
JPC:cde

DOA:.....Bollhorst, BB0441 - Spinal cord injury research

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Spinal cord injury research grants and symposia

This bill requires DHS to establish a program to award grants to persons in this state for research into spinal cord injuries. The grants must support research into new and innovative treatments and rehabilitative efforts for the functional improvement of people with spinal cord injuries. Research topics may include pharmaceutical, medical device, brain stimulus, and rehabilitative approaches and techniques. DHS must make annual reports to the legislature about the grants. The bill also allows DHS to hold symposia every two years for grant recipients to present their research findings.

The bill also requires DHS to appoint a Spinal Cord Injury Council with one member representing the University of Wisconsin School of Medicine and Public Health, one member representing the Medical College of Wisconsin, and the following members: 1) a person with a spinal cord injury; 2) a family member of a person with a spinal cord injury; 3) a veteran with a spinal cord injury; 4) a physician specializing in the treatment of spinal cord injuries; 5) a neurosurgery researcher; and 6) a researcher employed by the Veterans Health Administration of the U.S. Department of Veterans Affairs. If DHS is unable to appoint any of the foregoing

members, the bill allows DHS to appoint, in lieu of that member, a member representing the general public. Members of the council have two-year terms. The bill requires the council to develop criteria for DHS to evaluate and award grants, review and make recommendations on grant applications, and perform other duties specified by DHS. Council members must make written disclosures of financial interests in organizations that the council recommends for grants.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2649. 15.197 (20) of the statutes is created to read:

15.197 (20) SPINAL CORD INJURY COUNCIL. (a) There is created in the department of health services a spinal cord injury council that, except as provided in par. (b), consists of the following members appointed by the department for 2-year terms:

1. One member representing the University of Wisconsin School of Medicine and Public Health.

2. One member representing the Medical College of Wisconsin.

3. One member who has a spinal cord injury.

4. One member who is a family member of a person with a spinal cord injury.

5. One member who is a veteran who has a spinal cord injury.

6. One member who is a physician specializing in the treatment of spinal cord injuries.

7. One member who is a researcher in the field of neurosurgery.

8. One member who is a researcher employed by the veterans health administration of the U.S. department of veterans affairs.

(b) If the department of health services is unable to appoint a member specified in par. (a) 1. to 8., the department of health services may appoint a member representing the general public in lieu of the member so specified.

SECTION 2650. 255.45 of the statutes is created to read:

255.45 Spinal cord injury research grants and symposia. (1)

DEFINITIONS. In this section:

(a) “Council” means the spinal cord injury council.

(b) “Grant program” means the program established under sub. (2).

(2) GRANT PROGRAM. The department shall establish a program to award grants, from the appropriation under s. 20.435 (1) (b), to persons in this state for research into spinal cord injuries. The purpose of the grants is to support research into new and innovative treatments and rehabilitative efforts for the functional improvement of people with spinal cord injuries, and research topics may include pharmaceutical, medical device, brain stimulus, and rehabilitative approaches and techniques. Grant recipients shall agree to present their research findings at symposia held by the department under sub. (3).

(3) SYMPOSIA. The department may hold symposia every 2 years for recipients of grants under the grant program to present findings of research supported by the grants.

(4) GRANT REPORTS. By January 15 of each year, the department shall submit an annual report to the appropriate standing committees of the legislature under s. 13.172 (3) that identifies the recipients of grants under the grant program and the purposes for which the grants were used.

(5) COUNCIL. (a) The council shall do all of the following:

1. Develop criteria for the department to evaluate and award grants under the grant program.

2. Review and make recommendations to the department on applications submitted under the grant program.

3. Perform other duties specified by the department.

(b) Each member of the council shall disclose in a written statement any financial interest in any organization that the council recommends to receive a grant under the grant program. The council shall include the written statements with its recommendations to the department on grant applications.

SECTION 9119. Nonstatutory provisions; Health Services

(1) SPINAL CORD INJURY COUNCIL; INITIAL APPOINTMENTS. Notwithstanding the length of terms specified for the members of the spinal cord injury council under s. 15.197 (20) (a) (intro.), initial appointments to the council shall be made as follows:

(a) The members appointed under s. 15.197 (20) (a) 1., 3., 5., and 7., or in lieu of those members under s. 15.197 (20) (b), shall be appointed for terms expiring on July 1, 2025.

(b) The members appointed under s. 15.197 (20) (a) 2., 4., 6., and 8., or in lieu of those members under s. 15.197 (20) (b), shall be appointed for terms expiring on July 1, 2026.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1638/P1
JPC:kms

DOA:.....Bollhorst, BB0442 - Epinephrine for ambulances

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Epinephrine for ambulances

This bill requires that DHS reimburse ambulance service providers for a set of two epinephrine auto-injectors or a set of two draw-up epinephrine kits for each ambulance operating in the state. Under the bill, an ambulance service provider means an ambulance service provider that is a public agency, volunteer fire department, or nonprofit corporation. The bill also requires that, on an ongoing basis, DHS must, upon request, reimburse ambulance service providers for replacement sets of epinephrine auto-injectors or draw-up epinephrine kits. DHS may only reimburse ambulance service providers for epinephrine if each ambulance for which the ambulance service provider is reimbursed is staffed with an emergency medical services provider who is qualified to administer the epinephrine.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2651. 256.158 of the statutes is created to read:

256.158 Epinephrine for ambulances. (1) In this section:

(a) “Ambulance service provider” means an ambulance service provider that is a public agency, volunteer fire department, or nonprofit corporation.

(b) “Draw-up epinephrine” means epinephrine that is administered intramuscularly using a needle and syringe and drawn up from a vial or ampule.

(c) “Draw-up epinephrine kit” means a single-use vial or ampule of draw-up epinephrine and a syringe for administration to a patient.

(d) “Epinephrine auto-injector” means a device for the automatic injection of epinephrine into the human body.

(2) From the appropriation under s. 20.435 (1) (b), the department shall reimburse ambulance service providers for a set of 2 epinephrine auto-injectors or a set of 2 draw-up epinephrine kits for each ambulance operating in the state. On an ongoing basis, the department shall, upon request from an ambulance service provider, reimburse the ambulance service provider for a replacement set of 2 epinephrine auto-injectors or a set of 2 draw-up epinephrine kits. The department shall allow the ambulance service provider to choose between epinephrine auto-injectors and draw-up epinephrine kits. The department may not reimburse an ambulance service provider for epinephrine unless each ambulance for which the ambulance service provider is reimbursed is staffed with an emergency medical services practitioner who is qualified to administer the provided epinephrine.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1639/P1
JK:klm

DOA:.....Quinn, BB0449 - Real estate transfer fee exemption for related transfers

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TAXATION

OTHER TAXATION

Real estate transfer fee

Current law, generally, requires a person who conveys an interest in real property to file a real estate transfer return with the county register of deeds and pay a real estate transfer fee equal to 30 cents for each \$100 of the value of the conveyance. Current law provides certain exemptions from paying the fee, including exemptions for conveyances between an entity and the members of the entity who are related to each other as spouses, lineal ascendants, lineal descendants, or siblings.

This bill modifies current law so that the exemptions for conveyances between entities and related members also apply to conveyances to members who are related as an uncle and his nieces or nephews, an aunt and her nieces or nephews, or first cousins.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2652. 77.25 (15) of the statutes is amended to read:

77.25 (15) Between a corporation and its shareholders if all of the stock is owned by persons who are related to each other as spouses, as lineal ascendants, lineal descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of siblings, if the transfer is for no consideration except the assumption of debt or stock of the corporation and if the corporation owned the property for at least 3 years.

SECTION 2653. 77.25 (15m) of the statutes is amended to read:

77.25 (15m) Between a partnership and one or more of its partners if all of the partners are related to each other as spouses, as lineal ascendants, lineal descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of siblings and if the transfer is for no consideration other than the assumption of debt or an interest in the partnership.

SECTION 2654. 77.25 (15s) of the statutes is amended to read:

77.25 (15s) Between a limited liability company and one or more of its members if all of the members are related to each other as spouses, as lineal ascendants, lineal descendants, an uncle and his nieces or nephews, an aunt and her nieces or nephews, first cousins, or siblings, whether by blood or by adoption, or as spouses of siblings and if the transfer is for no consideration other than the assumption of debt or an interest in the limited liability company.

SECTION 9337. Initial applicability; Revenue.

(1) REAL ESTATE TRANSFER FEE. The treatment of s. 77.25 (15), (15m), and (15s) first applies to a real estate transfer return filed on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1641/P1
EVM:amn

DOA:.....Quinn, BB0451 - TIF equalized value limitation exception

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

TIF 12 percent rule exception

Under current law, cities and villages may use tax incremental financing (TIF) to encourage development in the city or village. In general, under TIF, a city or village pays for improvements in a tax incremental district (TID) and then collects tax moneys attributable to all taxing jurisdictions on the increased property value in the TID for a certain period of time to pay for the improvements. Ideally, after the period of time, the city or village will have been repaid for its initial investment and the property tax base in the TID will have permanently increased in value.

In general and in brief, a city or village makes use of TIF using the following procedure:

1. The city or village designates an area as a TID and creates a project plan laying out the expenditures that the city or village will make within the TID.

2. DOR establishes the "base value" of the TID. This value is the equalized value of all taxable property within the TID at the time of its creation.

3. Each year thereafter, the "value increment" of the property within the TID is determined by subtracting the base value from the current value of property within the TID. The portion of taxes collected on any positive value increment is collected by the city or village for use solely for the project costs of the TID. The taxes collected by the city or village on positive value increments include taxes that would

have been collected by other taxing jurisdictions, such as counties or school districts, were the TID not created.

4. Tax increments are collected until the city or village has recovered all of its project costs or until the TID reaches its statutory termination date.

Under current law, when creating a new TID or amending a TID, a city or village must make a finding that the equalized value of taxable property of the new or amended TID plus the value increment of all existing TIDs in the city or village does not exceed 12 percent of the total equalized value of taxable property in the city or village. Under this bill, in lieu of making the 12 percent finding, a city or village may certify to DOR that 1) TIDs with sufficient value increments will close within one year after certification so that the municipality will no longer exceed the 12 percent limit and 2) the city or village will not take any actions that would extend the life of any TID under item 1.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2655. 66.1105 (4) (gm) 4. c. of the statutes is amended to read:

66.1105 (4) (gm) 4. c. Except as provided in subs. (10) (c), (16) (d), (17), (18) (c) 3., (20) (b), and (20m) (d) 1., the equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city or that sub. (17) (g) applies. In determining the equalized value of taxable property under this subd. 4. c. or sub. (17) (c), the department of revenue shall base its calculations on the most recent equalized value of taxable property of the district that is reported under s. 70.57 (1m) before the date on which the resolution under this paragraph is adopted. If the department of revenue determines that a local legislative body exceeds the 12 percent limit described in this subd. 4. c. or sub. (17) (c) or that sub. (17) (g) does not apply, the department shall notify the city of its noncompliance, in writing, not later than December 31 of the year in which the department receives the completed application or amendment forms described in sub. (5) (b).

SECTION 2656. 66.1105 (17) (g) of the statutes is created to read:

66.1105 (17) (g) *Forthcoming termination.* If a city certifies all of the following to the department of revenue, the department may certify the tax incremental base under sub. (5) (d) notwithstanding the equalized value of taxable property of the district plus the value increment of all existing districts exceeding 12 percent of the total equalized value of taxable property within the city:

1. That, not later than one year after the certification under the paragraph, districts having sufficient value increments will terminate so that the municipality will no longer exceed the 12 percent limit described under sub. (4) (gm) 4. c.
2. That the municipality will not take any action that would extend the life of any district whose termination is necessary to satisfy subd. 1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1642/P1
KRP:amn

DOA:.....Lessner, BB0443 - OCI Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Eliminate obsolete OCI appropriation

This bill eliminates an obsolete appropriation. 2021 Wisconsin Act 58, the 2021 biennial budget, required the transfer of \$1,520,300 in each fiscal year of that biennium from the unencumbered balance of the program-revenue-funded general program operations appropriation of OCI to an interagency and intraagency operations appropriation created in the act for the purpose of general program operations. The bill eliminates that appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2657. 20.145 (1) (km) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1643/P1
EVM:amn

DOA:.....Quinn, BB0447 - TID lifespan extension for affordable housing investments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

TID life extension for housing stock improvement

This bill extends the maximum length of a tax incremental district (TID) life extension for housing stock improvement from one year to three years.

Under current law, cities and villages may use tax incremental financing (TIF) to encourage development in the city or village. In general, under TIF, a city or village pays for improvements in a TID and then collects tax moneys attributable to all taxing jurisdictions on the increased property value in the TID for a certain period of time to pay for the improvements. Ideally, after the period of time, the city or village will have been repaid for its initial investment and the property tax base in the TID will have permanently increased in value.

In general and in brief, a city or village makes use of TIF using the following procedure:

1. The city or village designates an area as a TID and creates a project plan laying out the expenditures that the city or village will make within the TID.
2. DOR establishes the "base value" of the TID. This value is the equalized value of all taxable property within the TID at the time of its creation.
3. Each year thereafter, the "value increment" of the property within the TID is determined by subtracting the base value from the current value of property

within the TID. The portion of taxes collected on any positive value increment is collected by the city or village for use solely for the project costs of the TID. The taxes collected by the city or village on positive value increments include taxes that would have been collected by other taxing jurisdictions, such as counties or school districts, were the TID not created.

4. Tax increments are collected until the city or village has recovered all of its project costs or until the TID reaches its statutory termination date.

Currently, a city or village may extend the life of a TID for up to one year for housing stock improvement if all of the following occur:

1. The city or village pays off all of the TID's project costs.

2. The city or village adopts a resolution stating that it intends to extend the life of the TID, the number of months it intends to do so, and how it intends to improve housing stock.

3. The city or village notifies DOR.

Current law requires the city or village to use 75 percent of the tax increments received during the period specified in the resolution to benefit affordable housing in the city or village and 25 percent to otherwise improve the city's or village's housing stock.

Under the bill, a TID's life may be extended for up to three years for housing stock improvement. However, for any extension of more than one year, the other taxing jurisdictions must approve of the extension.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2658. 66.1105 (6) (g) 1. (intro.) of the statutes is amended to read:

66.1105 (6) (g) 1. (intro.) ~~After~~ Subject to subd. 1m., after the date on which a tax incremental district created by a city pays off the aggregate of all of its project costs, and notwithstanding the time at which such a district would otherwise be required to terminate under sub. (7), a city may extend the life of the district for ~~one~~ year 3 years if the city does all of the following:

SECTION 2659. 66.1105 (6) (g) 1. b. of the statutes is amended to read:

66.1105 (6) (g) 1. b. The city forwards a copy of the resolution under subd. 1. a. and, if the extension is for more than one year, a copy of the resolution under subd. 1m., to the department of revenue, notifying the department that it must continue to authorize the allocation of tax increments to the district under par. (a).

SECTION 2660. 66.1105 (6) (g) 1m. of the statutes is created to read:

66.1105 (6) (g) 1m. An extension under subd. 1. may not be for more than one year unless the joint review board approves, by resolution, the extension under subd. 1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1644/P4
SWB:kms/wlj/amn

DOA:.....Bollhorst, BB0440 - Mental Health Consultation Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Mental health consultation program

This bill combines the child psychiatry consultation program with additional services into a new mental health consultation program. Currently, the child psychiatry consultation program assists participating clinicians in providing care to children with mental health care needs and provides referral support and additional services. The 2019 biennial budget act requires DHS to convene interested persons, including the Medical College of Wisconsin, to develop a plan and standards for a comprehensive mental health consultation program incorporating various psychiatry specialties, including addiction medicine; a perinatal psychiatry consultation program; and the child psychiatry consultation program. This requirement from the 2019 biennial budget act is eliminated in the bill along with the separate child psychiatry consultation program. The addiction medicine consultation program currently assists participating clinicians in providing care to patients with substance use addiction and provides referral support and additional services, and the bill retains the addiction medicine consultation program as a separate program.

The bill requires an organization to administer a mental health consultation program (MHCP) that incorporates a comprehensive set of mental health

consultation services and may include perinatal, child, adult, geriatric, pain, veteran, and general mental health consultation services. Under the bill, the organization that currently administers the child psychiatry consultation program must administer the MHCP during the 2023-24 fiscal year, but DHS may contract with another organization in subsequent fiscal years. The contracting organization may contract with any other entity to perform any operations and satisfy any requirements of the MHCP. The contracting organization must do all of the following: ensure that mental health providers providing services through the MHCP have the appropriate credentials as described in the bill, maintain infrastructure to provide services statewide on every weekday, provide consultation services as promptly as practicable, report to DHS any information DHS requires, conduct surveys of participating clinicians as described in the bill, and provide certain specified services. Those specified services are the following: support for clinicians participating in the MHCP to assist in the management of mental health problems; triage-level assessments to determine the most appropriate response; diagnostics and therapeutic feedback when medically appropriate; and recruitment of other practices to a provider's services. The MHCP must be able to provide consultation services by telephone and email but may also provide services by other means. In addition to the services required in the bill, which are eligible for funding by DHS, the contracting organization may provide any of the services specified in the bill that are eligible for funding by DHS.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2661. 20.435 (5) (bw) of the statutes is amended to read:

20.435 (5) (bw) ~~Child psychiatry and addiction medicine consultation programs~~ Mental health consultation program. Biennially, the amounts in the schedule for operating the ~~child psychiatry consultation program under s. 51.442 and the addiction medicine consultation program under s. 51.448~~ mental health consultation program under s. 51.443.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2662. 20.435 (5) (bx) of the statutes is created to read:

20.435 (5) (bx) *Addiction medicine consultation program.* Biennially, the amounts in the schedule for operating the addiction medicine consultation program under s. 51.448.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2663. 20.435 (5) (ct) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2664. 51.441 of the statutes is repealed.

SECTION 2665. 51.442 of the statutes is repealed.

SECTION 2666. 51.443 of the statutes is created to read:

51.443 Mental health consultation program. (1) In this section:

(a) “Participating clinicians” includes physicians, nurse practitioners, physician assistants, and medically appropriate members of the care teams of physicians, nurse practitioners, and physician assistants.

(b) “Program” means the mental health consultation program under this section.

(2) During the fiscal year 2023–24, the department shall contract with the organization that provided consultation services through the child psychiatry consultation program under s. 51.442, 2021 stats., as of January 1, 2023, to administer the mental health consultation program described under this section. In subsequent fiscal years, the department shall contract with the organization that provided consultation services through the child psychiatry consultation program under s. 51.442, 2021 stats., as of January 1, 2023, or another organization to administer the mental health consultation program under this section.

(3) The contracting organization under sub. (2) shall administer a mental health consultation program that incorporates a comprehensive set of mental health consultation services, which may include perinatal, child, adult, geriatric, pain, veteran, and general mental health consultation services, and may contract with any other entity to perform any operations and satisfy any requirements under this section for the program.

(4) As a condition of providing services through the program, the contracting organization under sub. (2) shall do all of the following:

(a) Ensure that all mental health care providers who are providing services through the program have the applicable credential from this state; if a psychiatric professional, that the provider is eligible for certification or is certified by the American Board of Psychiatry and Neurology for adult psychiatry, child and adolescent psychiatry, or both; and if a psychologist, that the provider is registered in a professional organization, including the American Psychological Association, National Register of Health Service Psychologists, Association for Psychological Science, or the National Alliance of Professional Psychology Providers.

(b) Maintain the infrastructure necessary to provide the program's services statewide.

(c) Operate the program on weekdays during normal business hours of 8 a.m. to 5 p.m.

(d) Provide consultation services under the program as promptly as is practicable.

(e) Have the capability to provide consultation services by, at a minimum, telephone and email. Consultation through the program may be provided by

teleconference, video conference, voice over Internet protocol, email, pager, in-person conference, or any other telecommunication or electronic means.

(f) Provide all of the following services through the program:

1. Support for participating clinicians to assist in the management of mental health concerns.

2. Triage-level assessments to determine the most appropriate response to each request, including appropriate referrals to any community providers and health systems.

3. When medically appropriate, diagnostics and therapeutic feedback.

4. Recruitment of other clinicians into the program as participating clinicians when possible.

(g) Report to the department any information requested by the department.

(h) Conduct annual surveys of participating clinicians who use the program to assess the quality of care provided, self-perceived levels of confidence in providing mental health services, and satisfaction with the consultations and other services provided through the program. Immediately after participating clinicians begin using the program and again 6 to 12 months later, the contracting organization under sub. (2) may conduct assessments of participating clinicians to assess the barriers to and benefits of participation in the program to make future improvements and to determine the participating clinicians' treatment abilities, confidence, and awareness of relevant resources before and after beginning to use the program.

(5) Services provided under sub. (4) (b) to (h) are eligible for funding from the department. The contracting organization under sub. (2) also may provide any of the following services under the program that are eligible for funding from the department:

(a) Second opinion diagnostic and medication management evaluations and community resource referrals conducted by either a psychiatrist or allied health professionals.

(b) In-person or web-based educational seminars and refresher courses on a medically appropriate topic within mental or behavioral health care provided to any participating clinician who uses the program.

(c) Data evaluation and assessment of the program.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1645/P1
KP:skw

DOA:.....Quinn, BB0446 - Cranberry research station property tax exemption

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

Property tax exemption for cranberry research station

This bill exempts from the property tax all property, not exceeding 50 acres of land, owned or leased by a tax-exempt entity that is used primarily for research and educational activities associated with commercial cranberry production.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2667. 70.11 (47) of the statutes is created to read:

70.11 (47) CRANBERRY RESEARCH AND EDUCATIONAL STATION. All property, but not exceeding 50 acres of land, owned or leased by an entity that is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code and that is used primarily for research and educational activities associated with commercial cranberry production.

SECTION 9337. Initial applicability; Revenue.

(1) CRANBERRY RESEARCH AND EDUCATION STATION. The treatment of s. 70.11 (47) first applies to the property tax assessments as of January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1647/P1
JK:cdc

DOA:.....Quinn, BB0450 - Dark store legislation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

Assessments; leased property and comparable sales

This bill provides that, for property tax purposes, real property includes any leases, rights, and privileges pertaining to the property, including assets that cannot be taxed separately as real property, but are inextricably intertwined with the real property. The bill also requires real property to be assessed at its highest and best use. Current law requires that real property be assessed at its full value and upon actual view or from the best information that the assessor can obtain from “arm’s-length sales” of comparable property. This bill defines an “arm’s-length sale” as a sale between a willing buyer and willing seller, neither being under compulsion to buy or sell and each being familiar with the attributes of the property sold.

The bill also provides that an assessor may determine the value of leased property by considering the lease provisions and actual rent pertaining to the property, if the lease provisions and rent are the result of an “arm’s-length transaction.” The bill defines an “arm’s-length transaction” as an agreement between willing parties, neither being under compulsion to act and each being familiar with the attributes of the property.

The Wisconsin Supreme Court decided in 2008 that a property tax assessment of leased retail property using the income approach must be based on “market rents,”

which is what a person would pay to rent the property, based on rentals of similar property, as opposed to “contract rents,” which is the amount that the lessee actually paid to rent the property. See, *Walgreen Company v. City of Madison*, 2008 WI 80, 752 N.W.2d 689 (2008). This bill changes Wisconsin law to specify that an assessment using the income approach must be based instead on contract rents.

The bill also provides that to determine the value of property using generally accepted appraisal methods, an assessor must consider all of the following as comparable to the property being assessed:

1. Sales or rentals of properties exhibiting the same or a similar highest and best use with placement in the same real estate market segment.

2. Sales or rentals of properties that are similar to the property being assessed with regard to age, condition, use, type of construction, location, design, physical features, and economic characteristics.

The bill defines “real estate market segment” to mean a pool of potential buyers and sellers that typically buy or sell properties similar to the property being assessed, including potential buyers who are investors or owner-occupants.

The bill also provides that a property is not comparable to the property being assessed if the seller has placed restrictions on the highest and best use of the property or if the property is dark property and the property being assessed is not dark property. The bill defines “dark property” as property that is vacant or unoccupied beyond the normal period for property in the same real estate market segment.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2668. 70.03 (1) of the statutes is amended to read:

70.03 (1) In chs. 70 to 76, 78, and 79, “real property,” “real estate,” and “land” include not only the land itself but all buildings and, fixtures, improvements thereon, and all fixtures and, leases, rights, and privileges appertaining thereto, including assets that cannot be taxed separately as real property, but are inextricably intertwined with the real property, enable the real property to achieve its highest and best use, and are transferable to future owners, except as provided in sub. (2) and except that for the purpose of time-share property, as defined in s. 707.02 (32), real property does not include recurrent exclusive use and occupancy on a periodic basis

or other rights, including, but not limited to, membership rights, vacation services, and club memberships. In this subsection, “lease” means a right in real estate that is related primarily to the property and not to the labor, skill, or business acumen of the property owner or tenant. In this subsection, “highest and best use” has the meaning given in s. 70.32 (1).

SECTION 2669. 70.32 (1) of the statutes is amended to read:

70.32 (1) Real property shall be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a) at its highest and best use from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. In determining the value, the assessor shall consider recent arm’s-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm’s-length sales of reasonably comparable property; recent arm’s-length sales of reasonably comparable property; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed. In this subsection, “arm’s-length sale” means a sale between a willing buyer and willing seller, neither being under compulsion to buy or sell and each being familiar with the attributes of the property sold. In this subsection, “highest and best use” means the specific current use of the property or a higher use for which the property may be used as of the current assessment date, if the property is marketable for that use and the use is legally permissible, physically possible, not highly speculative, and financially feasible and provides the highest net return. When the current use of a property is the highest and best use of that property, value in the current use equals full market

value. In this subsection, “legally permissible” does not include a conditional use that has not been granted as of the assessment date.

SECTION 2670. 70.32 (1b) of the statutes is created to read:

70.32 (1b) In determining the value of real property under sub. (1), the assessor may consider, as part of the valuation under sub. (1), any lease provisions and actual rent pertaining to a property and affecting its value, including the lease provisions and rent associated with a sale and leaseback of the property, if all such lease provisions and rent are the result of an arm’s-length transaction involving persons who are not related in any of the ways specified under section 267 (b) of the Internal Revenue Code for the year of the transaction. The assessor shall reconcile the results of such consideration with the professionally acceptable appraisal practices regarding reasonably comparable sales, the cost approach, and other methods specified in the Wisconsin property assessment manual provided under s. 73.03 (2a). In this subsection, an “arm’s-length transaction” means an agreement between willing parties, neither being under compulsion to act and each being familiar with the attributes of the property.

SECTION 2671. 70.32 (1d) of the statutes is created to read:

70.32 (1d) (a) To determine the value of property using generally accepted appraisal methods, the assessor shall consider all of the following as comparable to the property being assessed:

1. Sales or rentals of properties exhibiting the same or a similar highest and best use with placement in the same real estate market segment.

2. Sales or rentals of properties that are similar to the property being assessed with regard to age, condition, use, type of construction, location, design, physical features, and economic characteristics, including similarities in occupancy and the

the potential to generate rental income. For purposes of this subdivision, such properties may be found locally, regionally, or nationally.

(b) For purposes of par. (a), a property is not comparable if any of the following applies:

1. At or before the time of sale, the seller places any deed restriction on the property that changes the highest and best use of the property, or prohibits competition, so that it no longer qualifies as a comparable property under par. (a) 1. or 2. and the property being assessed lacks such a restriction.

2. The property is dark property and the property being assessed is not dark property. In this subdivision, “dark property” means property that is vacant or unoccupied beyond the normal period for property in the same real estate market segment. For purposes of this subdivision, what is considered vacant or unoccupied beyond the normal period may vary depending on the property location.

(c) For purposes of par. (a), “highest and best use” has the meaning given in s. 70.32 (1).

(d) For purposes of par. (a), “real estate market segment” means a pool of potential buyers and sellers that typically buy or sell properties similar to the property being assessed, including potential buyers who are investors or owner-occupants. For purposes of this paragraph, and depending on the type of property being assessed, the pool of potential buyers and sellers may be found locally, regionally, nationally, or internationally.

SECTION 9337. Initial applicability; Revenue.

(1) LEASED PROPERTY AND COMPARABLE SALES. The treatment of ss. 70.03 (1) and 70.32 (1), (1b), and (1d) first applies to the property tax assessments as of January 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1648/P2
EVM:emw

DOA:.....Quinn, BB0448 - Workforce Housing TIF

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Workforce housing initiatives

This bill authorizes workforce housing initiatives and makes changes that affect tax incremental districts (TIDs) and state housing grants. The bill creates a definition for “workforce housing,” changes the definition of a “mixed-use development” TID, increases the maximum number of years a city or village may extend the life of a TID to improve its affordable and workforce housing, requires a TID’s project plan to contain alternative economic projections, and changes the method of imposing certain impact fees.

Under the bill, a political subdivision may put into effect a workforce housing initiative by taking one of several specified actions and posting on its website an explanation of the initiative. Workforce housing initiatives include the following: reducing permit processing times or impact fees for workforce housing; increasing zoning density for a workforce housing development; rehabilitating existing uninhabitable housing stock into habitable workforce housing; or implementing any other initiative to address workforce housing needs. Once an initiative takes effect, it remains in effect for five years. After June 30, 2024, if a political subdivision has in effect at least three initiatives at the same time, DOA must give priority to housing grant applications from, or related to a project in, the political subdivision.

The bill defines “workforce housing” to mean the following, subject to the five-year average median costs as determined by the U.S. Bureau of the Census:

1. Housing that costs a household no more than 30 percent of the household's gross median income.

2. Housing that is comprised of residential units for initial occupancy by individuals whose household median income is no more than 120 percent of the county's gross median income.

Under current law, a mixed-use development TID contains a combination of industrial, commercial, or residential uses, although newly platted residential areas may not exceed more than 35 percent of the real property within the TID. Under the bill, newly platted residential areas may not exceed either the 35 percent limit or 60 percent of the real property within the TID if the newly platted residential use that exceeds 35 percent is used solely for workforce housing.

The bill also requires a TID's project plan to include alternative projections of the TID's finances and feasibility under different economic situations, including a slower pace of development and lower rate of property value growth than expected in the TID.

Currently, a city or village may extend the life of a TID for up to one year for housing stock improvement if all of the following occurs:

1. The city or village pays off all of the TID's project costs.
2. The city or village adopts a resolution stating that it intends to extend the life of the TID, the number of months it intends to do so, and how it intends to improve housing stock.
3. The city or village notifies DOR.

Current law requires the city or village to use 75 percent of the tax increments received during the period specified in the resolution to benefit affordable housing in the city or village and 25 percent to improve the city's or village's housing stock.

Under this bill, a city or village may extend the life of a TID for up to three years to improve its housing stock or increase the number of affordable and workforce housing improvements, with at least 50 percent of the funds supporting units for families with incomes of up to 60 percent of the county's median income.

Under current law, if a city, village, or town imposes an impact fee on a developer to pay for certain capital costs to accommodate land development, the city, village, or town may provide in the ordinance an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing. Under the bill, the impact fee exemption or reduction provisions also apply to workforce housing. Current law prevents the shifting of an exemption from or reduction in impact fees to any other development in the land development in which the low-cost housing is located. The bill applies this provision to workforce housing as well.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2672. 66.0617 (7) of the statutes is amended to read:

66.0617 (7) LOW-COST OR WORKFORCE HOUSING. An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, ~~except that no or workforce housing, as defined in s. 66.1105 (2) (n).~~ Under no circumstances may the amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing or workforce housing is located or to any other land development in the municipality.

SECTION 2673. 66.10012 of the statutes is created to read:

66.10012 Workforce housing. (1) DEFINITIONS. In this section:

- (a) “Housing agency” means the department of administration.
- (b) “Housing grant” means any grant administered by the department of administration under s. 16.303 or 16.309.
- (c) “Political subdivision” means any city, village, town, or county.
- (d) “Workforce housing” means housing to which all of the following apply, as adjusted for family size and the county in which the household is located, based on the county’s 5-year average median income and housing costs as calculated by the U.S. bureau of the census in its American community survey:

1. The housing costs a household no more than 30 percent of the household’s gross median income.

2. The residential units of the housing are for initial occupancy by individuals whose household median income is no more than 120 percent of the county's gross median income.

(2) HOUSING INITIATIVES. (a) Subject to par. (b), to implement a workforce housing initiative, a political subdivision may enact an ordinance, adopt a resolution, or put into effect a policy to accomplish any of the following:

1. Reduce by at least 10 percent the processing time for all permits related to workforce housing.

2. Reduce by at least 10 percent the cost of impact fees that a political subdivision may impose on developments that include workforce housing units.

3. Reduce by at least 10 percent the parking requirements for developments that include workforce housing units.

4. Increase by at least 10 percent the allowable zoning density for developments that include workforce housing units.

5. Establish a mixed-use tax incremental district with at least 20 percent of the housing units to be used for workforce housing.

6. Demonstrate compliance with a housing affordability report under s. 66.10013.

7. Rehabilitate at least 5 dwelling units of existing, uninhabitable housing stock into habitable workforce housing.

8. Modify existing zoning ordinances to allow for the development of workforce housing in areas zoned for commercial or mixed-use development or in areas near employment centers or major transit corridors.

9. Extend the life of a tax incremental district under s. 66.1105 (6) (g) 1.

10. Reduce by at least 10 percent the cost of roads for developments that include workforce housing units.

11. Implement any other initiative to address the workforce housing needs of the political subdivision.

(b) After a political subdivision completes one of the actions specified in par. (a), the workforce housing initiative shall be considered in effect once the political subdivision submits to the department of administration a written explanation of how the action complies with the workforce housing initiative and posts the explanation on the political subdivision's website.

(c) Once a political subdivision's action takes effect under par. (b), its workforce housing initiative remains in effect for 5 years. A political subdivision may put into effect more than one of the workforce housing initiatives under par. (a). After June 30, 2024, if a political subdivision has in effect at the same time at least 3 of the workforce housing initiatives under par. (a), the housing agency shall give priority to housing grant applications from, or that relate to a project in, the political subdivision. The department of administration shall promulgate rules establishing how and based on what information the department will give priority to housing grant applications under this paragraph and prescribing the form of application for receiving priority.

SECTION 2674. 66.1105 (2) (ab) of the statutes is renumbered 66.1105 (2) (n) (intro.) and amended to read:

66.1105 (2) (n) (intro.) "Affordable Workforce housing" means housing ~~that costs a household no more than 30 percent of the household's gross monthly income.~~ to which all of the following apply, as adjusted for family size and the county in which the household is located, based on the county's 5-year average median income and

housing costs as calculated by the U.S. bureau of the census in its American community survey:

SECTION 2675. 66.1105 (2) (cm) of the statutes is renumbered 66.1105 (2) (cm) (intro.) and amended to read:

66.1105 (2) (cm) (intro.) “Mixed-use development” means development that contains a combination of industrial, commercial, or residential uses, except that lands proposed for newly platted residential use, as shown in the project plan, may not exceed ~~35~~ either of the following:

1. Thirty-five percent, by area, of the real property within the district.

SECTION 2676. 66.1105 (2) (cm) 2. of the statutes is created to read:

66.1105 (2) (cm) 2. Sixty percent, by area, of the real property within the district if the newly platted residential use that exceeds 35 percent is used solely for workforce housing.

SECTION 2677. 66.1105 (2) (n) 1. of the statutes is created to read:

66.1105 (2) (n) 1. The housing costs a household no more than 30 percent of the household’s gross median income.

SECTION 2678. 66.1105 (2) (n) 2. of the statutes is created to read:

66.1105 (2) (n) 2. The residential units of the housing are for initial occupancy by individuals whose household median income is no more than 120 percent of the county’s gross median income.

SECTION 2679. 66.1105 (4) (f) of the statutes is amended to read:

66.1105 (4) (f) Adoption by the planning commission of a project plan for each tax incremental district and submission of the plan to the local legislative body. The plan shall include a statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided in sub.

(2) (f) 1. k. and 1. n., outside the district, an economic feasibility study, a detailed list of estimated project costs, and a description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred. The project plan shall also contain alternative projections of the district's finances and economic feasibility under different economic scenarios, including the scenario in which work on a public work or improvement specified in the project plan begins 3 years later than expected and the scenario in which the rate of property value growth in the district is at least 10 percent lower than expected. The plan shall also include a map showing existing uses and conditions of real property in the district; a map showing proposed improvements and uses in the district; proposed changes of zoning ordinances, master plan, if any, map, building codes and city ordinances; a list of estimated nonproject costs; and a statement of the proposed method for the relocation of any persons to be displaced. The plan shall indicate how creation of the tax incremental district promotes the orderly development of the city. The city shall include in the plan an opinion of the city attorney or of an attorney retained by the city advising whether the plan is complete and complies with this section.

SECTION 2680. 66.1105 (4m) (b) 2. of the statutes is amended to read:

66.1105 (4m) (b) 2. No tax incremental district may be created and no project plan may be amended unless the board approves the resolution adopted under sub. (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5) (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a majority vote within 45 days after receiving the resolution. For actions described under this subdivision, a majority vote is required, and, except for a multijurisdictional tax incremental district, 3 affirmative votes are required to

constitute a majority. With regard to a multijurisdictional tax incremental district created under this section, each public member of a participating city must be part of the majority that votes for approval of the resolution or the district may not be created. The board may not approve the resolution under this subdivision unless the board's approval contains a positive assertion that, in its judgment, the development described in the documents the board has reviewed under subd. 1. would not occur without the creation of a tax incremental district. The board may not approve the resolution under this subdivision unless the board finds that, with regard to a tax incremental district that is proposed to be created by a city under sub. (17) (a), such a district would be the only existing district created under that subsection by that city.

SECTION 2681. 66.1105 (6) (g) 1. a. of the statutes is amended to read:

66.1105 (6) (g) 1. a. The city adopts a resolution extending the life of the district for a specified number of months. The resolution shall specify how the city intends to improve its housing stock or increase the number of affordable and workforce housing stock units, as required in subd. 3.

SECTION 2682. 66.1105 (6) (g) 3. of the statutes is amended to read:

66.1105 (6) (g) 3. If a city receives tax increments as described in subd. 2., the city shall use ~~at least 75 percent of the increments received~~ that are not supporting housing stock improvements to benefit affordable housing in the city. ~~The remaining portion of the increments shall be used by the city to improve the city's~~ increase the number of the city's affordable and workforce housing stock units, with at least 50 percent of the funds supporting units for families with incomes of up to 60 percent of the county's median household income.

SECTION 9430. Effective dates; Local Government.

(1) WORKFORCE HOUSING INITIATIVES. The treatment of s. 66.10012 takes effect on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1649/P1
SWB:cjs

DOA:.....Lessner, BB0445 - Free and Charitable Clinics Funding

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Funding for free and charitable clinics

This bill increases the amount DHS is required to award in grants to free and charitable clinics each fiscal year from \$1,500,000 to \$2,000,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2683. 250.15 (2) (d) of the statutes is amended to read:

250.15 (2) (d) To free and charitable clinics, ~~\$1,500,000~~ \$2,000,000.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1653/P2
MPG&JK:cjs

DOA:.....Bork, BB0453 - Election Commission Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
ELECTIONS

Grants for the purchase of election supplies and equipment

This bill authorizes the Elections Commission to award grants to counties and municipalities for the purchase of election supplies and equipment, including electronic poll books.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2684. 5.05 (11r) of the statutes is created to read:

5.05 (11r) AIDS TO COUNTIES AND MUNICIPALITIES FOR THE PURCHASE OF ELECTION SUPPLIES AND EQUIPMENT. From the appropriation under s. 20.510 (1) (ff), the commission may award grants to counties and municipalities for the purchase of election supplies and equipment, including electronic poll books.

SECTION 2685. 20.510 (1) (ff) of the statutes is created to read:

20.510 (1) (ff) *Local aids for the purchase of election supplies and equipment.*

The amounts in the schedule to award grants to counties and municipalities for the purchase of election supplies or equipment under s. 5.05 (11r).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1657/P1
SWB:cjs

DOA:.....Lessner, BB0444 - EBT Equipment Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

EBT equipment grants

This bill requires DHS to provide electronic benefit transfer and credit and debit card processing equipment and services to farmers' markets and farmers who sell directly to consumers as a payment processing program. The bill specifies that the electronic benefit transfer processing equipment and services must include equipment and services for the food stamp program, which is known as FoodShare. Under the bill, the vendor that processes the electronic benefit transfer and credit and debit card transactions must also process any local purchasing incentives.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2686. 49.79 (7s) of the statutes is created to read:

49.79 (7s) PAYMENT PROCESSING PROGRAM. From the appropriation under s. 20.435 (4) (bu), the department shall administer a payment processing program to provide to farmers' markets and farmers who sell directly to consumers electronic benefit transfer and credit and debit card processing equipment and services, including electronic benefit transfer for the food stamp program. To participate in the payment processing program, the vendor that is under contract to process the electronic benefit transfer and credit and debit card transactions shall also process any local purchasing incentives, even if those local purchasing incentives are funded by a local 3rd-party entity.

***NOTE: This bill refers to an appropriation under s. 20.435 (4) (bu), which is created in LRB 23-1279. The appropriation language in LRB 23-1279 has been drafted to reflect the purpose described in s. 49.79 (7s) of this bill and will need to be updated if changes are made.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1659/P1
JAM:cjs

DOA:.....Kirschbaum, BB0455 - Madison College EMS regional training center

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Funding for equipment, supplies, and personnel training at a regional Madison Area Technical College EMT training center

This bill requires the TCS Board to award a grant of \$2,500,000 in fiscal year 2023-24 to Madison Area Technical College for equipment, supplies, and emergency medical technician, advanced emergency medical technician, and paramedic personnel training at an emergency medical technician regional training center located in Baraboo, Wisconsin.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9142. Nonstatutory provisions; Technical College System.

(1) GRANT FOR SUPPLIES AND TRAINING AT A TECHNICAL COLLEGE SYSTEM REGIONAL EMERGENCY MEDICAL TECHNICIAN TRAINING CENTER. From the appropriation under s. 20.292 (1) (f), in the 2023-24 fiscal year, the technical college system board shall award a \$2,500,000 grant to Madison Area Technical College for equipment, supplies, and emergency medical technician, advanced emergency medical technician, and paramedic personnel training at an emergency medical technician regional training center located in Baraboo, Wisconsin.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1662/P3
MIM:emw&cde

DOA:.....Kirschbaum, BB0454 - Equal Pay

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

GENERAL EMPLOYMENT

Prohibition on solicitation of compensation information and discrimination

This bill prohibits certain employer conduct related to compensation information of current and prospective employees. The bill prohibits an employer from doing any of the following with respect to a prospective employee:

1. Relying on or soliciting information about the prospective employee's current or prior compensation. Under current law, an employer may solicit information about a prospective employee's current or prior compensation. The bill repeals that provision.
2. Requiring that the prospective employee's current or prior compensation meet certain criteria in order for the prospective employee to be considered for employment.
3. Refusing to hire the prospective employee for exercising his or her rights relating to compensation information.

The bill also prohibits an employer from discharging or discriminating against a current employee for disclosing the details of the employee's compensation, discussing the compensation of other employees, asking other employees for details

regarding their compensation, or taking certain actions to enforce an employee's rights under the bill.

The bill requires employers to post notices, where notices to employees are customarily posted and on any electronic job posting, regarding employees' and prospective employees' rights under the bill and provides a penalty for an employer's failure to do so.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2687. 103.135 of the statutes is created to read:

103.135 Compensation information of employees and prospective employees. (1) UNLAWFUL EMPLOYER CONDUCT RELATED TO PROSPECTIVE EMPLOYEE COMPENSATION INFORMATION. (a) No employer may directly or indirectly do any of the following:

1. Rely on or, subject to par. (b), solicit from a prospective employee or a prospective employee's current or former employer information about the prospective employee's current or prior compensation.

2. Require that a prospective employee's current or prior compensation meet certain criteria in order for the prospective employee to be considered for employment.

3. Refuse to hire or employ or otherwise discriminate against a prospective employee in compensation or in the terms, conditions, or privileges of employment for opposing a practice prohibited under this paragraph, filing or indicating an intent to file a complaint or otherwise attempting to enforce any right under this paragraph, or testifying, assisting, or participating in any manner in any investigation, action, or proceeding to enforce any right under this paragraph.

(b) After an employer has offered employment to a prospective employee and the details of compensation have been agreed upon, the employer may obtain the prospective employee's written consent for the employer to solicit information about, or take action to confirm, the prospective employee's current or prior compensation.

(2) DISCLOSURE OF COMPENSATION INFORMATION BY EMPLOYEES. (a) An employee may disclose the details of the employee's compensation to anyone and, subject to par. (d), may discuss the compensation of other employees of the same employer and may ask other employees of the same employer for details regarding their compensation.

(b) Except as provided in par. (d), no employer may interfere with, restrain, or deny the exercise of the right of an employee to disclose, discuss, or inquire about compensation as provided in par. (a).

(c) An employer may not discharge or discriminate against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for disclosing, discussing, or inquiring about compensation as provided in par. (a), opposing a practice prohibited under par. (b), filing or indicating an intent to file a complaint or otherwise attempting to enforce any right under par. (a), or testifying, assisting, or participating in any manner in any investigation, action, or proceeding to enforce any right under par. (a).

(d) Subject to s. 19.35, an employer may prohibit a human resources or payroll employee, a supervisor, or any other employee whose job responsibilities require or allow the employee access to other employees' compensation information from disclosing information about any other employee's compensation without that employee's prior written consent.

(3) ENFORCEMENT. Any employee or prospective employee who is refused employment, terminated, discharged, or otherwise discriminated against in

violation of sub. (1) (a) or (2) (a) to (c) may file a complaint with the department, and the department shall process the complaint in the same manner that employment discrimination complaints are processed under s. 111.39. If the department finds that a violation has occurred, the department may order the employer to take action to remedy the violation, including reinstating the employee, providing compensation in lieu of reinstatement, providing back pay accrued not more than 2 years before the complaint was filed, and paying reasonable actual costs and, notwithstanding s. 814.04 (1), reasonable attorney fees to the complainant.

(4) NOTICE POSTED. (a) Each employer shall provide notice to employees and prospective employees of their rights under this section by doing all of the following:

1. Posting, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth employees' and prospective employees' rights under this section.

2. Including, on each listing for a job vacancy or other employment opportunity that is advertised by email, posting on a website, or other electronic means, a notice that includes all of the following information:

a. A statement that the employer is prohibited from relying on a prospective employee's current or former compensation when determining whether to make an offer of employment or setting compensation or when making an offer of employment.

b. A statement that the employer is prohibited from asking about a prospective employee's compensation until after the employer has offered the prospective employee employment and they have agreed upon the details of compensation.

c. A statement that the employer is prohibited from requiring that a prospective employee's current or prior compensation meet certain criteria in order for the prospective employee to be considered for employment.

d. Information, or a hyperlink to information, regarding prohibited bases of discrimination under subch. II of ch. 111.

(b) Any employer that violates par. (a) shall forfeit not more than \$100 for each offense.

SECTION 2688. 103.36 of the statutes is repealed.

SECTION 2689. 106.54 (11) of the statutes is created to read:

106.54 (11) The division shall receive complaints under s. 103.135 (1) (a) and (2) (a) to (c) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

SECTION 2690. 111.322 (2m) (a) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.135, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

***NOTE: This is reconciled s. 111.322 (2m) (a). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1, -1662/P1, and -1814/P8.

SECTION 2691. 111.322 (2m) (b) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

111.322 (2m) (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13,

103.135, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

***NOTE: This is reconciled s. 111.322 (2m) (b). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1, -1662/P1, and -1814/P8.

SECTION 2692. 814.04 (intro.) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 100.195 (5m) (b), 100.30 (5m), 103.135 (3), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d), 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3), 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3), when allowed costs shall be as follows:

***NOTE: This is reconciled s. 814.04 (intro). This SECTION has been affected by drafts with the following LRB numbers: -1397/P1 and -1662/P1.

SECTION 9350. Initial applicability; Workforce Development.

(1) COLLECTIVE BARGAINING AGREEMENT. The treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m) (a) (by SECTION 2690) and (b) (by SECTION 2691), and 814.04 (intro.) (by SECTION 2692) first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with the treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m) (a) (by SECTION 2690) and (b) (by SECTION 2691), and 814.04 (intro.) (by SECTION 2692) on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

***NOTE: This is reconciled SECTION 9350 (1). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1, -1397/P1, -1662/P1, and -1814/P8.

SECTION 9450. Effective dates; Workforce Development.

(1) **EQUAL PAY.** The treatment of ss. 103.135, 103.36, 106.54 (11), 111.322 (2m) (a) (by SECTION 2690) and (b) (by SECTION 2691), and 814.04 (intro.) (by SECTION 2692) takes effect on the first day of the 6th month beginning after publication.

***NOTE: This is reconciled SECTION 9450 (1). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1, -1397/P1, -1662/P1, and -1814/P8.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1663/P3
MPG:cdc/amn/cjs

DOA:.....Grinde, BB0458 - Transfer to Capital Improvement Fund

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Transfer to the capital improvement fund

This bill transfers \$1,955,000,000 from the general fund to the capital improvement fund. The transferred moneys must be used in lieu of bonding to fund building projects authorized in the 2023-25 Authorized State Building Program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2693. 18.08 (7) of the statutes is created to read:

18.08 (7) Notwithstanding sub. (3), no moneys transferred under 2023 Wisconsin Act (this act), section 9251 (1), may be commingled with other moneys in the capital improvement fund and all earnings on or income from investments of

the moneys transferred under 2023 Wisconsin Act (this act), section 9251 (1), and all excess moneys so transferred that are not used to fund building projects authorized in the 2023-25 Authorized State Building Program, shall be deposited in or transferred to the general fund.

SECTION 9251. Fiscal changes; Other.

(1) TRANSFER TO THE CAPITAL IMPROVEMENT FUND. There is transferred from the general fund to the capital improvement fund \$1,955,000,000 during the 2023-25 fiscal biennium, to be used to fund building projects authorized in the 2023-25 Authorized State Building Program.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1665/P1
JAM:skw

DOA:.....Hutter, BB0456 - Repeal of the minimum markup law as it applies to sale of motor vehicle fuel

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Eliminating minimum markup requirement for the sale of motor vehicle fuel

This bill exempts sales of motor vehicle fuel from the minimum markup requirement under the Unfair Sales Act.

Under current law, the Unfair Sales Act 1) prohibits below-cost sales of any merchandise if the sale is intended to induce the purchase of other merchandise or divert trade unfairly from a competitor; and 2) requires a “minimum markup” (a specified amount over the cost of the merchandise to the seller) to be added to sales of motor vehicle fuel, tobacco products, fermented malt beverages, liquor, or wine. The required minimum markup for motor vehicle fuel is 3, 6, or 9.18 percent of the cost of the fuel to the seller, depending on whether the fuel is sold by a retailer or a wholesaler and whether the fuel is sold from a retail station. The bill exempts sales of motor vehicle fuel from the minimum markup requirement under the Unfair Sales Act.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2694. 100.30 (2) (am) 1m. a., b., c., d. and e. of the statutes are amended to read:

100.30 (2) (am) 1m. a. In the case of the retail sale of motor vehicle fuel by a refiner at a retail station owned or operated either directly or indirectly by the refiner, the refiner's lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner's retail sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel, ~~plus a markup of 9.18 percent of that amount to cover a proportionate part of the cost of doing business; or the average posted terminal price at the terminal located closest to the retail station plus a markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business; whichever is greater.~~

b. In the case of the retail sale of motor vehicle fuel by a wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or operated either directly or indirectly by the wholesaler of motor vehicle fuel, the invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale, and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or

~~replacement cost of the motor vehicle fuel, plus a markup of 9.18 percent of that amount to cover a proportionate part of the cost of doing business; or the average posted terminal price at the terminal located closest to the retail station plus a markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business; whichever is greater.~~

c. In the case of the retail sale of motor vehicle fuel by a person other than a refiner or a wholesaler of motor vehicle fuel at a retail station, the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel, ~~plus a markup of 6 percent of that amount to cover a proportionate part of the cost of doing business; or the average posted terminal price at the terminal located closest to the retailer plus a markup of 9.18 percent of the average posted terminal price to cover a proportionate part of the cost of doing business; whichever is greater.~~

d. In the case of a retail sale of motor vehicle fuel by a refiner at a place other than a retail station, the refiner's lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner's retail sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel ~~to which shall be added a markup to cover a proportionate part~~

~~of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the retailer as set forth in this subd. 1m. d.~~

e. In the case of a retail sale of motor vehicle fuel by a person other than a refiner at a place other than a retail station, the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the date of the sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel ~~to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the retailer as set forth in this subd. 1m. e.~~

SECTION 2695. 100.30 (2) (c) 1g. of the statutes is amended to read:

100.30 (2) (c) 1g. With respect to the wholesale sale of motor vehicle fuel by a refiner, “cost to wholesaler” means the refiner’s lowest selling price to other retailers or to wholesalers of motor vehicle fuel on the date of the refiner’s wholesale sale, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost of the motor vehicle fuel, ~~to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the wholesaler as set forth in this subdivision.~~

SECTION 2696. 100.30 (2) (c) 1r. of the statutes is amended to read:

100.30 (2) (c) 1r. With respect to the wholesale sale of motor vehicle fuel by a person other than a refiner, “cost to wholesaler” means the invoice cost of the motor

vehicle fuel to the wholesaler of motor vehicle fuel within 10 days prior to the date of the sale or the replacement cost of the motor vehicle fuel, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the motor vehicle fuel to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3 percent of the cost to the wholesaler as set forth in this subdivision.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1674/P2
ZDW:skw

DOA:.....Vencill, BB0464 - Inland waters trout stamp fee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Inland waters trout stamp fee

Under current law, DNR issues approvals that authorize hunting, fishing, and trapping of wild animals. The holder of a fishing license or sports license may not fish for trout in inland trout waters unless the person also holds a trout stamp. This bill increases the fee for an inland waters trout stamp from \$9.75 to \$14.75.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2697. 29.563 (3) (c) 1. of the statutes is amended to read:

29.563 (3) (c) 1. Inland waters trout: ~~\$9.75~~ \$14.75.

SECTION 9432. Effective dates; Natural Resources.

(1) INLAND WATERS TROUT STAMP FEE. The treatment of s. 29.563 (3) (c) 1. takes effect on April 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1675/P2
ZDW:skw

DOA:.....Vencill, BB0465 - Nonresident deer hunting license fee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Nonresident deer hunting license fee

Under current law, DNR issues approvals that authorize hunting, fishing, and trapping of wild animals. This bill increases the fee for a deer hunting license issued to a person who is not a resident of this state from \$157.25 to \$182.25.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2698. 29.563 (2) (b) 3. of the statutes is amended to read:

29.563 (2) (b) 3. Deer: \$157.25 \$182.25.

SECTION 9432. Effective dates; Natural Resources.

(1) NONRESIDENT DEER HUNTING LICENSE FEE. The treatment of s. 29.563 (2) (b)
3. takes effect on April 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1677/P2
FFK:cjs&skw

DOA:.....Hynek, BB0459 - Literacy Lab Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

The Literacy Lab

This bill requires the state superintendent of public instruction to annually distribute an amount appropriated to DPI to The Literacy Lab to provide an evidence-based literacy intervention program in public schools located in Milwaukee and Racine.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2699. 20.255 (3) (fs) of the statutes is created to read:

20.255 (3) (fs) *The Literacy Lab.* The amounts in the schedule for payments to The Literacy Lab under s. 115.28 (71).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2700. 115.28 (71) of the statutes is created to read:

115.28 (71) THE LITERACY LAB. Annually distribute the amounts appropriated under s. 20.255 (3) (fs) to The Literacy Lab, a Virginia nonstock corporation, to provide an evidence-based literacy intervention program in public schools located in the cities of Milwaukee and Racine.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1679/P2
FFK:amn&skw

DOA:.....Hynek, BB0460 - Reach out and read Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Reach Out and Read Wisconsin

This bill requires the state superintendent of public instruction to annually distribute an amount appropriated to DPI to Reach Out and Read, Inc., for the early literacy program operated by its affiliate Reach Out and Read Wisconsin. The mission of Reach Out and Read, Inc., is to give young children a foundation for success by incorporating books into pediatric care and encouraging families to read aloud together.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2701. 20.255 (3) (ft) of the statutes is created to read:

20.255 (3) (ft) *Reach Out and Read.* The amounts in the schedule for payments to Reach Out and Read, Inc., under s. 115.28 (70).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2702. 115.28 (70) of the statutes is created to read:

115.28 (70) REACH OUT AND READ. Annually distribute the amounts appropriated under s. 20.255 (3) (ft) to Reach Out and Read, Inc., a Massachusetts nonstock corporation, for the early literacy program operated in this state by its affiliate, known as Reach Out and Read Wisconsin.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1680/P1
FFK:emw

DOA:.....Hynek, BB0462 - Graduation Alliance Appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Graduation Alliance

This bill requires the state superintendent of public instruction to annually distribute an amount appropriated to DPI to Graduation Alliance, Inc., to support pupils and their families through an academic coaching program known as Engage Wisconsin. Currently, DPI partners with Graduation Alliance, Inc., to provide Engage Wisconsin to pupils and their families.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2703. 20.255 (3) (fv) of the statutes is created to read:

20.255 (3) (fv) *Graduation Alliance.* The amounts in the schedule for payments to Graduation Alliance, Inc., under s. 115.28 (68).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2704. 115.28 (68) of the statutes is created to read:

115.28 (68) GRADUATION ALLIANCE. Annually distribute the amounts appropriated under s. 20.255 (3) (fv) to Graduation Alliance, Inc., a Utah corporation, to support pupils and their families through a coaching program designed to improve school engagement and academic performance known as Engage Wisconsin.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1681/P1
FFK:emw

DOA:.....Hynek, BB0461 - Computer Science Offerings

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Computer science course requirement

This bill requires school boards, independent charter schools, and private schools participating in a parental choice program to make available to pupils in grades 9 to 12 at least one computer science course, which must include concepts in computer programming or coding.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2705. 118.40 (2r) (b) 2. m. of the statutes is created to read:

118.40 (2r) (b) 2. m. If the contract is for the operation of a charter school that includes a grade from 9 to 12, a requirement that the charter school make available

to pupils in grades 9 to 12 at least one computer science course that includes concepts in computer programming or coding.

SECTION 2706. 118.40 (2x) (b) 2. m. of the statutes is created to read:

118.40 (2x) (b) 2. m. If the contract is for the operation of a charter school that includes a grade from 9 to 12, a requirement that the charter school make available to pupils in grades 9 to 12 at least one computer science course that includes concepts in computer programming or coding.

SECTION 2707. 118.60 (2) (a) 10. of the statutes is created to read:

118.60 (2) (a) 10. If the private school operates any grade from 9 to 12, the private school makes available to pupils in grades 9 to 12 at least one computer science course that includes concepts in computer programming or coding.

SECTION 2708. 119.23 (2) (a) 10. of the statutes is created to read:

119.23 (2) (a) 10. If the private school operates any grade from 9 to 12, the private school makes available to pupils in grades 9 to 12 at least one computer science course that includes concepts in computer programming or coding.

SECTION 2709. 121.02 (1) (L) 9. of the statutes is created to read:

121.02 (1) (L) 9. Make available to pupils in grades 9 to 12 at least one computer science course that includes concepts in computer programming or coding.

SECTION 9334. Initial applicability; Public Instruction.

(1) COMPUTER SCIENCE COURSE REQUIREMENT.

(a) *Independent charter school contracts.* The treatment of s. 118.40 (2r) (b) 2. m. and (2x) (b) 2. m. first applies to a contract that is entered into, renewed, or modified on the effective date of this paragraph.

(b) *Private schools participating in a parental choice program.* The treatment of ss. 118.60 (2) (a) 10. and 119.23 (2) (a) 10. first applies to an application to attend a private school under a parental choice program in the 2024-25 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1686/P1
EHS:emw

DOA:.....Vencill, BB0466 - Forestry-industry-wide strategic plan

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FORESTRY

Forestry-industry-wide strategic plan

This bill requires DNR to develop a forestry-industry-wide strategic plan and road map and to submit a final report on this plan to the Council on Forestry no later than September 16, 2024.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2710. 20.370 (2) (jq) of the statutes is created to read:

20.370 (2) (jq) *Forestry-industry-wide strategic plan.* From the conservation fund, the moneys received from forestry activities for the forestry-industry-wide strategic plan and road map under 2023 Wisconsin Act (this act), section 9132 (1).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) FORESTRY-INDUSTRY-WIDE STRATEGIC PLAN. From the appropriation under s. 20.370 (2) (jq), the department of natural resources shall develop a forestry-industry-wide strategic plan and road map. The department shall submit the final report on this plan and road map to the council on forestry no later than September 16, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1691/P3
ARG:skw/cjs/wlj

DOA:.....Kirschbaum, BB0467 - Advanced Manufacturing Engineering
Technology and Apprenticeship

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Grant to support a center at Mid-State Technical College

This bill requires the TCS Board to award a grant of \$250,000 in each fiscal year to Mid-State Technical College for an Advanced Manufacturing Engineering Technology and Apprenticeship Center to train and maintain a workforce to meet the needs of the state's paper, pulp, and converting mills. Grants may be used for the center's maintenance of capital equipment and supplies, information technology equipment, equipment for student learning infrastructure and student learning support, and the center's ongoing operations.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2711. 38.34 of the statutes is created to read:

38.34 Grant to support advanced manufacturing engineering technology and apprenticeship center. From the appropriation under s. 20.292 (1) (f), the board shall award a grant of \$250,000 to Mid-State Technical College in each fiscal year for an advanced manufacturing engineering technology and apprenticeship center to train and maintain a workforce to meet workforce needs for the state's paper, pulp, and converting mills. Grants may be used for the center's maintenance of capital equipment and supplies, information technology equipment, equipment for student learning infrastructure and student learning support, and the center's ongoing operations.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1692/P1
ARG:amn

DOA:.....Mott, BB0470 - UW Missing-in-Action Recovery and
Identification Projects

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

UW Missing-in-Action Recovery and Identification Project

Under this bill, the Board of Regents of the UW System must provide funding to the UW Missing-in-Action Recovery and Identification Project (MIA Recovery Project) for missions to recover and identify Wisconsin veterans who are missing in action. At the conclusion of the mission for which funding is provided, the MIA Recovery Project must submit to the Board of Regents, JCF, each legislative standing committee dealing with veterans matters, the governor, DVA, and DMA a report on the mission's findings and an accounting of expenditures for the mission. The Board of Regents must provide the funding through a new UW System appropriation.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2712. 20.285 (1) (bt) of the statutes is created to read:

20.285 (1) (bt) *Missing-in-Action Recovery and Identification Project*. As a continuing appropriation, the amounts in the schedule for the purposes specified in 2023 Wisconsin Act (this act), section 9147 (1).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9147. Nonstatutory provisions; University of Wisconsin System.

(1) FUNDING FOR THE UNIVERSITY OF WISCONSIN MISSING-IN-ACTION RECOVERY AND IDENTIFICATION PROJECT.

(a) In this subsection:

1. "Board" means the Board of Regents of the University of Wisconsin System.

2. "MIA Recovery Project" means the University of Wisconsin Missing-in-Action Recovery and Identification Project.

(b) From the appropriation under s. 20.285 (1) (bt), the board shall provide funding for the MIA Recovery Project to perform a mission for the recovery and identification of Wisconsin veterans who are missing in action.

(c) The MIA Recovery Project, acting through its representative, shall submit at the conclusion of the mission for which the funds were expended, to the board, the joint committee on finance, the standing committees of each house of the legislature dealing with veterans matters, the governor, the department of veterans affairs, and the department of military affairs, a report on the mission's findings and an accounting of expenditures for the mission.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1693/P1
ARG:cdc

DOA:.....Mott, BB0472 - Foster youth programming

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

UW foster youth support programs

This bill provides funding to establish or maintain support programs at UW institutions for students who formerly resided in a foster home or group home. Support programs may offer these students scholarships, jobs, emergency funds, basic supplies, mentorships, career planning, and other forms of support.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2713. 20.285 (1) (cr) of the statutes is created to read:

20.285 (1) (cr) *Foster youth support programs.* The amounts in the schedule to provide funding for former foster youth support programs under s. 36.25 (43).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2714. 36.25 (43) of the statutes is created to read:

36.25 (43) FOSTER YOUTH SUPPORT PROGRAMS. From the appropriation under s. 20.285 (1) (cr), the board shall allocate funding to each institution to establish or maintain support programs for students enrolled in the institution who formerly resided in a foster home or group home. Support programs funded under this subsection may offer students who formerly resided in a foster home or group home, among other forms of support, any of the following:

- (a) Scholarships.
- (b) Employment.
- (c) Emergency funds.
- (d) Basic supplies.
- (e) Mentorships to assist with academic preparations and successful navigation of the complex college environment.
- (f) Other resources such as career planning, financial literacy training, and math and writing support.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1694/P1
FFK:cjs

DOA:.....Hynek, BB0468 - Bullying Prevention Grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Bullying prevention grants

Under current law, the state superintendent of public instruction must award grants to nonprofit organizations to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to eight. This bill expands the purpose of these grants to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to 12.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2715. 115.28 (45) of the statutes is amended to read:

115.28 (45) GRANTS FOR BULLYING PREVENTION. From the appropriation under s. 20.255 (3) (eb), award grants to a nonprofit organization, as defined in s. 108.02

(19), to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to ~~8~~ 12.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1695/P1
JPC:cjs

DOA:.....Mott, BB0474 - Professional licenses for undocumented people

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Professional licenses for certain noncitizens

Currently, federal law prohibits all but certain noncitizens from receiving any “state or local public benefit,” which is defined to include any “professional license, or commercial license provided by an agency of a state or local government.” However, federal law allows states to explicitly allow eligibility for certain public benefits. This bill allows certain individuals who are not U.S. citizens to receive any professional license issued in this state if they meet all other requirements or qualifications for the professional license. For purposes of the bill, “professional license” means a license, registration, certification, or other approval to perform certain work tasks, whether issued by the state or a local governmental entity.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2716. 995.70 of the statutes is created to read:

995.70 Eligibility of certain individuals who are not U.S. citizens to receive professional licenses. (1) In this section, “professional license” means a license, registration, certification, or other approval to perform certain work tasks, whether issued by the state or a local governmental entity.

(2) Pursuant to 8 USC 1621 (d), an individual who is not a U.S. citizen is not ineligible to receive any professional license issued in this state because of the individual’s citizenship status.

(3) Nothing in this section affects any requirement or qualification for an individual to obtain a professional license that is not related to the citizenship status of the individual.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1696/P1
KP:skw

DOA:.....Mott, BB0436 - Trade exam modernization

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Trade exams administered by test service providers

Under the bill, DSPS is authorized to approve a test service provider to prepare, administer, and grade the examinations required for credentials to practice various trades, including for electricians, plumbers, fire sprinkler contractors and fitters, elevator mechanics, and blasters.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2717. 101.022 of the statutes is amended to read:

101.022 Certain laws applicable to occupational licenses. Sections 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),

440.07 (2) (b), 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed on the department under those statutes, apply to occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as defined in s. 440.01 (2) (a).

SECTION 2718. 145.02 (4) (a) of the statutes is amended to read:

145.02 (4) (a) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The department may approve, in whole or in part, an examination prepared, administered, and graded by a test service provider. The plumbers council, created under s. 15.407 (16), shall advise the department in formulating the rules.

SECTION 2719. 145.07 (2) of the statutes is amended to read:

145.07 (2) Application for a master or journeyman plumber's examination, temporary permit or license shall be made to the department with fees. Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness. No such license or permit shall be transferable.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1703/P3
SWB:cdc&emw

DOA:.....Lessner, BB0476 - Suicide Prevention Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Suicide prevention program

This bill requires DHS to implement a suicide prevention program, coordinate suicide prevention activities with other state agencies, administer grant programs involving suicide prevention, and perform various other functions specified in the bill to promote efforts to prevent suicide. The bill also specifically requires DHS to award grants to organizations or coalitions of organizations, including cities, villages, towns, counties, and federally recognized American Indian tribes or bands, for 1) training staff at a firearm retailer or firearm range on how to recognize a person that may be considering suicide; 2) providing suicide prevention materials for distribution at a firearm retailer or firearm range; or 3) providing voluntary, temporary firearm storage. A grant recipient must contribute matching funds or in-kind services having a value equal to at least 20 percent of the grant amount. The bill specifies that DHS may award up to \$500,000 in grants for the suicide prevention program each fiscal year, including up to \$75,000 per fiscal year for the grants related to preventing suicide by firearm.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2720. 20.435 (1) (b) of the statutes is amended to read:

20.435 (1) (b) *General aids and local assistance.* The amounts in the schedule for aids and local assistance relating to public health services, for grants for the suicide prevention program under s. 255.20 (4), and for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Except as otherwise provided in this paragraph, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 2721. 255.20 (4) of the statutes is created to read:

255.20 (4) (a) Implement a suicide prevention program that creates public awareness for issues relating to suicide prevention, builds community networks, and conducts training programs on suicide prevention for law enforcement personnel, health care providers, school employees, and other persons who have contact with persons at risk of suicide.

(b) As part of the suicide prevention program under this subsection, the department shall do all of the following:

1. Coordinate suicide prevention activities with other state agencies.
2. Provide educational activities to the general public relating to suicide prevention.

3. Provide training to persons who routinely interact with persons at risk of suicide, including training on recognizing persons at risk of suicide and referring those persons for appropriate treatment or support services.

4. Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide.

5. Enhance crisis services relating to suicide prevention.

6. Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes, and other facilities serving persons most at risk of suicide.

7. Coordinate the establishment of local advisory groups in each county to support the efforts of the suicide prevention program under this subsection.

8. Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this state to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide.

9. Develop and maintain a website with links to appropriate resource documents, suicide hotlines that are nationally accredited or certified, credentialed professional personnel, state and local mental health agencies, and appropriate national organizations.

10. Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance for suicide and uniform collection of data related to suicide.

11. Develop and submit proposals for funding from federal government agencies and nongovernmental organizations.

12. Administer grant programs involving suicide prevention.

(c) 1. The department shall award grants to organizations or coalitions of organizations, which may include a city, village, town, county, or federally recognized American Indian tribe or band in this state for any of the following purposes:

a. To train staff at a firearm retailer or firearm range on how to recognize a person that may be considering suicide.

b. To provide suicide prevention materials for distribution at a firearm retailer or firearm range.

c. To provide voluntary, temporary firearm storage.

2. The department may not award a grant under subd. 1. unless the recipient contributes matching funds or in-kind services having a value equal to at least 20 percent of the grant.

3. The department may not award a grant to a recipient under subd. 1. for an amount that exceeds \$5,000. The department may not award a grant under subd. 1. having a duration of more than one year and may not automatically renew a grant awarded under subd. 1. This subdivision shall not be construed to prevent an organization or coalition of organizations from reapplying for a grant in consecutive years. In awarding grants under subd. 1., the department shall give preference to organizations or coalitions of organizations that have not previously received a grant under this paragraph.

(d) From the appropriation under s. 20.435 (1) (b), the department may distribute up to \$500,000 in grants each fiscal year for grants under this subsection, up to \$75,000 of which may be distributed each fiscal year for grants under par. (c).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1705/P2
JAM:cdc&amn

DOA:.....Mott, BB0473 - Nonresident tuition exemption for undocumented individuals

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Nonresident tuition exemption for undocumented individuals

This bill creates a nonresident tuition exemption for certain technical college and UW System students. Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. This bill creates an additional exemption for an individual who is not a citizen of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with proof stating that he or she has filed or will file an application for lawful permanent resident status with U.S. Citizenship and Immigration Services as soon as the individual is eligible to do so.

The bill also provides that an individual described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2722. 36.27 (2) (cr) of the statutes is created to read:

36.27 (2) (cr) A person who is not a citizen of the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in an institution and provides that institution with proof that the person has filed or will file an application for lawful permanent resident status with the U.S. citizenship and immigration services as soon as the person is eligible to do so.

SECTION 2723. 38.22 (6) (e) of the statutes is created to read:

38.22 (6) (e) Any person who is not a citizen of the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in a district school and provides the district board with proof that the person has filed or will file an application for lawful permanent resident status with the U.S. citizenship and immigration services as soon as the person is eligible to do so.

SECTION 9342. Initial applicability; Technical College System.

(1) NONRESIDENT TUITION EXEMPTION FOR CERTAIN UNDOCUMENTED INDIVIDUALS.

The treatment of s. 38.22 (6) (e) first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9347. Initial applicability; University of Wisconsin System.

(1) NONRESIDENT TUITION EXEMPTION FOR CERTAIN UNDOCUMENTED INDIVIDUALS.

The treatment of s. 36.27 (2) (cr) first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1721/P1
JAM:amn

DOA:.....Hutter, BB0478 - Labeling of traditionally harvested wild rice

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Labeling wild rice as “traditionally harvested”

This bill prohibits any person from labeling wild rice as “traditionally harvested” unless the wild rice is harvested using traditional wild rice harvesting methods of American Indian tribes or bands. The bill requires DATCP to promulgate a rule defining traditional wild rice harvesting methods of American Indian tribes or bands. Under the bill, DATCP must obtain the advice and recommendations of the Great Lakes Inter-Tribal Council, Inc., before promulgating a rule defining a traditional method of wild rice harvesting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2724. 97.57 (4) of the statutes is created to read:

97.57 (4) No person may sell or offer for sale wild rice labeled “traditionally harvested” unless the wild rice is harvested using traditional wild rice harvesting

methods of American Indian tribes or bands, as defined by the department by rule. The department shall obtain the advice and recommendations of the Great Lakes Inter-Tribal Council, Inc., before promulgating a rule defining a traditional wild rice harvesting method.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1723/P1
MDE:kms

DOA:.....Kirschbaum, BB0477 - Artistic Endowment Fund

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

Transfer to the artistic endowment fund

This bill transfers \$100 million in GPR funds to the artistic endowment fund.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9203. Fiscal changes; Arts Board.

(1) TRANSFER TO THE ARTISTIC ENDOWMENT FUND. There is transferred from the general fund to the artistic endowment fund \$100,000,000 during the 2023-25 fiscal biennium.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1729/P1
JAM:klm

DOA:.....Stinebrink, BB0480 - State office of homeland security

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Creating an office of homeland security

This bill creates an office of homeland security in DMA that must work with the federal Department of Homeland Security and state and local law enforcement agencies to identify, investigate, assess, report, and share tips and leads linked to emerging homeland security threats. The director of the office of homeland security must be appointed by the adjutant general.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2725. 15.01 (6) of the statutes is amended to read:

15.01 (6) "Division," "bureau," "section," and "unit" means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and

efficient administration and operation of the programs assigned to the department or independent agency. The office of credit unions in the department of financial institutions, the office of the inspector general in the department of children and families, the office of the inspector general in the department of health services, and the office of children's mental health in the department of health services have the meaning of "division" under this subsection. The office of the long-term care ombudsman under the board on aging and long-term care, the office of homeland security under the department of military affairs, and the office of educational accountability in the department of public instruction have the meaning of "bureau" under this subsection.

SECTION 2726. 15.317 of the statutes is created to read:

15.317 Same; offices. (1) OFFICE OF HOMELAND SECURITY. There is created an office of homeland security in the department of military affairs. The director of the office shall be appointed by the adjutant general.

SECTION 2727. 20.465 (1) (am) of the statutes is created to read:

20.465 (1) (am) *Office of homeland security.* The amounts in the schedule for the general operations of the office of homeland security under 321.52.

***NOTE: Please let me know if you would like alternative language to "for the general operations of".

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2728. 321.52 of the statutes is created to read:

321.52 Office of homeland security. The office of homeland security shall coordinate with the federal department of homeland security and state and local law

enforcement agencies to identify, investigate, assess, report, and share tips and leads linked to emerging homeland security threats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1739/P3
JK:cjs

DOA:.....Martin, BB0481 - Personal property tax repeal

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

PROPERTY TAXATION

Repeal of the personal property tax

Under current law, beginning with the property tax assessments as of January 1, 2018, machinery, tools, and patterns, not including those items used in manufacturing, are exempt from the personal property tax. However, beginning in 2019, the state pays each taxing jurisdiction an amount equal to the property taxes levied on those items of personal property for the property tax assessments as of January 1, 2017.

Under the bill, beginning with the property tax assessments as of January 1, 2024, no items of personal property will be subject to the property tax. Beginning in 2025, the state will pay each taxing jurisdiction an additional amount equal to the property taxes levied on the items made exempt under the bill for the property tax assessments as of January 1, 2023. Beginning in 2026, each taxing jurisdiction will receive a payment to compensate it for its loss in personal property revenue equal to the payment it received in the previous year, increased by the annual percentage change in the consumer price index.

Under current law, generally, public utilities, including railroad companies, are subject to a license fee imposed by the state instead of being subject to local property

taxes. This bill creates a personal property tax exemption for railroad companies in order to comply with the requirements of the federal Railroad Revitalization and Regulatory Reform Act.

Finally, the bill makes a number of technical changes related to the repeal of the personal property tax, such as providing a process whereby manufacturing establishments located in this state that do not own real property in this state may continue to claim the manufacturing income tax credit.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2729. 16.5185 (3) of the statutes is created to read:

16.5185 (3) On December 30, 2024, the secretary shall transfer from the general fund to the transportation fund \$9,000,000. On December 30, 2025, and on each December 30 thereafter, the secretary shall transfer from the general fund to the transportation fund an amount equal to the amount transferred under this subsection in the previous fiscal year, increased by 1.25 percent

SECTION 2730. 20.835 (1) (em) of the statutes is repealed.

SECTION 2731. 60.85 (1) (f) of the statutes is repealed.

SECTION 2732. 60.85 (1) (h) 1. c. of the statutes is amended to read:

60.85 (1) (h) 1. c. Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the town of real ~~or personal~~ property within a tax incremental district for consideration which is less than its cost to the town.

SECTION 2733. 60.85 (1) (o) of the statutes is amended to read:

60.85 (1) (o) “Taxable property” means all real ~~and personal~~ taxable property located in a tax incremental district.

SECTION 2734. 60.85 (5) (j) of the statutes is created to read:

60.85 (5) (j) Upon receiving a written application from the town clerk, in a form prescribed by the department of revenue, the department shall recalculate the base value of a tax incremental district affected by 2023 Wisconsin Act (this act) to remove the value of the personal property. An application received under this paragraph no later than October 31 is effective in the year following the year in which the application is made. An application received after October 31 is effective in the 2nd year following the year in which the application is made.

SECTION 2735. 66.0435 (3) (g) of the statutes is amended to read:

66.0435 (3) (g) Failure to timely pay the tax prescribed in this subsection shall be treated as a default in payment of ~~personal~~ property tax and is subject to all procedures and penalties applicable under chs. 70 and 74.

SECTION 2736. 66.1105 (2) (d) of the statutes is repealed.

SECTION 2737. 66.1105 (2) (f) 1. c. of the statutes is amended to read:

66.1105 (2) (f) 1. c. Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the city of real ~~or personal~~ property within a tax incremental district for consideration which is less than its cost to the city.

SECTION 2738. 66.1105 (5) (j) of the statutes is created to read:

66.1105 (5) (j) Upon receiving a written application from the city clerk, in a form prescribed by the department of revenue, the department shall recalculate the base value of a tax incremental district affected by 2023 Wisconsin Act (this act) to remove the value of the personal property. An application received under this paragraph no later than October 31 is effective in the year following the year in which

the application is made. An application received after October 31 is effective in the 2nd year following the year in which the application is made.

SECTION 2739. 66.1106 (1) (k) of the statutes is amended to read:

66.1106 (1) (k) "Taxable property" means all real ~~and personal~~ taxable property located in an environmental remediation tax incremental district.

SECTION 2740. 66.1106 (4) (e) of the statutes is created to read:

66.1106 (4) (e) Upon receiving a written application from the clerk of a political subdivision, in a form prescribed by the department, the department shall recalculate the base value of a tax incremental district affected by 2023 Wisconsin Act ... (this act) to remove the value of the personal property, as defined in s. 66.1105. An application received under this paragraph no later than October 31 is effective in the year following the year in which the application is made. An application received after October 31 is effective in the 2nd year following the year in which the application is made.

SECTION 2741. 70.04 (1r) of the statutes is amended to read:

70.04 (1r) ~~Toll bridges; private railroads and bridges; saw~~ Saw logs, timber, and lumber, either upon land or afloat; steamboats, ships, and other vessels, whether at home or abroad; ferry boats, including the franchise for running the same; ice cut and stored for use, sale, or shipment; ~~beginning May 1, 1974, and~~ and manufacturing machinery and equipment as defined in s. 70.11 (27), ~~and entire property of companies defined in s. 76.28 (1), located entirely within one taxation district.~~

SECTION 2742. 70.043 of the statutes is amended to read:

70.043 Mobile homes, recreational mobile homes, and manufactured homes. (1) A mobile home, as defined in s. 101.91 (10), a recreational mobile home, as defined in s. 66.0435 (1) (hm), or a manufactured home, as defined in s. 101.91 (2),

is an improvement to real property if it is connected to utilities and is set upon a foundation upon land which is owned by the mobile home, recreational mobile home, or manufactured home owner. In this section, a mobile home, recreational mobile home, or manufactured home is “set upon a foundation” if it is off its wheels and is set upon some other support.

(2) A mobile home, as defined in s. 101.91 (10), a recreational mobile home, as defined in s. 66.0435 (1) (hm), or a manufactured home, as defined in s. 101.91 (2), is personal property if the land upon which it is located is not owned by the mobile home, recreational mobile home, or manufactured home owner or if the mobile home, recreational mobile home, or manufactured home is not set upon a foundation or connected to utilities.

SECTION 2743. 70.05 (5) (a) 1. of the statutes is amended to read:

70.05 (5) (a) 1. “Assessed value” means with respect to each taxation district the total values established under ~~ss. s. 70.32 and 70.34~~, but excluding manufacturing property subject to assessment under s. 70.995.

SECTION 2744. 70.10 of the statutes is amended to read:

70.10 Assessment, when made, exemption. The assessor shall assess all real and personal taxable property as of the close of January 1 of each year. Except in cities of the 1st class and 2nd class cities that have a board of assessors under s. 70.075, the assessment shall be finally completed before the first Monday in April. All real property conveyed by condemnation or in any other manner to the state, any county, city, village or town by gift, purchase, tax deed or power of eminent domain before January 2 in such year shall not be included in the assessment. Assessment of manufacturing property subject to s. 70.995 shall be made according to that section.

SECTION 2745. 70.11 (42) of the statutes is repealed.

SECTION 2746. 70.1105 (1) of the statutes is amended to read:

70.1105 (1) Property that is exempt under s. 70.11 and that is used in part in a trade or business for which the owner of the property is subject to taxation under sections 511 to 515 of the internal revenue code, as defined in s. 71.22 (4m), shall be assessed for taxation, unless otherwise exempt under this chapter, at that portion of the fair market value of the property that is attributable to the part of the property that is used in the unrelated trade or business. This section does not apply to property that is leased by an exempt organization to another person or to property that is exempt under s. 70.11 (34).

SECTION 2747. 70.1105 (2) of the statutes is repealed.

SECTION 2748. 70.111 (19) (b) of the statutes is amended to read:

70.111 (19) (b) Recreational mobile homes, as defined in s. 66.0435 (1) (hm), that are personal property under s. 70.043 (2) and recreational vehicles, as defined in s. 340.01 (48r). The exemption under this paragraph also applies to steps and a platform, not exceeding 50 square feet, that lead to a doorway of a recreational mobile home or a recreational vehicle, but does not apply to any other addition, attachment, deck, or patio.

SECTION 2749. 70.111 (28) of the statutes is created to read:

70.111 (28) PERSONAL PROPERTY. (a) Beginning with the property tax assessments applicable to the January 1, 2024, assessment year, personal property, as defined under s. 70.04, including steam and other vessels, furniture, and equipment.

(b) The exemption under par. (a) does not apply to all of the following:

1. Property qualifying as real property under s. 70.03.

2. Property assessed as real property under s. 70.17 (3).

3. Property subject to taxation under s. 76.025 (2).

(c) A taxing jurisdiction may include the most recent valuation of personal property described under par. (a) that is located in the taxing jurisdiction for purposes of complying with debt limitations applicable to the jurisdiction.

SECTION 2750. 70.13 (1) of the statutes is amended to read:

70.13 (1) ~~All~~ For assessments made before January 1, 2024, all personal property shall be assessed in the assessment district where the same is located or customarily kept except as otherwise specifically provided. Personal property in transit within the state on the first day of January shall be assessed in the district in which the same is intended to be kept or located, and personal property having no fixed location shall be assessed in the district where the owner or the person in charge or possession thereof resides, except as provided in sub. (5).

SECTION 2751. 70.13 (2) of the statutes is amended to read:

70.13 (2) ~~Saw~~ For assessments made before January 1, 2024, saw logs or timber in transit, which are to be sawed or manufactured in any mill in this state, shall be deemed located and shall be assessed in the district in which such mill is located. Saw logs or timber shall be deemed in transit when the same are being transported either by water or rail, but when such logs or timber are banked, decked, piled or otherwise temporarily stored for transportation in any district, they shall be deemed located, and shall be assessed in such district.

SECTION 2752. 70.13 (3) of the statutes is amended to read:

70.13 (3) ~~On~~ For assessments made before January 1, 2024, on or before the tenth day of January in each year the owner of logs or timber in transit shall furnish the assessor of the district in which the mill at which the logs or timber will be sawed

or manufactured is located a verified statement of the amount, character and value of all the logs and timber in transit on the first day of January preceding, and the owner of the logs or timber shall furnish to the assessor of the district in which the logs and timber were located on the first day of January preceding, a like verified statement of the amount, character and value thereof. Any assessment made in accordance with the owner's statement shall be valid and binding on the owner notwithstanding any subsequent change as to the place where the same may be sawed or manufactured. If the owner of the logs or timber shall fail or refuse to furnish the statement herein provided for, or shall intentionally make a false statement, that owner shall be subject to the penalties prescribed by s. 70.36.

SECTION 2753. 70.13 (7) of the statutes is amended to read:

70.13 (7) ~~Saw~~ For assessments made before January 1, 2024, saw logs or timber removed from public lands during the year next preceding the first day of January or having been removed from such lands and in transit therefrom on the first day of January, shall be deemed located and assessed in the assessment district wherein such public lands are located and shall be assessed in no other assessment district. Saw logs or timber shall be deemed in transit when the same are being transported. On or before January 10 in each year the owner of such logs or timber shall furnish the assessor of the assessment district wherein they are assessable a verified statement of the amount, character and value of all such logs and timber. If the owner of any such logs or timber shall fail or refuse to furnish such statement or shall intentionally make a false statement, he or she is subject to the penalties prescribed by s. 70.36. This subsection shall supersede any provision of law in conflict therewith. The term "owner" as used in this subsection is deemed to mean the person owning the logs or timber at the time of severing. "Public lands" as used in this

subsection shall mean lands owned by the United States of America, the state of Wisconsin or any political subdivision of this state.

SECTION 2754. 70.15 (2) of the statutes is amended to read:

70.15 (2) The owner of any steam vessel, barge, boat, or other water craft, hailing from any port of this state, “and so employed regularly in interstate traffic,” desiring to comply with the terms of this section, shall annually, on or before the first day of January, file with the clerk of such town, village, or city a verified statement, in writing, containing the name, port of hail, tonnage, and name of owner of such steam vessel, barge, boat, or other water craft, and shall thereupon pay into the said treasury of such town, village, or city a sum equal to one cent per net ton of the registered tonnage of said vessel, and the treasurer shall thereupon issue a receipt. All vessels, boats, or other water craft not regularly employed in interstate traffic and all private yachts or pleasure boats belonging to inhabitants of this state, whether at home or abroad, shall be taxed as personal property for taxes levied before January 1, 2024.

SECTION 2755. 70.17 (1) of the statutes is amended to read:

70.17 (1) Real property shall be entered in the name of the owner, if known to the assessor, otherwise to the occupant thereof if ascertainable, and otherwise without any name. The person holding the contract or certificate of sale of any real property contracted to be sold by the state, but not conveyed, shall be deemed the owner for such purpose. The undivided real estate of any deceased person may be entered to the heirs of such person without designating them by name. The real estate of an incorporated company shall be entered in the same manner as that of an individual. ~~Improvements on leased lands may be assessed either as real property or personal property.~~

SECTION 2756. 70.17 (3) of the statutes is created to read:

70.17 (3) Beginning with the property tax assessments applicable to the January 1, 2024, assessment year, the following shall be assessed as real property:

(a) Manufactured and mobile homes under s. 70.043 (1) or (2), not otherwise exempt from taxation under this chapter.

(b) Advertising signs except those qualifying as personal property under s. 70.04 (3).

(c) Buildings, improvements, and fixtures on leased lands.

(d) Buildings, improvements, and fixtures on exempt lands, not otherwise exempt from taxation under this chapter. The assessor may create an assessor's plat under s. 70.27 for the assessment of taxable buildings, improvements, and fixtures on land not subject to taxation.

(e) Buildings, improvements, and fixtures on forest croplands.

(f) Buildings, improvements, and fixtures on managed forest lands.

SECTION 2757. 70.17 (4) of the statutes is created to read:

70.17 (4) For purposes of sub. (3), buildings, improvements, and fixtures do not include personal property defined under s. 70.04 (3).

SECTION 2758. 70.174 of the statutes is amended to read:

70.174 Improvements on government-owned land. Improvements made by any person on land within this state owned by the United States ~~may~~ shall be assessed ~~either as real or personal property to the person making the same, if ascertainable, and otherwise to the occupant thereof or the person receiving benefits therefrom~~ as provided under s. 70.17 (3).

SECTION 2759. 70.18 of the statutes is amended to read:

70.18 Personal property, to whom assessed. (1) ~~Personal~~ For assessments made before January 1, 2024, personal property shall be assessed to the owner thereof, except that when it is in the charge or possession of some person other than the owner it may be assessed to the person so in charge or possession of the same. Telegraph and telephone poles, posts, railroad ties, lumber, and all other manufactured forest products shall be deemed to be in the charge or possession of the person in occupancy or possession of the premises upon which the same shall be stored or piled, and the same shall be assessed to such person, unless the owner or some other person residing in the same assessment district, shall be actually and actively in charge and possession thereof, in which case it shall be assessed to such resident owner or other person so in actual charge or possession; but nothing contained in this subsection shall affect or change the rules prescribed in s. 70.13 respecting the district in which such property shall be assessed.

(2) ~~Goods~~ For assessments made before January 1, 2024, goods, wares, and merchandise in storage in a commercial storage warehouse or on a public wharf shall be assessed to the owner thereof and not to the warehouse or public wharf, if the operator of the warehouse or public wharf furnishes to the assessor the names and addresses of the owners of all goods, wares, and merchandise not exempt from taxation.

SECTION 2760. 70.19 of the statutes is amended to read:

70.19 Assessment, how made; liability and rights of representative. (1) ~~When~~ For assessments made before January 1, 2024, when personal property is assessed under s. 70.18 (1) to a person in charge or possession of the personal property other than the owner, the assessment of that personal property shall be entered upon the assessment roll separately from the assessment of that person's

own personal property, adding to the person's name upon the tax roll words briefly indicating that the assessment is made to the person as the person in charge or possession of the property. The failure to enter the assessment separately or to indicate the representative capacity or other relationship of the person assessed shall not affect the validity of the assessment.

(2) The For assessments made before January 1, 2024, the person assessed under sub. (1) and s. 70.18 (1) is personally liable for the tax on the property. The person assessed under sub. (1) and s. 70.18 (1) has a personal right of action against the owner of the property for the amount of the taxes; has a lien for that amount upon the property with the rights and remedies for the preservation and enforcement of that lien as provided in ss. 779.45 and 779.48; and is entitled to retain possession of the property until the owner of the property pays the tax on the property or reimburses the person assessed for the tax. The lien and right of possession relate back and exist from the time that the assessment is made, but may be released and discharged by giving to the person assessed such undertaking or other indemnity as the person accepts or by giving the person assessed a bond in the amount and with the sureties as is directed and approved by the circuit court of the county in which the property is assessed, upon 8 days' notice to the person assessed. The bond shall be conditioned to hold the person assessed free and harmless from all costs, expense, liability, or damage by reason of the assessment.

SECTION 2761. 70.20 of the statutes is amended to read:

70.20 Owner's liability when personalty assessed to another; action to collect. (1) When For assessments made before January 1, 2024, when personal property shall be assessed to some person in charge or possession thereof, other than the owner, such owner as well as the person so in charge or possession shall be liable

for the taxes levied pursuant to such assessment; and the liability of such owner may be enforced in a personal action as for a debt. Such action may be brought in the name of the town, city or village in which such assessment was made, if commenced before the time fixed by law for the return of delinquent taxes, by direction of the treasurer or tax collector of such town, city or village. If commenced after such a return, it shall be brought in the name of the county or other municipality to the treasurer or other officer of which such return shall be made, by direction of such treasurer or other officer. Such action may be brought in any court of this state having jurisdiction of the amount involved and in which jurisdiction may be obtained of the person of such owner or by attachment of the property of such owner.

(2) The For assessments made before January 1, 2024, the remedy of attachment may be allowed in such action upon filing an affidavit of the officer by whose direction such action shall be brought, showing the assessment of such property in the assessment district, the amount of tax levied pursuant thereto, that the defendant was the owner of such property at the time as of which the assessment thereof was made, and that such tax remains unpaid in whole or in part, and the amount remaining unpaid. The proceedings in such actions and for enforcement of the judgment obtained therein shall be the same as in ordinary actions for debt as near as may be, but no property shall be exempt from attachment or execution issued upon a judgment against the defendant in such action.

(3) The For assessments made before January 1, 2024, and taxes levied before January 1, 2024, the assessment and tax rolls in which such assessment and tax shall be entered shall be prima facie evidence of such assessment and tax and of the justice and regularity thereof; and the same, with proof of the ownership of such property by the defendant at the time as of which the assessment was made and of

the nonpayment of such tax, shall be sufficient to establish the liability of the defendant. Such liability shall not be affected and such action shall not be defeated by any omission or irregularity in the assessment or tax proceedings not affecting the substantial justice and equity of the tax. The provisions of this section shall not impair or affect the remedies given by other provisions of law for the collection or enforcement of such tax against the person to whom the property was assessed.

SECTION 2762. 70.21 (1) of the statutes is amended to read:

70.21 (1) ~~Except~~ For assessments made before January 1, 2024, except as provided in sub. (2), the personal property of a partnership may be assessed in the names of the persons composing the partnership, so far as known or in the firm name or title under which the partnership business is conducted, and each partner shall be liable for the taxes levied on the partnership's personal property.

SECTION 2763. 70.21 (1m) (intro.) of the statutes is amended to read:

70.21 (1m) (intro.) ~~Undistributed~~ For assessments made before January 1, 2024, undistributed personal property belonging to the estate of a decedent shall be assessed as follows:

SECTION 2764. 70.21 (2) of the statutes is amended to read:

70.21 (2) ~~The~~ For assessments made before January 1, 2024, the personal property of a limited liability partnership shall be assessed in the name of the partnership, and each partner shall be liable for the taxes levied thereon only to the extent permitted under s. 178.0306.

SECTION 2765. 70.22 (1) of the statutes is amended to read:

70.22 (1) ~~In~~ For assessments made before January 1, 2024, in case one or more of 2 or more personal representatives or trustees of the estate of a decedent who died domiciled in this state are not residents of the state, the taxable personal property

belonging to the estate shall be assessed to the personal representatives or trustees residing in this state. In case there are 2 or more personal representatives or trustees of the same estate residing in this state, but in different taxation districts, the assessment of the taxable personal property belonging to the estate shall be in the names of all of the personal representatives or trustees of the estate residing in this state. In case no personal representative or trustee resides in this state, the taxable personal property belonging to the estate may be assessed in the name of the personal representative or trustee, or in the names of all of the personal representatives or trustees if there are more than one, or in the name of the estate.

SECTION 2766. 70.22 (2) (a) of the statutes is amended to read:

70.22 (2) (a) The For taxes levied before January 1, 2024, the taxes imposed pursuant to an assessment under sub. (1) may be enforced as a claim against the estate, upon presentation of a claim for the taxes by the treasurer of the taxation district to the court in which the proceedings for the probate of the estate are pending. Upon due proof, the court shall allow and order the claim to be paid.

SECTION 2767. 70.27 (1) of the statutes is amended to read:

70.27 (1) WHO MAY ORDER. Whenever any area of platted or unplatted land is or land and the buildings, improvements, and fixtures on that land are owned by 2 or more persons in severalty, and when in the judgment of the governing body having jurisdiction, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment, taxation, or tax title procedures without noting the correct metes and bounds of the same, or when such gross errors exist in lot measurements or locations that difficulty is encountered in locating new structures, public utilities, or streets, such governing body may cause a plat to be made for such purposes. Such plat shall be called

“assessor’s plat,” and shall plainly define the applicable boundary of each parcel, building, improvement, and fixture, and each street, alley, lane, or roadway, or dedication to public or special use, as such is evidenced by the records of the register of deeds or a court of record. Such plats in cities may be ordered by the city council, in villages by the village board, in towns by the town board, or the county board. A plat or part of a plat included in an assessor’s plat shall be deemed vacated to the extent it is included in or altered by an assessor’s plat. The actual and necessary costs and expenses of making assessors’ plats shall be paid out of the treasury of the city, village, town, or county whose governing body ordered the plat, and all or any part of such cost may be charged to the ~~land~~ property, without inclusion of improvements, so platted in the proportion that the last assessed valuation of each parcel bears to the last assessed total valuation of all ~~lands~~ property included in the assessor’s plat, and collected as a special assessment on such ~~land~~ property, as provided by s. 66.0703.

SECTION 2768. 70.27 (3) (a) of the statutes is amended to read:

70.27 (3) (a) Reference to any ~~land, or land and the buildings, improvements, and fixtures on that land~~ as ~~it~~ the reference appears on a recorded assessor’s plat is deemed sufficient for purposes of assessment and taxation. Conveyance may be made by reference to such plat and shall be as effective to pass title to the land so described as it would be if the same premises had been described by metes and bounds. Such plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of ~~land~~ or land and the buildings, improvements, and fixtures on that land therein designated. After an assessor’s plat has been made and recorded with the register of deeds as provided by this section, all conveyances of ~~lands~~ or land and the buildings, improvements, and fixtures on

that land included in such assessor's plat shall be by reference to such plat. Any instrument dated and acknowledged after September 1, 1955, purporting to convey, mortgage, or otherwise give notice of an interest in land or land and the buildings, improvements, and fixtures on that land that is within or part of an assessor's plat shall describe the affected land by the name of the assessor's plat, lot, block, or outlot.

SECTION 2769. 70.27 (4) of the statutes is amended to read:

70.27 (4) AMENDMENTS. Amendments or corrections to an assessor's plat may be made at any time by the governing body by recording with the register of deeds a plat of the area affected by such amendment or correction, made and authenticated as provided by this section. It shall not be necessary to refer to any amendment of the plat, but all assessments or instruments wherein any parcel of land is or land and the buildings, improvements, and fixtures on that land are described as being in an assessor's plat, shall be construed to mean the assessor's plat of lands or land and the buildings, improvements, and fixtures on that land with its amendments or corrections as it stood on the date of making such assessment or instrument, or such plats may be identified by number. This subsection does not prohibit the division of lands or land and the buildings, improvements, and fixtures on that land that are included in an assessor's plat by subdivision plat, as provided in s. 236.03, or by certified survey map, as provided in s. 236.34.

SECTION 2770. 70.27 (5) of the statutes is amended to read:

70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a professional land surveyor licensed under ch. 443 and shall survey and lay out the boundaries of each parcel, building, improvement, fixture, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer

and seller, in the chronological order of their conveyance or dedication, and set temporary monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section. The map shall be at a scale of not more than 100 feet per inch, unless waived in writing by the department of administration under s. 236.20 (2) (L). The owners of record of lands or the land and the buildings, improvements, and fixtures on that land in the plat shall be notified by certified letter mailed to their last-known addresses, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the professional land surveyor making the plat to reconcile any discrepancies that may be revealed so that the plat as certified to the governing body is in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, those lines shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every assessor's plat, as certified to the governing body, shall appear the document number of the record and, if given on the record, the volume and page where the record is recorded for the record that contains the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number by which such parcel is designated on the plat, except that a lot that has been conveyed or otherwise acquired but upon which no deed is recorded in the office of register of deeds may be shown on an assessor's plat and when so shown shall contain a full metes and bounds description.

SECTION 2771. 70.27 (7) (b) of the statutes is amended to read:

70.27 (7) (b) A clear and concise description of the land or the land and the buildings, improvements, and fixtures on that land so surveyed and mapped, by government lot, quarter quarter-section, township, range and county, or if located in a city or village or platted area, then according to the plat; otherwise by metes and bounds beginning with some corner marked and established in the United States land survey.

SECTION 2772. 70.29 of the statutes is amended to read:

70.29 Personalty, how entered. The For assessments made before January 1, 2024, the assessor shall place in one distinct and continuous part of the assessment roll all the names of persons assessed for personal property, with a statement of such property in each village in the assessor's assessment district, and foot up the valuation thereof separately; otherwise the assessor shall arrange all names of persons assessed for personal property on the roll alphabetically so far as convenient. The assessor shall also place upon the assessment roll, in a separate column and opposite the name of each person assessed for personal property, the number of the school district in which such personal property is subject to taxation.

SECTION 2773. 70.30 (intro.) of the statutes is amended to read:

70.30 Aggregate values. (intro.) Every For assessments made before January 1, 2024, every assessor shall ascertain and set down in separate columns prepared for that purpose on the assessment roll and opposite to the names of all persons assessed for personal property the number and value of the following named items of personal property assessed to such person, which shall constitute the assessed valuation of the several items of property therein described, to wit:

SECTION 2774. 70.34 of the statutes is amended to read:

70.34 Personality. ~~All~~ For assessments made before January 1, 2024, all articles of personal property shall, as far as practicable, be valued by the assessor upon actual view at their true cash value; and after arriving at the total valuation of all articles of personal property which the assessor shall be able to discover as belonging to any person, if the assessor has reason to believe that such person has other personal property or any other thing of value liable to taxation, the assessor shall add to such aggregate valuation of personal property an amount which, in the assessor's judgment, will render such aggregate valuation a just and equitable valuation of all the personal property liable to taxation belonging to such person. In carrying out the duties imposed on the assessor by this section, the assessor shall act in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a).

SECTION 2775. 70.345 of the statutes is amended to read:

70.345 Legislative intent; department of revenue to supply information. ~~The~~ For assessments made before January 1, 2024, the assessor shall exercise particular care so that personal property as a class on the assessment rolls bears the same relation to statutory value as real property as a class. To assist the assessor in determining the true relationship between real estate and personal property the department of revenue shall make available to local assessors information including figures indicating the relationship between personal property and real property on the last assessment rolls.

SECTION 2776. 70.35 (1) of the statutes is amended to read:

70.35 (1) ~~To~~ For assessments made before January 1, 2024, to determine the amount and value of any personal property for which any person, firm, or corporation should be assessed, any assessor may examine such person or the managing agent

or officer of any firm or corporation under oath as to all such items of personal property, the taxable value thereof as defined in s. 70.34 if the property is taxable. In the alternative the assessor may require such person, firm, or corporation to submit a return of such personal property and of the taxable value thereof. There shall be annexed to such return the declaration of such person or of the managing agent or officer of such firm or corporation that the statements therein contained are true.

SECTION 2777. 70.35 (2) of the statutes is amended to read:

70.35 (2) ~~The~~ For assessments made before January 1, 2024, the return shall be made and all the information therein requested given by such person on a form prescribed by the assessor with the approval of the department of revenue which shall provide suitable schedules for such information bearing on value as the department deems necessary to enable the assessor to determine the true cash value of the taxable personal property that is owned or in the possession of such person on January 1 as provided in s. 70.10. The return may contain methods of deriving assessable values from book values and for the conversion of book values to present values, and a statement as to the accounting method used. No person shall be required to take detailed physical inventory for the purpose of making the return required by this section.

SECTION 2778. 70.35 (3) of the statutes is amended to read:

70.35 (3) ~~Each~~ For assessments made before January 1, 2024, each return shall be filed with the assessor on or before March 1 of the year in which the assessment provided by s. 70.10 is made. The assessor, for good cause, may allow a reasonable extension of time for filing the return. All returns filed under this section shall be the confidential records of the assessor's office, except that the returns shall be

available for use before the board of review as provided in this chapter. No return required under this section is controlling on the assessor in any respect in the assessment of any property.

SECTION 2779. 70.35 (4) of the statutes is amended to read:

70.35 (4) ~~Any~~ For assessments made before January 1, 2024, any person, firm or corporation who refuses to so testify or who fails, neglects or refuses to make and file the return of personal property required by this section shall be denied any right of abatement by the board of review on account of the assessment of such personal property unless such person, firm, or corporation shall make such return to such board of review together with a statement of the reasons for the failure to make and file the return in the manner and form required by this section.

SECTION 2780. 70.35 (5) of the statutes is amended to read:

70.35 (5) ~~In~~ For assessments made before January 1, 2024, in the event that the assessor or the board of review should desire further evidence they may call upon other persons as witnesses to give evidence under oath as to the items and value of the personal property of any such person, firm or corporation.

SECTION 2781. 70.36 (1) of the statutes is amended to read:

70.36 (1) ~~Any~~ For assessments made before January 1, 2024, any person in this state owning or holding any personal property that is subject to assessment, individually or as agent, trustee, guardian, personal representative, assignee, or receiver or in some other representative capacity, who intentionally makes a false statement to the assessor of that person's assessment district or to the board of review of the assessment district with respect to the property, or who omits any property from any return required to be made under s. 70.35, with the intent of avoiding the payment of the just and proportionate taxes on the property, shall forfeit

the sum of \$10 for every \$100 or major fraction of \$100 so withheld from the knowledge of the assessor or board of review.

SECTION 2782. 70.36 (2) of the statutes is amended to read:

70.36 (2) ~~It~~ For assessments made before January 1, 2024, it is hereby made the duty of the district attorney of any county, upon complaint made to the district attorney by the assessor or by a member of the board of review of the assessment district in which it is alleged that property has been so withheld from the knowledge of such assessor or board of review, or not included in any return required by s. 70.35, to investigate the case forthwith and bring an action in the name of the state against the person, firm or corporation so complained of. All forfeitures collected under the provisions of this section shall be paid into the treasury of the taxation district in which such property had its situs for taxation.

SECTION 2783. 70.43 (2) of the statutes is amended to read:

70.43 (2) If the assessor discovers a palpable error in the assessment of a tract of real estate or an item of personal property for personal property assessments made before January 1, 2024, that results in the tract or property having an inaccurate assessment for the preceding year, the assessor shall correct that error by adding to or subtracting from the assessment for the preceding year. The result shall be the true assessed value of the property for the preceding year. The assessor shall make a marginal note of the correction on that year's assessment roll.

SECTION 2784. 70.44 (1) of the statutes is amended to read:

70.44 (1) Real ~~or personal~~ property omitted from assessment in any of the 2 next previous years or personal property assessments made before January 1, 2024, and omitted from any of the 2 next previous years, unless previously reassessed for the same year or years, shall be entered once additionally for each previous year of

such omission, designating each such additional entry as omitted for the year of omission and affixing a just valuation to each entry for a former year as the same should then have been assessed according to the assessor's best judgment, and taxes shall be apportioned, using the net tax rate as provided in s. 70.43, and collected on the tax roll for such entry. This section shall not apply to manufacturing property assessed by the department of revenue under s. 70.995.

SECTION 2785. 70.47 (7) (aa) of the statutes is amended to read:

70.47 (7) (aa) No person shall be allowed to appear before the board of review, to testify to the board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to enter onto property to conduct an exterior view of the real or personal property being assessed.

SECTION 2786. 70.49 (2) of the statutes is amended to read:

70.49 (2) The value of all real and personal property entered into the assessment roll to which such affidavit is attached by the assessor shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed in proper relationship to each other.

SECTION 2787. 70.50 of the statutes is amended to read:

70.50 Delivery of roll. Except in counties that have a county assessment system under s. 70.99 and in cities of the 1st class and in 2nd class cities that have a board of assessors under s. 70.075 the assessor shall, on or before the first Monday in May, deliver the completed assessment roll and all the sworn statements and valuations of personal property to the clerk of the town, city, or village, who shall file and preserve them in the clerk's office. On or before the first Monday in April, a

county assessor under s. 70.99 shall deliver the completed assessment roll and all sworn statements ~~and valuations of personal property~~ to the clerks of the towns, cities, and villages in the county, who shall file and preserve them in the clerk's office.

SECTION 2788. 70.52 of the statutes is amended to read:

70.52 Clerks to examine and correct rolls. Each city, village, and town clerk upon receipt of the assessment roll shall carefully examine the roll. The clerk shall correct all double assessments, imperfect descriptions, and other errors apparent on the roll, and correct the value of parcels of real property not liable to taxation. The clerk shall add to the roll any parcel of real property not listed on the assessment roll ~~or item of personal property omitted from the roll~~ and immediately notify the assessors of the additions and omissions. The assessors shall immediately view and value the omitted property and certify the valuation to the clerk. The clerk shall enter the valuation and property classification on the roll, and the valuation shall be final. To enable the clerk to properly correct defective descriptions, the clerk may request aid, when necessary, from the county surveyor, whose fees for the services rendered shall be paid by the city, village, or town.

SECTION 2789. 70.53 (1) (a) of the statutes is repealed.

SECTION 2790. 70.65 (2) (a) 2. of the statutes is amended to read:

70.65 (2) (a) 2. ~~Identify~~ For assessments made before January 1, 2024, identify the name and address of the owners of all taxable personal property within the taxation district and the assessed value of each owner's taxable personal property.

SECTION 2791. 70.65 (2) (b) (intro.) of the statutes is amended to read:

70.65 (2) (b) (intro.) With respect to each description of real property and each owner of taxable personal property and the personal property assessments made before January 1, 2024:

SECTION 2792. 70.68 (1) of the statutes is amended to read:

70.68 (1) COLLECTION IN CERTAIN CITIES. In For taxes levied before January 1, 2024, in cities authorized to act under s. 74.87, the chief of police shall collect all state, county, city, school, and other taxes due on personal property as shall then remain unpaid, and the chief of police shall possess all the powers given by law to town treasurers for the collection of such taxes, and be subject to the liabilities and entitled to the same fees as town treasurers in such cases, but such fees shall be turned over to the city treasurer and become a part of the general fund.

SECTION 2793. 70.73 (1) (b) of the statutes is amended to read:

70.73 (1) (b) If a town, village, or city clerk or treasurer discovers that personal property has been assessed to the wrong person for assessments made before January 1, 2024, or 2 or more parcels of land belonging to different persons have been erroneously assessed together on the tax roll, the clerk or treasurer shall notify the assessor and all parties interested, if the parties are residents of the county, by notice in writing to appear at the clerk's office at some time, not less than 5 days thereafter, to correct the assessment roll.

SECTION 2794. 70.73 (1) (c) of the statutes is amended to read:

70.73 (1) (c) At the time and place designated in the notice given under par. (b), the assessment roll shall be corrected by entering the correct names of the persons liable to assessment, ~~both as to real and personal property,~~ describing each parcel of land and giving the proper valuation to each parcel separately owned. The total valuation given to the separate tracts of real estate shall be equal to the valuation given to the same property when the several parcels were assessed together.

SECTION 2795. 70.84 of the statutes is amended to read:

70.84 Inequalities may be corrected in subsequent year. If any such reassessment cannot be completed in time to take the place of the original assessment made in such district for said year, the clerk of the district shall levy and apportion the taxes for that year upon the basis of the original assessment roll, and when the reassessment is completed the inequalities in the taxes levied under the original assessment shall be remedied and compensated in the levy and apportionment of taxes in such district next following the completion of said reassessment in the following manner: Each tract of real estate, and, as to personal property assessments made before January 1, 2024, each taxpayer, whose tax shall be determined by such reassessment to have been relatively too high, shall be credited a sum equal to the amount of taxes charged on the original assessment in excess of the amount which would have been charged had such reassessment been made in time; and each tract of real estate, and, as to personal property assessments made before January 1, 2024, each taxpayer, whose tax shall be determined by such reassessment to have been relatively too low, shall be charged, in addition to all other taxes, a sum equal to the difference between the amount of taxes charged upon such unequal original assessment and the amount which would have been charged had such reassessment been made in time. The department of revenue, or its authorized agent, shall at any time have access to all assessment and tax rolls herein referred to for the purpose of assisting the local clerk and in order that the results of the reassessment may be carried into effect.

SECTION 2796. 70.855 (1) (intro.) of the statutes is amended to read:

70.855 (1) APPLICABILITY. (intro.) The department of revenue shall assess real ~~and personal~~ property assessed as commercial property under s. 70.32 (2) (a) 2. if all of the following apply:

SECTION 2797. 70.855 (1) (a) of the statutes is amended to read:

70.855 (1) (a) The property owner and the governing body of the municipality where the property is located submit a written request to the department on or before March 1 of the year of the assessment to have the department assess the property owner's real and ~~personal~~ commercial property located in the municipality.

SECTION 2798. 70.855 (1) (b) of the statutes is amended to read:

70.855 (1) (b) The written request submitted under par. (a) specifies the ~~items of personal property and~~ parcels of real property for the department's assessment.

SECTION 2799. 70.995 (1) (a) of the statutes is amended to read:

70.995 (1) (a) In this section "manufacturing property" includes all ~~lands, buildings, structures and other~~ real property, as defined in s. 70.03, used in manufacturing, assembling, processing, fabricating, making or milling tangible personal property for profit. Manufacturing property also includes warehouses, storage facilities, and office structures when the predominant use of the warehouses, storage facilities, or offices is in support of the manufacturing property, ~~and all personal property owned or used by any person engaged in this state in any of the activities mentioned, and used in the activity, including raw materials, supplies, machinery, equipment, work in process and finished inventory when located at the site of the activity~~ production process, as defined in s. 70.11 (27) (a) 5. Establishments engaged in assembling component parts of manufactured products are considered manufacturing establishments if the new product is neither a structure nor other fixed improvement. Materials processed by a manufacturing establishment include products of agriculture, forestry, fishing, mining, and quarrying. For the purposes of this section, establishments which engage in mining metalliferous minerals are considered manufacturing establishments.

SECTION 2800. 70.995 (3) of the statutes is amended to read:

70.995 (3) For purposes of subs. (1) and (2) “manufacturing, assembling, processing, fabricating, making or milling” includes the entire productive process and includes such activities as the storage of raw materials, the movement thereof to the first operation thereon, and the packaging, bottling, crating, or similar preparation of products for shipment when located at the site of the production process, as defined in s. 70.11 (27) (a) 5.

SECTION 2801. 70.995 (4) of the statutes is amended to read:

70.995 (4) Whenever real property ~~or tangible personal property~~ is used for one, or some combination, of the processes mentioned in sub. (3) and also for other purposes, the department of revenue, if satisfied that there is substantial use in one or some combination of such processes, may assess the property under this section. For all purposes of this section the department of revenue shall have sole discretion for the determination of what is substantial use and what description of real property ~~or what unit of tangible personal property~~ shall constitute “the property” to be included for assessment purposes, and, in connection herewith, the department may include in a real property unit, real property owned by different persons. Vacant property designed for use in manufacturing, assembling, processing, fabricating, making, or milling tangible property for profit may be assessed under this section or under s. 70.32 (1), and the period of vacancy may not be the sole ground for making that determination. In those specific instances where a portion of a description of real property includes manufacturing property rented or leased and operated by a separate person which does not satisfy the substantial use qualification for the entire property, the local assessor shall assess the entire real property description ~~and all personal property not exempt under s. 70.11 (27).~~ The applicable portions of the

~~standard manufacturing property report form under sub. (12) as they relate to manufacturing machinery and equipment shall be submitted by such person.~~

SECTION 2802. 70.995 (5) of the statutes is amended to read:

70.995 (5) The department of revenue shall assess all property of manufacturing establishments included under subs. (1) and (2) as of the close of January 1 of each year, if on or before March 1 of that year the department has classified the property as manufacturing or the owner of the property has requested, in writing, that the department make such a classification and the department later does so. A change in ownership, location, or name of the manufacturing establishment does not necessitate a new request. In assessing lands from which metalliferous minerals are being extracted and valued for purposes of the tax under s. 70.375, the value of the metalliferous mineral content of such lands shall be excluded.

SECTION 2803. 70.995 (5n) of the statutes is created to read:

70.995 (5n) (a) If the department of revenue determines that an establishment is engaged in manufacturing, as defined in subs. (1), (2), and (3), the department may classify the establishment as manufacturing. The establishment shall submit a written request on or before July 1 of the year for which classification is desired, as provided under s. 71.07 (5n) (a) 9. c. or 71.28 (5n) (a) 9. c.

(b) The department may at any time investigate or audit requests submitted under par. (a) and may revoke a classification. An establishment that submits a request under par. (a) shall notify the department within 60 days of any termination of manufacturing activity.

(c) On or before December 31 of the year in which a request is timely submitted under par. (a), the department shall issue a notice of determination responding to the

timely request. The department may, in its sole discretion, issue a notice of determination by December 31 for requests received after July 1 of the year in which classification is desired. The notice shall be in writing and shall be sent by 1st class mail or electronic mail. In addition, the notice shall specify that objections to the decision shall be filed with the state board of assessors no later than 60 days after the date of the notice, that a fee of \$200 shall be paid when the objection is filed, and that the objection is not filed until the fee is paid.

(d) For purposes of this subsection, an objection is considered timely filed if received by the state board of assessors no later than 60 days after the date of the notice or sent to the state board of assessors by U.S. postal service certified mail in a properly addressed envelope, with postage paid, that is postmarked before midnight of the last day for filing. Neither the board nor the tax appeals commission may waive the requirement that objections be in writing.

(e) The state board of assessors shall investigate any timely objection filed under par. (d) if the fee specified under par. (c) is paid. The board shall notify the person objecting or the person's agent of its determination by 1st class mail or electronic mail.

(f) If a determination of the state board of assessors under par. (e) results in an establishment not being classified as manufacturing, the person having been notified of the determination shall be deemed to have accepted the determination unless the person files a petition for review with the clerk of the tax appeals commission, as provided under s. 73.01 (5) and the rules of practice of the tax appeals commission.

SECTION 2804. 70.995 (7) (b) of the statutes is amended to read:

70.995 (7) (b) Each 5 years, or more frequently if the department of revenue's workload permits and if in the department's judgment it is desirable, the department of revenue shall complete a field investigation or on-site appraisal at full value under ~~ss. s.~~ s. 70.32 (1) ~~and 70.34~~ of all manufacturing real property in this state.

SECTION 2805. 70.995 (8) (b) 1. of the statutes is amended to read:

70.995 (8) (b) 1. The department of revenue shall annually notify each manufacturer assessed under this section and the municipality in which the manufacturing property is located of the full value of all real ~~and personal~~ property owned by the manufacturer. The notice shall be in writing and shall be sent by 1st class mail or electronic mail. In addition, the notice shall specify that objections to valuation, amount, or taxability must be filed with the state board of assessors no later than 60 days after the date of the notice of assessment, that objections to a change from assessment under this section to assessment under s. 70.32 (1) must be filed no later than 60 days after the date of the notice, that the fee under par. (c) 1. or (d) must be paid, and that the objection is not filed until the fee is paid. For purposes of this subdivision, an objection is considered timely filed if received by the state board of assessors no later than 60 days after the date of the notice or sent to the state board of assessors by U.S. postal service certified mail in a properly addressed envelope, with postage paid, that is postmarked before midnight of the last day for filing. A statement shall be attached to the assessment roll indicating that the notices required by this section have been mailed and failure to receive the notice does not affect the validity of the assessments, the resulting tax on real ~~or personal~~ property, the procedures of the tax appeals commission or of the state board of assessors, or the enforcement of delinquent taxes by statutory means.

SECTION 2806. 70.995 (12) (a) of the statutes is amended to read:

70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form that shall be submitted annually for each real estate parcel and ~~each personal property account~~ on or before March 1 by all manufacturers whose property is assessed under this section. The report form shall contain all information considered necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new construction or demolition. Failure to submit the report shall result in denial of any right of redetermination by the state board of assessors or the tax appeals commission. If any property is omitted or understated in the manufacturing real estate assessment roll in any of the next 5 previous years, or in a manufacturing personal property assessment roll made before January 1, 2024, the assessor shall enter the value of the omitted or understated property once for each previous year of the omission or understatement. The assessor shall affix a just valuation to each entry for a former year as it should have been assessed according to the assessor's best judgment. Taxes shall be apportioned and collected on the tax roll for each entry, on the basis of the net tax rate for the year of the omission, taking into account credits under s. 79.10. In the case of omitted property, interest shall be added at the rate of 0.0267 percent per day for the period of time between the date when the form is required to be submitted and the date when the assessor affixes the just valuation. In the case of underpayments determined after an objection under sub. (8) (d), interest shall be added at the average annual discount interest rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the date when the tax was due and the date when it is paid.

SECTION 2807. 70.995 (12r) of the statutes is repealed.

SECTION 2808. 71.07 (5n) (a) 5. a. of the statutes is amended to read:

71.07 (5n) (a) 5. a. “Manufacturing property factor” means a fraction, the numerator of which is the average value of the claimant’s real and personal land and depreciable property assessed under s. 70.995, owned or rented and used in this state by the claimant during the taxable year to manufacture qualified production property, and the denominator of which is the average value of all the claimant’s real and personal land and depreciable property owned or rented during the taxable year and used by the claimant to manufacture qualified production property.

SECTION 2809. 71.07 (5n) (a) 5. d. of the statutes is repealed.

SECTION 2810. 71.07 (5n) (a) 9. (intro.) of the statutes is amended to read:

71.07 (5n) (a) 9. (intro.) “Qualified production property” means ~~either~~ any of the following:

SECTION 2811. 71.07 (5n) (a) 9. a. of the statutes is amended to read:

71.07 (5n) (a) 9. a. Tangible personal property manufactured in whole or in part by the claimant on property that is located in this state and assessed as manufacturing property under s. 70.995. Tangible personal property manufactured in this state may only be qualified production property if it is manufactured on property approved to be classified as manufacturing real property for purposes of s. 70.995, even if it is not eligible to be listed on the department’s manufacturing roll until January 1 of the following year.

SECTION 2812. 71.07 (5n) (a) 9. c. of the statutes is created to read:

71.07 (5n) (a) 9. c. Tangible personal property manufactured in whole or in part by the claimant at an establishment that is located in this state and classified as manufacturing under s. 70.995 (5n). A person wishing to classify the person’s establishment as manufacturing under this subd. 9. c. shall file an application in the form and manner prescribed by the department no later than July 1 of the taxable

year for which the person wishes to claim the credit under this subsection, pursuant to s. 70.995 (5n). The department shall make a determination and provide written notice by December 31 of the year in which the application is filed. A determination on the classification under this subd. 9. c. may be appealed as provided under s. 70.995 (5n).

SECTION 2813. 71.07 (6e) (a) 5. of the statutes is amended to read:

71.07 (6e) (a) 5. “Property taxes” means real and ~~personal~~ property taxes, exclusive of special assessments, delinquent interest, and charges for service, paid by a claimant, and the claimant’s spouse if filing a joint return, on the eligible veteran’s or unremarried surviving spouse’s principal dwelling in this state during the taxable year for which credit under this subsection is claimed, less any property taxes paid which are properly includable as a trade or business expense under section 162 of the Internal Revenue Code. If the principal dwelling on which the taxes were paid is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned by spouses as marital property, “property taxes” is that part of property taxes paid that reflects the ownership percentage of the claimant, except that this limitation does not apply to spouses who file a joint return. If the principal dwelling is sold during the taxable year, the “property taxes” for the seller and buyer shall be the amount of the tax prorated to each in the closing agreement pertaining to the sale or, if not so provided for in the closing agreement, the tax shall be prorated between the seller and buyer in proportion to months of their respective ownership. “Property taxes” includes monthly municipal permit fees in respect to a principal dwelling collected under s. 66.0435 (3) (c).

SECTION 2814. 71.07 (9) (a) 3. of the statutes is amended to read:

71.07 (9) (a) 3. “Property taxes” means real ~~and personal~~ property taxes, exclusive of special assessments, delinquent interest and charges for service, paid by a claimant on the claimant’s principal dwelling during the taxable year for which credit under this subsection is claimed, less any property taxes paid which are properly includable as a trade or business expense under section 162 of the Internal Revenue Code. If the principal dwelling on which the taxes were paid is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned by spouses as marital property, “property taxes” is that part of property taxes paid that reflects the ownership percentage of the claimant. If the principal dwelling is sold during the taxable year the “property taxes” for the seller and buyer shall be the amount of the tax prorated to each in the closing agreement pertaining to the sale or, if not so provided for in the closing agreement, the tax shall be prorated between the seller and buyer in proportion to months of their respective ownership. “Property taxes” includes monthly municipal permit fees in respect to a principal dwelling collected under s. 66.0435 (3) (c).

SECTION 2815. 71.17 (2) of the statutes is amended to read:

71.17 (2) LIEN ON TRUST ESTATE; INCOME TAXES LEVIED AGAINST BENEFICIARY. All income taxes levied against the income of beneficiaries shall be a lien on that portion of the trust estate or interest therein from which the income taxed is derived, and such taxes shall be paid by the fiduciary, if not paid by the distributee, before the same become delinquent. Every person who, as a fiduciary under the provisions of this subchapter, pays an income tax shall have all the rights and remedies of reimbursement for any taxes assessed against him or her or paid by him or her in such capacity, as provided in s. 70.19 (1) and (2), 2021 stats.

SECTION 2816. 71.28 (5n) (a) 5. a. of the statutes is amended to read:

71.28 (5n) (a) 5. a. “Manufacturing property factor” means a fraction, the numerator of which is the average value of the claimant’s real and personal land and depreciable property assessed under s. 70.995, owned or rented and used in this state by the claimant during the taxable year to manufacture qualified production property, and the denominator of which is the average value of all the claimant’s real and personal land and depreciable property owned or rented during the taxable year and used by the claimant to manufacture qualified production property.

SECTION 2817. 71.28 (5n) (a) 5. d. of the statutes is repealed.

SECTION 2818. 71.28 (5n) (a) 9. (intro.) of the statutes is amended to read:

71.28 (5n) (a) 9. (intro.) “Qualified production property” means ~~either~~ any of the following:

SECTION 2819. 71.28 (5n) (a) 9. a. of the statutes is amended to read:

71.28 (5n) (a) 9. a. Tangible personal property manufactured in whole or in part by the claimant on property that is located in this state and assessed as manufacturing property under s. 70.995. Tangible personal property manufactured in this state may only be qualified production property if it is manufactured on property approved to be classified as manufacturing real property for purposes of s. 70.995, even if it is not eligible to be listed on the department’s manufacturing roll until January 1 of the following year.

SECTION 2820. 71.28 (5n) (a) 9. c. of the statutes is created to read:

71.28 (5n) (a) 9. c. Tangible personal property manufactured in whole or in part by the claimant with an establishment that is located in this state and classified as manufacturing under s. 70.995 (5n). A person wishing to classify the person’s establishment as manufacturing under this subd. 9. c. shall file an application in the form and manner prescribed by the department no later than July 1 of the taxable

year for which the person wishes to claim the credit under this subsection, pursuant to s. 70.995 (5n). The department shall make a determination and provide written notice by December 31 of the year in which the application is filed. A determination on the classification under this subd. 9. c. may be appealed as provided under s. 70.995 (5n).

SECTION 2821. 71.52 (7) of the statutes is amended to read:

71.52 (7) “Property taxes accrued” means real ~~or personal~~ property taxes or monthly municipal permit fees under s. 66.0435 (3) (c), exclusive of special assessments, delinquent interest and charges for service, levied on a homestead owned by the claimant or a member of the claimant’s household. “Real ~~or personal~~ property taxes” means those levied under ch. 70, less the tax credit, if any, afforded in respect of such property by s. 79.10. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned as marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant’s household, property taxes accrued is that part of property taxes accrued levied on such homestead, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant’s household, except that if a homestead is owned by 2 or more natural persons or if 2 or more natural persons have an interest in a homestead, one or more of whom is not a member of the claimant’s household, and the claimant has a present interest, as that term is used in s. 700.03 (1), in the homestead and is required by the terms of a will that transferred the homestead or interest in the homestead to the claimant to pay the entire amount of property taxes levied on the homestead, property taxes accrued is property taxes accrued levied on such homestead, reduced by the tax credit under s. 79.10. A marital property agreement or unilateral statement under ch. 766 has

no effect in computing property taxes accrued for a person whose homestead is not the same as the homestead of that person's spouse. For purposes of this subsection, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If a homestead is sold or purchased during the calendar year of the levy, the property taxes accrued for the seller and the buyer are the amount of the tax levy prorated to each in proportion to the periods of time each both owned and occupied the homestead during the year to which the claim relates. The seller may use the closing agreement pertaining to the sale of the homestead, the property tax bill for the year before the year to which the claim relates or the property tax bill for the year to which the claim relates as the basis for computing property taxes accrued, but those taxes are allowable only for the portion of the year during which the seller owned and occupied the sold homestead. If a household owns and occupies 2 or more homesteads in the same calendar year, property taxes accrued is the sum of the prorated property taxes accrued attributable to the household for each of such homesteads. If the household owns and occupies the homestead for part of the calendar year and rents a homestead for part of the calendar year, it may include both the proration of taxes on the homestead owned and rent constituting property taxes accrued with respect to the months the homestead is rented in computing the amount of the claim under s. 71.54 (1). If a homestead is an integral part of a multipurpose or multidwelling building, property taxes accrued are the percentage of the property taxes accrued on that part of the multipurpose or multidwelling building occupied by the household as a principal residence plus that same percentage of the property taxes accrued on the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the multipurpose or multidwelling building as a principal residence, except as the limitations of s. 71.54 (2) (b) apply. If the homestead is part

of a farm, property taxes accrued are the property taxes accrued on up to 120 acres of the land contiguous to the claimant's principal residence and include the property taxes accrued on all improvements to real property located on such land, except as the limitations of s. 71.54 (2) (b) apply.

SECTION 2822. 73.01 (5) (a) of the statutes is amended to read:

73.01 (5) (a) Any person who is aggrieved by a determination of the state board of assessors under s. 70.995 (5n) or (8) or who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department of revenue may, within 60 days of the determination of the state board of assessors or of the department of revenue or, in all other cases, within 60 days after the redetermination but not thereafter, file with the clerk of the commission a petition for review of the action of the department of revenue and the number of copies of the petition required by rule adopted by the commission. Any person who is aggrieved by a determination of the department of transportation under s. 341.405 or 341.45 may, within 30 days after the determination of the department of transportation, file with the clerk of the commission a petition for review of the action of the department of transportation and the number of copies of the petition required by rule adopted by the commission. If a municipality appeals, its appeal shall set forth that the appeal has been authorized by an order or resolution of its governing body and the appeal shall be verified by a member of that governing body as pleadings in courts of record are verified. The clerk of the commission shall transmit one copy to the department of revenue, or to the department of transportation, and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a \$25 filing fee.

The commission shall deposit the fee in the general fund. Within 30 days after such transmission the department of revenue, except for petitions objecting to manufacturing property assessments, or the department of transportation, shall file with the clerk of the commission an original and the number of copies of an answer to the petition required by rule adopted by the commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a), 1993 stats., or s. 76.39 (4) (c) or 76.48 may file a petition with the commission within the time and in the manner provided for the filing of petitions in income or franchise tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 2823. 73.06 (3) of the statutes is amended to read:

73.06 (3) The department of revenue, through its supervisors of equalization, shall examine and test the work of assessors during the progress of their assessments and ascertain whether any of them is assessing property at other than full value or is omitting property subject to taxation from the roll. The department and such supervisors shall have the rights and powers of a local assessor for the examination of persons and property and for the discovery of property subject to taxation. If any property has been omitted or not assessed according to law, they shall bring the same to the attention of the local assessor of the proper district and if such local assessor shall neglect or refuse to correct the assessment they shall report the fact to the board

of review. All disputes between the department, municipalities, and property owners about the taxability or value of the property under ~~s. 70.995 (12r)~~ shall be resolved by using the procedures under s. 70.995 (8).

SECTION 2824. 76.02 (1) of the statutes is amended to read:

76.02 (1) “Air carrier company” means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights, except an air carrier company whose property is exempt from taxation under ~~s. 70.11 (42) (b)~~ 76.074 (2). In this subsection, “aircraft” means a completely equipped operating unit, including spare flight equipment, used as a means of conveyance in air commerce.

SECTION 2825. 76.02 (4m) of the statutes is created to read:

76.02 (4m) “Inflation factor” means a percentage equal to the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on December 31 of the year before the year of assessment, except that the percentage under this subsection shall not be less than zero.

SECTION 2826. 76.025 (2) of the statutes is amended to read:

76.025 (2) If the property of any company defined in s. 76.28 (1), except a qualified wholesale electric company as defined in s. 76.28 (1) (gm), is located entirely within a single town, village, or city, it shall be subject to local assessment and taxation under ch. 70, 2021 stats.

SECTION 2827. 76.025 (5) of the statutes is created to read:

76.025 (5) Nothing in this chapter or ch. 70 shall be construed as providing an exemption for personal property for entities regulated under this chapter, except for

the exemptions under ss. 70.11 (21), (39), and (39m), 70.112 (4) (b) and (5), and 76.074, and for such motor vehicles as are exempt under s. 70.112 (5).

SECTION 2828. 76.03 (1) of the statutes is amended to read:

76.03 (1) The property, both real and personal, including all rights, franchises and privileges used in and necessary to the prosecution of the business of any company enumerated in s. 76.02 ~~shall be deemed personal property for the purposes of taxation,~~ and shall be valued and assessed together as a unit.

SECTION 2829. 76.07 (2) of the statutes is amended to read:

76.07 (2) RELATION TO STATE VALUATION; DESCRIPTION. The value of the property of each of ~~said companies~~ company for assessment shall be made on the same basis and for the same period of time, as near as may be, as the value of the general property of the state is ascertained and determined. The department shall prepare an assessment roll and place thereon after the name of each of ~~said companies~~ company assessed, the following general description of the property of such company, to wit, which description shall be deemed and held to include the entire property and franchises of the company specified and all title and interest therein: “Real estate, right-of-way, tracks, stations, terminals, appurtenances, ~~rolling stock, equipment, franchises,~~ and all other real estate and personal property of said the company,” in the case of railroads, ~~and~~; “Real estate, right-of-way, poles, wires, conduits, cables, devices, appliances, instruments, franchises, and all other real and personal property of said the company,” in the case of conservation and regulation companies, ~~and~~; “Real estate, appurtenances, rolling stock, equipment, franchises, and all other real estate and personal property of said the company,” in the case of air carrier companies, ~~;~~ and “Land and land rights, structures, improvements, mains, pumping and regulation equipment, services, appliances, instruments, franchises, and all

other real and personal property of said company,” in the case of pipeline companies, which description shall be deemed and held to include the entire property and franchises of the company specified and all title and interest therein.

SECTION 2830. 76.07 (4g) (a) 10. of the statutes is amended to read:

76.07 (4g) (a) 10. Determine the depreciated cost of ~~road~~ real property owned or rented by the company and used in the operation of the company’s business in this state.

SECTION 2831. 76.07 (4g) (a) 11. and 12. of the statutes are repealed.

SECTION 2832. 76.07 (4g) (a) 13. of the statutes is amended to read:

76.07 (4g) (a) 13. Divide the ~~sum of the amounts under subds~~ amount under subd. 10. and 12. by the depreciated cost of ~~road~~ real property owned or rented by the company everywhere.

SECTION 2833. 76.074 of the statutes is created to read:

76.074 Property exempt from assessment. (1) In this section:

(a) Notwithstanding s. 76.02, “air carrier company” means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights. In this paragraph, “aircraft” has the meaning given in s. 76.02 (1).

(b) “Hub facility” means any of the following:

1. A facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations, as defined by rule by the department, or transported cargo to nonstop destinations, as defined by rule by the department.

2. An airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company's headquarters, as defined by rule by the department, is in this state.

(2) Property owned by an air carrier company that operates a hub facility in this state, if the property is used in the operation of the air carrier company, is exempt from taxation under this subchapter and from local assessment and taxation.

(3) The personal property, as defined in s. 70.04, of a railroad company is exempt from taxation under this subchapter and from local assessment and taxation.

SECTION 2834. 76.24 (2) (a) of the statutes is amended to read:

76.24 (2) (a) All taxes paid by any railroad company derived from or apportionable to repair facilities, docks, ore yards, piers, wharves, grain elevators, and their approaches, or car ferries on the basis of the separate valuation provided for in s. 76.16, shall be distributed annually from the transportation fund to the towns, villages, and cities in which they are located, pursuant to certification made by the department of revenue on or before August 15. Beginning with amounts distributed in ~~2011~~ 2023, the amount distributed to any town, village, or city under this paragraph may not be less than the amount distributed to it in ~~2010~~ 2022 under this paragraph. Beginning with amounts distributed in 2024, the amount distributed to any town, village, or city under this paragraph may not be less than the amount distributed in 2022, adjusted by the inflation factor.

SECTION 2835. 76.28 (9) of the statutes is amended to read:

76.28 (9) PROPERTY SUBJECT TO LOCAL TAX. The license fees imposed by this section upon the gross revenues of light, heat and power companies as defined in sub. (1) (e) shall be in lieu of all other taxes on all property used and useful in the operation

of the business of such companies in this state, except that the same shall be subject to special assessments for local improvements. If a general structure is used and useful in part in the operation of the business of those companies in this state and in part for nonoperating purposes, the license fees imposed by this section are in place of the percentage of all other taxes on the property that fairly measures and represents the extent of the use and usefulness in the operation of the business of those companies in this state, and the balance is subject to local assessment and taxation, except that the entire general structure is subject to special assessments for local improvements. Property under s. 76.025 (2) shall not be taxed under this section, but shall be subject to local assessment and taxation under ch. 70, 2021 stats.

SECTION 2836. 76.31 of the statutes is amended to read:

76.31 Determination of ad valorem tax receipts for hub facility exemptions. ~~By July 1, 2004, and every~~ Annually, by July 1 thereafter, the department shall determine the total amount of the tax imposed under subch. I of ch. 76 that was paid by each air carrier company, as defined in s. 70.11 (42) (a) 1. 76.02 (1), whose property is exempt from taxation under s. 70.11 (42) (b) 76.074 (2) for the most recent taxable year that the air carrier company paid the tax imposed under subch. I of ch. 76. The total amount determined under this section shall be transferred under s. 20.855 (4) (fm) to the transportation fund.

SECTION 2837. 76.69 of the statutes is repealed.

SECTION 2838. 76.82 of the statutes is amended to read:

76.82 Assessment. The department, ~~using the methods that it uses to assess property under s. 70.995,~~ shall assess the property that is taxable under s. 76.81, including property that is exempt under s. 70.11 (27) from the tax under ch. 70, at its value as of January 1.

SECTION 2839. 76.84 (4) of the statutes is amended to read:

76.84 (4) Sections 76.025 (5), 76.03 (4), 76.05, 76.06, 76.075, 76.08, 76.09, 76.13 (1), (2) and (3), 76.14, 76.18, 76.22, 76.23, 76.25 and 76.28 (4) to (6), as they apply to the tax under subch. I, apply to the tax under this subchapter.

SECTION 2840. 77.04 (1) of the statutes is amended to read:

77.04 (1) TAX ROLL. The clerk on making up the tax roll shall enter as to each forest cropland description in a special column or some other appropriate place in such tax roll headed by the words "Forest Croplands" or the initials "F.C.L.", which shall be a sufficient designation that such description is subject to this subchapter. Such land shall thereafter be assessed and be subject to review under ch. 70, and such assessment may be used by the department of revenue in the determination of the tax upon withdrawal of such lands as forest croplands as provided in s. 77.10 for entries prior to 1972 or for any entry under s. 77.02 (4) (a). The tax upon withdrawal of descriptions entered as forest croplands after December 31, 1971, may be determined by the department of revenue by multiplying the last assessed value of the land prior to the time of the entry by an annual ratio computed for the state under sub. (2) to establish the annual assessed value of the description. No tax shall be levied on forest croplands except the specific annual taxes as provided, except that any building located on forest cropland shall be assessed as ~~personal~~ real property, subject to all laws and regulations for the assessment and taxation of general property.

SECTION 2841. 77.51 (12t) of the statutes is renumbered 77.51 (12t) (intro.) and amended to read:

77.51 (12t) (intro.) "Real property construction activities" means activities that occur at a site where tangible personal property or items or goods under s. 77.52 (1)

(b) or (d) that are applied or adapted to the use or purpose to which real property is devoted are permanently affixed to that real property, if the intent of the person who affixes that property is to make a permanent accession to the real property. “Real property construction activities” does not include affixing property subject to tax under s. 77.52 (1) (c) to real property or affixing to real property tangible personal property that remains tangible personal property after it is affixed. The department may promulgate rules to determine whether activities that occur at a site where tangible personal property or items or goods under s. 77.52 (1) (b) or (d) are affixed to real property are real property construction activities for purposes of this subchapter. If the classification of property or an activity is not identified by rule, the department’s determination of whether personal property becomes a part of real property shall be made by considering the following criteria:

SECTION 2842. 77.51 (12t) (a) to (c) of the statutes are created to read:

77.51 (12t) (a) Actual physical annexation to the real property.

(b) Application or adaptation to the use or purpose to which the real property is devoted.

(c) An intention on the part of the person making the annexation to make a permanent accession to the real property.

SECTION 2843. 77.54 (20n) (d) 2. of the statutes is amended to read:

77.54 (20n) (d) 2. The retailer manufactures the prepared food ~~in a building on real property~~ assessed as manufacturing property under s. 70.995, or that would be assessed as manufacturing property under s. 70.995 if the ~~building~~ real property was located in this state.

SECTION 2844. 77.54 (20n) (d) 3. of the statutes is amended to read:

77.54 (20n) (d) 3. The retailer makes no retail sales of prepared food at the building location described in subd. 2.

SECTION 2845. 77.54 (57d) (b) 1. of the statutes is amended to read:

77.54 (57d) (b) 1. A person engaged in manufacturing in this state at a building on real property assessed under s. 70.995.

SECTION 2846. 77.84 (1) of the statutes is amended to read:

77.84 (1) TAX ROLL. Each clerk of a municipality in which the land is located shall enter in a special column or other appropriate place on the tax roll the description of each parcel of land designated as managed forest land, and shall specify, by the designation “MFL-O” or “MFL-C”, the acreage of each parcel that is designated open or closed under s. 77.83. The land shall be assessed and is subject to review under ch. 70. Except as provided in this subchapter, no tax may be levied on managed forest land, except that any building buildings, improvements, and fixtures on managed forest land is subject to taxation as personal real property under ch. 70.

SECTION 2847. 78.55 (1) of the statutes is amended to read:

78.55 (1) “Air carrier company” has the meaning given in s. ~~70.11 (42) (a) 1.~~ 76.02 (1).

SECTION 2848. 79.095 (3) of the statutes is amended to read:

79.095 (3) REVIEW BY DEPARTMENT. The department shall adjust each rate reported under sub. (2) (b) to a full-value rate. The department shall review and correct the information submitted under sub. (2) (a), shall determine the full value of all of the property reported under sub. (2) (a) ~~and of all the property under s. 70.995 (12r)~~ and, on or before October 1, shall notify each taxing jurisdiction of the full value of the property that is exempt under s. 70.11 (39) and (39m) and that is located in the

jurisdiction. The department shall adjust the full value that is reported to taxing jurisdictions under this subsection in the year after an error occurs or a value has been changed due to an appeal. All disputes between the department and municipalities about the value of the property reported under sub. (2) (a) ~~or of the property under s. 70.995 (12r)~~ shall be resolved by using the procedures under s. 70.995 (8).

SECTION 2849. 79.096 (1) of the statutes is renumbered 79.096 (1) (a).

SECTION 2850. 79.096 (1) (b) of the statutes is created to read:

79.096 (1) (b) Beginning in 2025, the department of administration shall pay to each taxing jurisdiction, as defined in s. 79.095 (1) (c), an amount equal to the property taxes levied on the items of personal property described under s. 70.111 (28) for the property tax assessments as of January 1, 2023. Beginning in 2026, and each year thereafter, the amount distributed to the taxing jurisdiction in the previous year will be multiplied by one plus the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on June 30, except that the percentage under this paragraph shall not be less than zero.

SECTION 2851. 79.096 (2) (a) of the statutes is renumbered 79.096 (2) (a) (intro.) and amended to read:

79.096 (2) (a) (intro.) Each municipality shall report to the department of revenue, in the time and manner determined by the department, ~~the~~ all of the following:

1. The amount of the property taxes levied on the items of personal property described under s. 70.111 (27) (b) for the property tax assessments as of January 1, 2017, on behalf of the municipality and on behalf of other taxing jurisdictions.

SECTION 2852. 79.096 (2) (a) 2. of the statutes is created to read:

79.096 (2) (a) 2. The amount of the property taxes levied on the items of personal property described under s. 70.111 (28) for the property tax assessments as of January 1, 2023, on behalf of the municipality and on behalf of other taxing jurisdictions.

SECTION 2853. 79.096 (2) (c) of the statutes is created to read:

79.096 (2) (c) If a municipality does not timely electronically file the report required by the department of revenue under par. (a), the following reductions will be made to the municipality's personal property aid distributed under sub. (1) (b) in 2025:

1. Reduction of 50 percent, if not filed by June 30, 2024.
2. Forfeiture of the municipality's aid under sub. (1) (b), if not filed by July 15, 2024.

SECTION 2854. 79.096 (2) (d) of the statutes is created to read:

79.096 (2) (d) If a municipality does not electronically file the report required by the department of revenue under par. (a) by July 15, 2024, the department may use the best information available to calculate the aid to distribute under sub. (1) (b) in 2025 to the applicable taxing jurisdictions.

SECTION 2855. 174.065 (3) of the statutes is amended to read:

174.065 (3) COLLECTION OF DELINQUENT DOG LICENSE TAXES. Delinquent dog license taxes may be collected in ~~the same manner as in s. 74.55 and in a civil action under ch. 799 for the collecting of personal property taxes, if the action is brought within 6 years after the January 1 of the year in which the taxes are required to be paid.~~

SECTION 2856. 815.18 (3) (intro.) of the statutes is amended to read:

815.18 (3) EXEMPT PROPERTY. (intro.) The debtor's interest in or right to receive the following property is exempt, except as specifically provided in this section and ss. ~~70.20 (2)~~, 71.91 (5m) and (6), ~~74.55 (2)~~ and 102.28 (5):

SECTION 2857. 2021 Wisconsin Act 58, section 9125 (1) is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1751/P1
SWB:amn

DOA:.....Nathan, BB0483 - Hospital Access Payments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Hospital assessment

Currently, each hospital, including each critical access hospital, must pay an assessment for the privilege of doing business in Wisconsin. The percentage of gross patient revenues that each hospital must pay is adjusted so that the total amount of assessments collected for all hospitals that are not critical access hospitals totals \$414,507,300 in each state fiscal year. The same percentage of gross patient revenues is also assessed on critical access hospitals, though the amount is collected separately from and deposited into a separate fund from that of other hospitals. Current law requires DHS to use a portion of this total to pay for services provided by hospitals under the Medical Assistance program, including the federal and state share of Medical Assistance, in a total amount that equals the amount collected from hospitals divided by 61.68 percent. Similarly, current law requires DHS to use a portion of the amount collected from critical access hospitals to make payments to critical access hospitals for Medical Assistance services in a total amount that equals the amount collected from critical access hospitals divided by 61.68 percent. This bill decreases the 61.68 percent to 44.21 percent, thus increasing the amount of payments that must be made to critical access hospitals and other hospitals under the Medical Assistance program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2858. 49.45 (3) (e) 11. of the statutes is amended to read:

49.45 (3) (e) 11. The department shall use a portion of the moneys collected under s. 50.38 (2) (a) to pay for services provided by eligible hospitals, as defined in s. 50.38 (1), other than critical access hospitals, under the Medical Assistance Program under this subchapter, including services reimbursed on a fee-for-service basis and services provided under a managed care system. For state fiscal year 2008-09, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) (a) for fiscal year 2008-09 divided by 57.75 percent. For each state fiscal year after state fiscal year 2008-09, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) (a) for the fiscal year divided by ~~61.68~~ 44.21 percent.

SECTION 2859. 49.45 (3) (e) 12. of the statutes is amended to read:

49.45 (3) (e) 12. The department shall use a portion of the moneys collected under s. 50.38 (2) (b) to pay for services provided by critical access hospitals under the Medical Assistance Program under this subchapter, including services reimbursed on a fee-for-service basis and services provided under a managed care system. For each state fiscal year, total payments required under this subdivision, including both the federal and state share of Medical Assistance, shall equal the

amount collected under s. 50.38 (2) (b) for the fiscal year divided by ~~61.68~~ 44.21 percent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1758/P6
EHS:kms&cde

DOA:.....Sherwin, BB0475 - New appropriation to fund the Broadband
Expansion Grant Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Broadband expansion grant program funding

This bill provides funding from the general fund for the broadband expansion grant program, in addition to its current funding from the universal service fund. The bill requires PSC to award in each fiscal year no less than 10 percent of the amount in the schedule under the new appropriation in fiscal year 2023-24 for the broadband expansion grant program (minimum amount). However, if the balance in the appropriation is less than the minimum amount, the bill requires PSC to award the entire remaining balance. Further, if PSC does not receive sufficient broadband expansion grant applications that meet the eligibility criteria to award the minimum amount or, if applicable, the remaining balance, the bill requires PSC to award the maximum amount of broadband expansion grants possible that fiscal year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2860. 20.155 (3) (c) of the statutes is created to read:

20.155 (3) (c) *Broadband expansion grant program.* As a continuing appropriation, the amounts in the schedule for the broadband expansion grant program under s. 196.504 (2).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2861. 196.504 (2m) of the statutes is created to read:

196.504 (2m) (a) Except as provided in pars. (b) and (c), from the appropriation under s. 20.155 (3) (c), each fiscal year the commission shall award no less than 10 percent of the amount in the schedule for that appropriation in fiscal year 2023-24 as broadband expansion grants under sub. (2).

(b) Except as provided in par. (c), if the remaining unobligated balance of the appropriation under s. 20.155 (3) (c) is less than 10 percent of the amount in the schedule for that appropriation in fiscal year 2023-24, the commission shall award the entire remaining balance in broadband expansion grants under sub. (2) in that fiscal year.

(c) If in any fiscal year, the commission does not receive sufficient broadband expansion grant applications that meet the eligibility criteria to award the minimum amounts described under par. (a) or (b), the commission shall award the maximum amount of broadband expansion grants under sub. (2) possible that fiscal year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1761/P1
MDE:amn

DOA:.....Dombrowski, BB0482 - WHEFA Financing of Working Capital
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

Financing working capital costs of certain nonprofit institutions

Under current law, WHEFA may issue bonds to finance certain projects of health, educational, research, and other nonprofit institutions. This bill authorizes WHEFA to issue bonds for the purpose of financing such institutions' working capital costs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2862. 231.03 (6) (L) of the statutes is created to read:

231.03 (6) (L) Finance working capital needs of any participating health institution, participating educational institution, participating nonprofit

institution, or participating research institution in an amount not to exceed that approved by the authority. Bonds issued for purposes of this paragraph are not exempt from taxation under s. 71.05 (1) (c) 14., 71.26 (1m) (o), or 71.45 (1t) (n).

SECTION 2863. 231.03 (13) of the statutes is amended to read:

231.03 (13) Make loans to any participating health institution, participating educational institution, participating nonprofit institution, or participating research institution for the cost of a project or to finance working capital under sub. (6) (L) in accordance with an agreement between the authority and the participating health institution, participating educational institution, participating nonprofit institution, or participating research institution. The authority may secure the loan by a mortgage or other security arrangement on the health facility, educational facility, nonprofit facility, or research facility granted by the participating health institution, participating educational institution, participating nonprofit institution, or participating research institution to the authority. The loan may not exceed, as applicable, the total cost of the project as determined by the participating health institution, participating educational institution, participating nonprofit institution, or participating research institution and approved by the authority or the amount of working capital approved by the authority under sub. (6) (L).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1762/P1
JPC:cdc

DOA:.....Stinebrink, BB0484 - Alzheimer's family and caregiver support program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Alzheimer's family and caregiver support

Under current law, DHS distributes funds for certain community aids, including the Alzheimer's family and caregiver support program. This bill increases the community aid funding available for the Alzheimer's family and caregiver support program from not more than \$2,558,900 each fiscal year to not more than \$3,308,900 each fiscal year, and broadens financial eligibility for the program by increasing the maximum joint income an individual and the individual's spouse may earn per year and remain financially eligible from \$48,000 to \$60,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2864. 46.40 (8) of the statutes is amended to read:

46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. Subject to sub. (9), for services to persons with Alzheimer's disease and their caregivers under s. 46.87, the department shall distribute not more than ~~\$2,808,900~~ \$3,308,900 in each fiscal year.

SECTION 2865. 46.87 (5m) of the statutes is amended to read:

46.87 (5m) A person is financially eligible for the program under this section if the joint income of the person with Alzheimer's disease and that person's spouse, if any, is ~~\$48,000~~ \$60,000 per year or less, unless the department sets a higher limitation on income eligibility by rule. In determining joint income for purposes of this subsection, the administering agency shall subtract any expenses attributable to the Alzheimer's-related needs of the person with Alzheimer's disease or of the person's caregiver.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1763/P1
EAW:cdc

DOA:.....Hynek, BB0469 - Administration of Naloxone in schools

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Provision of opioid antagonist in public schools and independent charters

Under current law, school boards and governing bodies of private schools are required to supply a standard first aid kit for use in an emergency. Also under current law, certain school personnel, including employees and volunteers of public and private schools, are permitted to administer an opioid antagonist on a person who appears to be undergoing an opioid-related drug overdose.

This bill adds that school boards and operators of independent charter schools are required to ensure that each school maintain a usable supply of an opioid antagonist on-site, in a place that is accessible at all times.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2866. 118.07 (1) of the statutes is renumbered 118.07 (1) (a).

SECTION 2867. 118.07 (1) (b) of the statutes is created to read:

118.07 (1) (b) Every school board shall ensure that each public school in the school district, and every operator of a charter school established under s. 118.40 (2r) or (2x) shall ensure that the charter school, has on-site an adequate usable supply of an opioid antagonist, as defined in s. 450.01 (13v). A supply of an opioid antagonist provided under this paragraph shall be in a location that is easily accessible at all times.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1769/P2
SWB:amn&kms

DOA:.....Bollhorst, BB0486 - School-Based Mental Health Consultation
Pilot Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Repeal of school-based mental health consultation pilot program

This bill repeals a school-based mental health consultation pilot program created by 2019 Wisconsin Act 117. Under the current law pilot program, DHS is required to administer a school-based mental health consultation pilot program in Outagamie County to assist participating school-based providers in providing enhanced care to student with mental health care needs, to provide referral support for those students, and to provide additional services. Under current law, DHS must conduct annual surveys of the participating school-based providers who use the consultation pilot program and was required to submit a report on the program to the appropriate standing committees of the legislature by August 1, 2022.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2868. 20.435 (5) (by) of the statutes is repealed.

SECTION 2869. 51.445 of the statutes is repealed.

***NOTE: This is reconciled s. 51.445. This SECTION has been affected by drafts with the following LRB numbers: -1644/P3 and -1769/P1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1774/P1
ARG:skw

DOA:.....Mott, BB0485 - Wisconsin Healthcare Provider Loan Assistance
Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Health care provider loan assistance program

This bill makes four new categories of health care providers eligible for the Health Care Provider Loan Assistance program and provides additional funding for loans to these health care providers.

Under current law, the Board of Regents of the UW System administers the HCPLA program under which it may repay, on behalf of a health care provider, up to \$25,000 in loans for education related to the health care provider's field of practice. The repayment occurs over three years, with 40 percent of the loan or \$10,000, whichever is less, repaid in each of the first two years of participation in the program and the final 20 percent or \$5,000, whichever is less, repaid in the third year. A health care provider is defined as a dental hygienist, physician assistant, nurse-midwife, or nurse practitioner. The Board of Regents must enter into a written agreement with the health care provider in which the health care provider agrees to practice at least 32 clinic hours per week for three years in one or more eligible practice areas in this state or in a rural area. An "eligible practice area" is defined as a free or charitable clinic, a primary care shortage area, a mental health

shortage area, an American Indian reservation or trust lands of an American Indian tribe, or, for a dental hygienist, a dental health shortage area or a free or charitable clinic. Money for loan repayments is derived from several sources, and loan repayments are subject to availability of funds. If insufficient funds are available to repay the loans of all eligible applicants, the Board of Regents must establish priorities among the eligible applicants based on specified considerations, including factors related to the degree of the health care need and shortage in the area. However, some funding for loan repayments is available only for health care providers who practice in rural areas.

This bill adds medical assistants, dental assistants, dental auxiliaries, and dental therapists to the health care providers who are eligible for loan repayment under the HCPLA program. These health care providers are eligible under the current terms of the program, except medical assistants. Medical assistants are eligible for loan repayment of up to \$12,500 in total, with repayments of 40 percent of the loan or \$5,000, whichever is less, in each of the first two years and 20 percent or \$2,500, whichever is less, in the third year. For purposes of an eligible practice area, dental assistants, dental auxiliaries, and dental therapists are treated similarly to the way dental hygienists are treated under current law. The bill creates a new appropriation from the general fund to provide additional funding for loans to medical assistants, dental assistants, dental auxiliaries, and dental therapists.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2870. 20.285 (1) (br) of the statutes is created to read:

20.285 (1) (br) *Health care provider loan assistance program.* As a continuing appropriation, the amounts in the schedule for loan repayments to medical assistants, dental assistants, dental auxiliaries, and dental therapists under s. 36.61.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: It is my understanding that this appropriation amount will be \$500,000 per year. If so, the draft will dedicate \$500,000 per year of GPR to the four new categories of health care provider added to the HPLA program.

SECTION 2871. 36.61 (1) (ae) of the statutes is created to read:

36.61 (1) (ae) "Dental assistant" means an individual who holds a certified dental assistant credential issued by a national credentialing organization.

SECTION 2872. 36.61 (1) (af) of the statutes is created to read:

36.61 (1) (af) “Dental auxiliary” means an expanded function dental auxiliary holding a certification under s. 447.04 (3).

SECTION 2873. 36.61 (1) (ak) of the statutes is created to read:

36.61 (1) (ak) “Dental therapist” means an individual licensed under s. 447.04 (1m).

****NOTE: This definition of “dental therapist” is copied from LRB-1105, which creates s. 447.04 (1m). Obviously changes must be made if LRB-1105 is not included in the compiled bill. LRB-1105 also includes treatments of s. 36.61 that are inconsistent with this draft and will need to be reconciled if this draft and LRB-1105 are included in the compiled bill.

SECTION 2874. 36.61 (1) (am) of the statutes is amended to read:

36.61 (1) (am) “Eligible practice area” has the meaning given in s. 36.60 (1) (ag), except that, with respect to a dental hygienist, dental assistant, dental auxiliary, or dental therapist, “eligible practice area” means a dental health shortage area or a free or charitable clinic.

SECTION 2875. 36.61 (1) (b) of the statutes is renumbered 36.61 (1) (b) (intro.) and amended to read:

36.61 (1) (b) (intro.) “Health care provider” means a any of the following:

1. A dental hygienist,
2. A physician assistant,
3. A nurse-midwife, ~~or,~~
4. A nurse practitioner.

SECTION 2876. 36.61 (1) (b) 5., 6., 7. and 8. of the statutes are created to read:

36.61 (1) (b) 5. A medical assistant.

6. A dental assistant.

7. A dental auxiliary.

8. A dental therapist.

SECTION 2877. 36.61 (1) (c) of the statutes is created to read:

36.61 (1) (c) “Medical assistant” means an individual who has received a medical assistant technical diploma from a technical college under ch. 38 or who has successfully completed the national certification examination for medical assistants.

SECTION 2878. 36.61 (2) of the statutes is renumbered 36.61 (2) (a) and amended to read:

36.61 (2) (a) ~~The Except as provided in par. (b),~~ the board may repay, on behalf of a health care provider, up to \$25,000 in educational loans obtained by the health care provider from a public or private lending institution for education related to the health care provider’s field of practice, as determined by the board with the advice of the council.

SECTION 2879. 36.61 (2) (b) of the statutes is created to read:

36.61 (2) (b) For a health care provider that is a medical assistant, the board’s repayment under par. (a) may not exceed \$12,500.

SECTION 2880. 36.61 (3) (a) of the statutes is amended to read:

36.61 (3) (a) The board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a health care provider in the expanded loan assistance program under sub. (8) who is not a dental hygienist, dental assistant, dental auxiliary, or dental therapist may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

SECTION 2881. 36.61 (3) (b) of the statutes is amended to read:

36.61 (3) (b) The agreement shall specify that the responsibility of the board to make the payments under the agreement is subject to the amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the ~~appropriation~~ appropriations under s. 20.285 (1) (br) and (qj).

SECTION 2882. 36.61 (4) of the statutes is renumbered 36.61 (4) (am), and 36.61 (4) (am) (intro.), as renumbered, is amended to read:

36.61 (4) (am) (intro.) Principal Except as provided in par. (bm), principal and interest due on loans, exclusive of any penalties, may be repaid by the board at the following rate:

SECTION 2883. 36.61 (4) (bm) of the statutes is created to read:

36.61 (4) (bm) For a health care provider that is a medical assistant, principal and interest due on loans, exclusive of any penalties, may be repaid by the board at the following rate:

1. Up to 40 percent of the principal of the loan or \$5,000, whichever is less, during the first year of participation in the program under this section.

2. Up to an additional 40 percent of the principal of the loan or \$5,000, whichever is less, during the 2nd year of participation in the program under this section.

3. Up to an additional 20 percent of the principal of the loan or \$2,500, whichever is less, during the 3rd year of participation in the program under this section.

SECTION 2884. 36.61 (5) (a) of the statutes is amended to read:

36.61 (5) (a) The obligation of the board to make payments under an agreement entered into under sub. (3) is subject to the amount of funds transferred to the board

under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the ~~appropriation~~ appropriations under s. 20.285 (1) (br) and (qj).

SECTION 2885. 36.61 (5) (b) (intro.) of the statutes is amended to read:

36.61 (5) (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount of funds transferred to the board under s. 20.505 (8) (hm) 6r., the contributions received and penalties assessed by the board, and the ~~appropriation~~ appropriations under s. 20.285 (1) (br) and (qj), then, subject to par. (bm), the board shall establish priorities among the eligible applicants based upon the following considerations:

SECTION 2886. 36.61 (5) (b) 1. of the statutes is amended to read:

36.61 (5) (b) 1. The degree to which there is an extremely high need for medical care in the eligible practice area, health professional shortage area, or rural area in which an eligible applicant who is not a dental hygienist, dental assistant, dental auxiliary, or dental therapist desires to practice and the degree to which there is an extremely high need for dental care in the dental health shortage area or rural area in which an eligible applicant who is a dental hygienist, dental assistant, dental auxiliary, or dental therapist desires to practice.

****NOTE: Section 36.61 (7) (e) overrides other provisions of s. 36.61 to guarantee that funding under s. 20.285 (1) (qj) is used to fund loans for health care providers who practice in rural areas. I have not incorporated s. 20.285 (1) (br) into this restriction.

SECTION 2887. 36.61 (8) (c) 3. of the statutes is amended to read:

36.61 (8) (c) 3. Practice at a public or private nonprofit entity in a health professional shortage area, if the health care provider is not a dental hygienist, dental assistant, dental auxiliary, or dental therapist, or in a dental health shortage

area, if the health care provider is a dental hygienist, dental assistant, dental auxiliary, or dental therapist.

SECTION 2888. 36.62 (2) of the statutes is amended to read:

36.62 (2) Advise the board on the amount, up to \$25,000 for health care providers other than medical assistants and up to \$12,500 for medical assistants, to be repaid on behalf of each health care provider who participates in the health care provider loan assistance program under s. 36.61.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1775/P3
JPC:cde

DOA:.....Bollhorst, BB0487 - EKG screening pilot program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Electrocardiogram screening pilot project for middle school and high school athletes in Milwaukee and Waukesha Counties

This bill directs DHS to develop a pilot program to provide electrocardiogram screenings for participants in middle school and high school athletics programs in Milwaukee County and Waukesha County. DHS is required to award \$4,172,000 in grants in fiscal year 2024-25 to local health departments to implement the program. The bill specifies that participation in the program by participants in middle school and high school athletics programs must be optional.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9119. Nonstatutory provisions; Health Services.

(1) **ELECTROCARDIOGRAM SCREENING PILOT PROGRAM.** The department of health services shall develop a pilot program to provide electrocardiogram screenings for participants in middle school and high school athletics programs in Milwaukee and Waukesha Counties. From the appropriation under s. 20.435 (1) (b), in fiscal year 2024-25, the department shall award \$4,172,000 in grants to local health departments, as defined under s. 250.01 (4), to implement the pilot program under this subsection. Participation in the pilot program by participants in middle school and high school athletics programs shall be optional.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1778/P1
EVM:skw

DOA:.....Quinn, BB0489 - County and municipal levy limit carryover capacity

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Approval of use of unused capacity levy limit exception

Generally, under current law, local levy increase limits are applied to the property tax levies that are imposed by political subdivisions in December of each year. Current law prohibits a political subdivision from increasing its levy by a percentage that exceeds its "valuation factor," which is defined as the greater of either 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed.

Current law contains a number of exceptions to these levy increase limits, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair. In addition, a political subdivision may exceed the levy increase limit that is otherwise applicable if its governing body adopts a resolution to do so and if that resolution is approved by the electors in a referendum.

Current law provides two exceptions allowing a political subdivision to use previously unused levy capacity. Under these exceptions, if a political subdivision's allowable levy in prior years was greater than its actual levy in those years, the otherwise applicable levy increase limit for the next succeeding year may be

increased by the difference between the allowable levy and the actual levy, up to a specified maximum increase. These increases, in some cases, must be authorized by a supermajority vote of the political subdivision's governing body. This bill eliminates the supermajority requirements and, instead, requires only a simple majority vote of the political subdivision's governing body for use of either of these unused levy capacity exceptions.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2889. 66.0602 (3) (f) 3. (intro.) of the statutes is renumbered 66.0602 (3) (f) 3. and amended to read:

66.0602 (3) (f) 3. The adjustment described in subd. 1. may occur only if the political subdivision's governing body approves of the adjustment by ~~one of the following methods:~~ a majority vote of the governing body.

SECTION 2890. 66.0602 (3) (f) 3. a. to c. of the statutes are repealed.

SECTION 2891. 66.0602 (3) (fm) 3. of the statutes is amended to read:

66.0602 (3) (fm) 3. The adjustment described in subd. 1. may occur only if the political subdivision's governing body approves of the adjustment by a ~~two-thirds~~ majority vote of the governing body and if the political subdivision's level of outstanding general obligation debt in the current year is less than or equal to the political subdivision's level of outstanding general obligation debt in the previous year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1779/P1
SWB:skw

DOA:.....Quinn, BB0488 - Minimum Growth Factor for County and
Municipal Levy Limits

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Levy limits; alternative minimum growth factor increase

This bill increases the alternative minimum growth factor used to calculate local levy limits from 0 percent to 2 percent, beginning with levies imposed in December 2023. Generally under current law, local levy limits are applied to the property tax levies that are imposed by a political subdivision in December of each year. Current law prohibits any political subdivision from increasing its levy by a percentage that exceeds its "valuation factor," which is defined as the greater of either 0 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. The bill changes that alternative percentage factor for purposes of the valuation factor to 2 percent.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2892. 66.0602 (1) (d) of the statutes is amended to read:

66.0602 (1) (d) “Valuation factor” means a percentage equal to the greater of either the percentage change in the political subdivision’s January 1 equalized value due to new construction less improvements removed between the previous year and the current or ~~zero~~ 2 percent.

SECTION 9330. Initial applicability; Local Government.

(1) LEVY LIMITS; ALTERNATIVE MINIMUM GROWTH FACTOR INCREASE. The treatment of s. 66.0602 (1) (d) first applies to a levy that is imposed in December 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1784/P1
CMH:emw

DOA:.....Potts, BB0490 - Review of Legislation Relating to Crimes
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT
GENERAL STATE GOVERNMENT

Review of legislation relating to crimes

Under current law, there is a Joint Review Committee on Criminal Penalties. Under current law, if a bill is introduced that creates a crime or revises a penalty for an existing crime, the committee may be requested to prepare a report on the bill. The request must come from the chair of the standing committee to which the bill is referred or, if not referred to a standing committee, from the speaker of the assembly for an assembly bill or the presiding officer of the senate for a senate bill. Upon such a request, the joint review committee must prepare a report concerning the costs incurred or saved if the bill were enacted, the consistency of the penalties proposed with current law penalties, and whether the acts prohibited under the bill are already prohibited under current law.

This bill requires that any introduced bill that creates a crime or revises a penalty for an existing crime must be referred to the Joint Review Committee on Criminal Penalties for such a report and prohibits the legislature from taking further action on the bill until the report is prepared.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2893. 13.525 (5) (a) of the statutes is amended to read:

13.525 (5) (a) ~~If any~~ Any bill that is introduced in either house of the legislature ~~that~~ proposes to create a new crime or revise a penalty for an existing crime ~~and the bill is referred to a standing committee of the house in which it is introduced, the chairperson may request~~ shall be referred to the joint review committee to prepare a report on the bill under par. (b). ~~If the bill is not referred to a standing committee, the speaker of the assembly, if the bill is introduced in the assembly, or the presiding officer of the senate, if the bill is introduced in the senate, may request the joint review committee to prepare a report on the bill under par. (b).~~

SECTION 2894. 13.525 (5) (b) (intro.) of the statutes is amended to read:

13.525 (5) (b) (intro.) ~~If the joint review committee receives a request under par. (a) for a report on~~ is referred a bill that proposes to create a new crime or revise a penalty for an existing crime, under par. (a), neither house may further consider the bill until the committee ~~shall prepare~~ prepares a report concerning all of the following:

SECTION 2895. 13.525 (5) (d) of the statutes is repealed.

SECTION 9351. Initial applicability; Other.

(1) LEGISLATION REFERRED TO THE JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of s. 13.525 (5) (a), (b) (intro.), and (d) first applies to bills introduced on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1785/P1
MCP:emw

DOA:.....Potts, BB0498 - Notification of WPDES permit violations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

Requiring notification of water-related permit violations

Under this bill, if DNR finds that the holder of a Wisconsin Pollutant Discharge Elimination System permit has violated a limitation under the permit that is based on a groundwater standard, DNR must notify the county health department and county land and conservation department in the county in which the permit holder is located and the county health department and county land and conservation department in any adjacent county that DNR determines may be negatively affected by the violation. The bill requires DNR to provide these notices within seven business days after confirming that a violation has occurred. The bill also allows DNR to establish, by rule, procedures for providing the required notice. Finally, the bill requires DNR to create and maintain a notification system for notifying county health departments, county land and conservation departments, and interested parties of the violations but requires that the notification system ensure that county health departments and county land and conservation departments are notified of a violation at least 24 hours before anyone else is notified.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2896. 283.90 of the statutes is created to read:

283.90 Notification of violations. Whenever, on the basis of any information available to it, the department finds that a permit holder has violated any limitation in a permit that is based on a groundwater protection standard under ch. 160, the department shall notify the county health department and county land and conservation department in the county in which the permit holder is located and the county health department and county land and conservation department in any adjacent county that the department determines may be negatively affected as a result of the violation. The department shall provide this notice within 7 business days after confirming that a violation has occurred. The department shall create and maintain a notification system for notifying county health departments, county land and conservation departments, and interested parties of the violations described in this section. The department may establish, by rule, procedures for providing notice under this section. The notification system under this section shall ensure that county health departments and county land and conservation departments are notified at least 24 hours prior to notifying any other interested parties.

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) EMERGENCY RULES FOR NOTIFICATION OF WATER PERMIT VIOLATIONS. The department of natural resources may use the procedure under s. 227.24, to promulgate rules under s. 283.90. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1,

2025, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of scope of the rules promulgated under this subsection and is not required to present the rules promulgated under this subsection to the governor for approval.

SECTION 9432. Effective dates; Natural Resources.

(1) NOTIFICATION OF WATER PERMIT VIOLATIONS. The treatment of s. 283.90 takes effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1786/P1
ZDW:klm

DOA:.....Aslesen, BB0504 - Farm service commercial drivers license

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Seasonal period for farm service license endorsement

Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator's license. Additional endorsements are required for the operation of certain vehicles. An "F" endorsement authorizes a seasonal farm employee who is eligible for a restricted commercial driver license under federal law to operate certain commercial vehicles for a seasonal period not to exceed 180 days in any calendar year. This bill increases the seasonal period for an "F" endorsement to 210 days.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2897. 343.17 (3) (d) 1g. of the statutes is amended to read:

343.17 (3) (d) 1g. "F" endorsement, which authorizes a seasonal employee of a farm service industry employer who is eligible for a restricted commercial driver

license under applicable federal law or regulation to operate “Class B” and “Class C” vehicles as described in s. 343.04 (1) (b) and (c) for a seasonal period not to exceed 180 210 days in any calendar year. This endorsement permits the transporting of liquid fertilizers in vehicles or implements of husbandry with total capacities of 3,000 gallons or less, solid fertilizers that are not transported with any organic substance or 1,000 gallons or less of diesel fuel, but no combination of these materials. The endorsement does not permit operation of a commercial motor vehicle beyond 150 miles of the farm service industry employer’s place of business or, in the case of custom harvesters, the farm currently being served.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1787/P1
EHS:cde

DOA:.....Potts, BB0499 - Funding for Sheboygan Marsh dam

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Sheboygan Marsh dam funding

This bill requires DNR to award a \$500,000 dam safety grant to Sheboygan County to remove and reconstruct a dam on the Sheboygan River at the Sheboygan Marsh.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9132. Nonstatutory provisions; Natural Resources.

(1) SHEBOYGAN RIVER DAM GRANT. Notwithstanding s. 31.385 (2), the department of natural resources shall award a dam safety grant under s. 31.385 in the amount

of \$500,000 to Sheboygan County for the removal and reconstruction of a dam on the Sheboygan River at the Sheboygan Marsh.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1788/P2
KP:cdc

DOA:.....Quinn, BB0497 - Refundable research credit increase

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

Research credit refunds

Under the bill, beginning in the 2024 tax year, if a person claims an amount for the research credit that exceeds the person's tax liability, the person will receive a refund in an amount not exceeding 50 percent of the allowable claim and may continue to claim the remaining unused portion in subsequent tax years. Current law allows a person to receive a refund in an amount not exceeding 15 percent of their allowable claim for the research credit. Under current law, the research credit is an income and franchise tax credit equal to a specified percentage of the person's qualified research expenses that exceed 50 percent of the average qualified research expenses for the three taxable years immediately preceding the taxable year for which the person claims the credit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2898. 71.07 (4k) (e) 2. a. of the statutes is amended to read:

71.07 (4k) (e) 2. a. For taxable years beginning before January 1, 2021, the amount of the claim not used to offset the tax due, not to exceed 10 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d). For subsequent taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 2899. 71.07 (4k) (e) 2. ad. of the statutes is created to read:

71.07 (4k) (e) 2. ad. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (b) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 2900. 71.07 (4k) (e) 2. b. of the statutes is amended to read:

71.07 (4k) (e) 2. b. The amount of the claim not used to offset the tax due and not certified for payment under subd. 2. a. or 2. ad. may be carried forward and credited against Wisconsin income taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years

between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

SECTION 2901. 71.28 (4) (k) 1. b. of the statutes is amended to read:

71.28 (4) (k) 1. b. For taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 2902. 71.28 (4) (k) 1. c. of the statutes is created to read:

71.28 (4) (k) 1. c. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 2903. 71.47 (4) (k) 1. b. of the statutes is amended to read:

71.47 (4) (k) 1. b. For taxable years beginning after December 31, 2020 and before January 1, 2024, the amount of the claim not used to offset the tax due, up to 15 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

SECTION 2904. 71.47 (4) (k) 1. c. of the statutes is created to read:

71.47 (4) (k) 1. c. For taxable years beginning after December 31, 2023, the amount of the claim not used to offset the tax due, not to exceed 50 percent of the allowable amount of the claim under par. (ad) 4., 5., or 6., shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (d).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1789/P1
EVM:emw

DOA:.....Aslesen, BB0507 - Reinstate complete streets legislation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Establishment of bikeways and pedestrian ways in highway projects

Under current law, DOT must, with exceptions, give due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects funded from state or federal funds.

Under this bill, with several exceptions, DOT must ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded from state or federal funds and must promulgate rules identifying certain exceptions to the requirement.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2905. 84.01 (35) (b) of the statutes is amended to read:

84.01 (35) (b) Except as provided in par. ~~(d)~~ (c), and notwithstanding any other provision of this chapter or ch. 82, 83, or 85, the department shall ~~give due consideration to establishing~~ ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded in whole or in part from state funds or federal funds appropriated under s. 20.395 or 20.866.

SECTION 2906. 84.01 (35) (c) of the statutes is created to read:

84.01 (35) (c) The department shall promulgate rules identifying exceptions to the requirement under par. (b), but these rules may provide for an exception only if any of the following applies:

2. The cost of establishing bikeways or pedestrian ways would be excessively disproportionate to the need or probable use of the bikeways or pedestrian ways. For purposes of this subdivision, cost is excessively disproportionate if it exceeds 20 percent of the total project cost. The rules may not allow an exception under this subdivision to be applied unless the secretary of transportation, or a designee of the secretary who has knowledge of the purpose and value of bicycle and pedestrian accommodations, reviews the applicability of the exception under this subdivision to the particular project at issue.

3. Establishing bikeways or pedestrian ways would have excessive negative impacts in a constrained environment.

4. There is an absence of need for the bikeways or pedestrian ways, as indicated by sparsity of population, traffic volume, or other factors.

5. The community where pedestrian ways are to be located refuses to accept an agreement to maintain them.

SECTION 2907. 84.01 (35) (d) (intro.) and 2. of the statutes are repealed.

SECTION 2908. 84.01 (35) (d) 1. of the statutes is renumbered 84.01 (35) (c) 1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1790/P3
EVM:cde

DOA:.....Aslesen, BB0506 - Drivers licenses for Wisconsin residents who are noncitizens

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Driver's cards

Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 (REAL ID) were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that DOT follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID.

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation, which may be the same as item 1, above, showing the applicant's

date of birth; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card (noncompliant REAL ID) is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. Also, an applicant may, in lieu of item 1 above, provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to the department and, in lieu of items 2 and 4 above, provide documentation deemed acceptable to the department. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a noncompliant REAL ID, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States. The license document issued must display, on its face, the words "Not valid for voting purposes. Not evidence of citizenship or immigration status." The bill does not change any current law requirements related to driver qualifications such as minimum age or successful completion of knowledge and driving skills tests.

With limited exceptions, DOT may not disclose social security numbers obtained from operator's license or identification card applicants. This bill prohibits DOT from disclosing the fact that an applicant has verified to DOT that the applicant does not have a social security number, except that DOT may disclose this information to the Elections Commission.

This bill also prohibits discrimination on the basis of a person's status as a holder or a nonholder of a noncompliant REAL ID, adding this license status as a prohibited basis for discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2909. 66.1011 (1) of the statutes is amended to read:

66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, disability, as defined in s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national

origin, marital status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), status as a holder or nonholder of a license under s. 343.03 (3r), lawful source of income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and 106.50 and also of local interest under this section and s. 66.0125. The enactment of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and does not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances that prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

SECTION 2910. 66.1201 (2m) of the statutes is amended to read:

66.1201 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2911. 66.1213 (3) of the statutes is amended to read:

66.1213 **(3)** DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2912. 66.1301 (2m) of the statutes is amended to read:

66.1301 (2m) DISCRIMINATION. Persons entitled to any right, benefit, facility, or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2913. 66.1333 (3) (e) 2. of the statutes is amended to read:

66.1333 (3) (e) 2. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, national origin, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2914. 86.195 (5) (c) of the statutes is amended to read:

86.195 (5) (c) *Conformity with discrimination laws.* Each business identified as a motorist service on a specific information sign shall, as a condition of eligibility for erection, installation and maintenance of a sign under this section, give written assurance to the department that the business conforms with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex or, national origin, or status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2915. 106.50 (1) of the statutes is amended to read:

106.50 (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual

orientation, disability, religion, national origin, marital status, family status, status as a holder or nonholder of a license under s. 343.03 (3r), status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

SECTION 2916. 106.50 (1m) (h) of the statutes is amended to read:

106.50 (1m) (h) “Discriminate” means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a holder or nonholder of a license under s. 343.03 (3r), status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

SECTION 2917. 106.50 (1m) (nm) of the statutes is amended to read:

106.50 (1m) (nm) “Member of a protected class” means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a holder or nonholder of a license under s. 343.03 (3r), status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

SECTION 2918. 106.50 (5m) (f) 1. of the statutes is amended to read:

106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, ancestry, national origin, religion, creed, status as a holder or nonholder of a license under s. 343.03 (3r), status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd. 2., age.

SECTION 2919. 106.52 (3) (a) 1. of the statutes is amended to read:

106.52 **(3)** (a) 1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3r).

SECTION 2920. 106.52 (3) (a) 2. of the statutes is amended to read:

106.52 **(3)** (a) 2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3r).

SECTION 2921. 106.52 (3) (a) 3. of the statutes is amended to read:

106.52 **(3)** (a) 3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03

(3r) or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

SECTION 2922. 106.52 (3) (a) 4. of the statutes is amended to read:

106.52 (3) (a) 4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3r).

SECTION 2923. 106.52 (3) (a) 5. of the statutes is amended to read:

106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin, or ancestry or because a person holds or does not hold a license under s. 343.03 (3r), regarding the use of any private facilities commonly rented to the public.

SECTION 2924. 194.025 of the statutes is amended to read:

194.025 Discrimination prohibited. No motor carrier may engage in any practice, act or omission which results in discrimination on the basis of race, creed, sex ~~or~~, national origin, or status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 2925. 224.77 (1) (o) of the statutes is amended to read:

224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan originator, or mortgage broker, except in relation to housing designed to meet the needs of elderly individuals, treat a person unequally solely because of sex, race, color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national origin, age, or ancestry, the person's lawful source of income, or the sex, marital status, status as a holder or nonholder of a license under s. 343.03 (3r), or status as

a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), of the person maintaining a household.

SECTION 2926. 343.03 (3m) of the statutes is amended to read:

343.03 **(3m)** NONCITIZEN LIMITED-TERM LICENSE. If the issuance of any license described under sub. (3) requires the license applicant to present any documentary proof specified in s. 343.14 (2) (es) ~~2. to 7.~~ 1m. b. to g. or (im) 2m. b., the license shall display on the front side of the license, in addition to any legend or label described in sub. (3), a legend identifying the license as limited term or, if the license authorizes the operation of a commercial motor vehicle, as a nondomiciled license. This noncitizen limited-term license may not be renewed except as provided in s. 343.165 (4) (c). A nondomiciled license may not be issued to a resident of Canada or Mexico.

SECTION 2927. 343.03 (3r) of the statutes is amended to read:

343.03 **(3r)** REAL ID NONCOMPLIANT LICENSE. If any license described under sub. (3) is issued based upon the exception specified in s. 343.165 (7), the license shall, in addition to any legend or label described in sub. (3), be marked in a manner consistent with requirements under applicable federal law and regulations to indicate that the license is issued in accordance with P.L. 109-13, section 202 (d) (11), and is not intended to be accepted by any federal agency for federal identification or any other official purpose. Section 344.62 applies to a person operating a motor vehicle under the authorization of a license issued under this subsection.

SECTION 2928. 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and amended to read:

343.14 **(2)** (br) 1. If Except as provided in subd. 2., if the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number and is not eligible for a

social security number. The statement shall provide the basis or reason that the applicant is not eligible for a social security number, as well as any information requested by the department that may be needed by the department for purposes of verification under s. 343.165 (1) (c). The form of the statement shall be prescribed by the department, with the assistance of the department of children and families. A license that is issued or renewed under s. 343.17 in reliance on a statement submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

SECTION 2929. 343.14 (2) (br) 2. of the statutes is created to read:

343.14 (2) (br) 2. If the applicant does not have a social security number and the application is for an operator's license that contains the marking specified in s. 343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b), a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department, with the assistance of the department of children and families. A license that is issued or renewed under s. 343.17 in reliance on a statement submitted under this subdivision is invalid if the statement is false.

SECTION 2930. 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m., and 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

343.14 (2) (es) 1m. (intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and (b), and except as provided in subd. 2m., valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any of the following:

SECTION 2931. 343.14 (2) (es) 2m. of the statutes is created to read:

343.14 (2) (es) 2m. Valid documentary proof under subd. 1m. is not required if the application is for an operator's license that contains the marking specified in s.

343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b).

SECTION 2932. 343.14 (2j) of the statutes is amended to read:

343.14 (2j) Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of children and families for the sole purpose of administering s. 49.22, to the department of workforce development for the sole purpose of enforcing or administering s. 108.22, to the department of revenue for the purposes of administering state taxes and collecting debt, to the driver licensing agency of another jurisdiction, or to the elections commission for the sole purpose of allowing the chief election officer to comply with the terms of the agreement under s. 6.36 (1) (ae). The department of transportation may not disclose to any person the fact that an applicant has provided verification under s. 343.165 (7) (c) 2. that the applicant does not have a social security number, except to the elections commission for purposes of administering the agreement described in s. 5.056.

SECTION 2933. 343.165 (1) (c) of the statutes is amended to read:

343.165 (1) (c) Proof of the applicant's social security number or, except as provided in sub. (7) (c) 2. and s. 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security number.

SECTION 2934. 343.165 (1) (e) of the statutes is amended to read:

343.165 (1) (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., and except as provided in sub. (7) (c) 1. and s. 343.14 (2) (es) 2m., the documentary proof described in s. 343.14 (2) (es) 1m.

SECTION 2935. 343.165 (3) (b) of the statutes is amended to read:

343.165 (3) (b) The department may not accept any foreign document, other than an official passport, to satisfy a requirement under sub. (1). This paragraph does not apply to an application processed under sub. (7) (c).

SECTION 2936. 343.165 (3) (c) of the statutes is amended to read:

343.165 (3) (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents a social security number that is already registered to or associated with another person, the department shall direct the applicant to investigate and take appropriate action to resolve the discrepancy and shall not issue any operator's license or identification card until the discrepancy is resolved. The department shall adopt procedures for purposes of verifying that an applicant is not eligible for a social security number, except with respect to applications processed under sub. (7) (c).

SECTION 2937. 343.165 (4) (b) of the statutes is amended to read:

343.165 (4) (b) The department shall establish an effective procedure to confirm or verify an applicant's information for purposes of any application described in par. (a). The procedure shall include verification of the applicant's social security number or, except with respect to applications processed under sub. (7) (c), ineligibility for a social security number.

SECTION 2938. 343.165 (4) (d) of the statutes is amended to read:

343.165 (4) (d) With any license or identification card renewal following a license or identification card expiration established under s. 343.20 (1m) or 343.50 (5) (bm) or (c) at other than an 8-year interval, the department may determine whether the applicant's photograph is to be taken, or if the renewal is for a license the applicant is to be examined, or both, at the time of such renewal, so long as the applicant's photograph is taken, and if the renewal is for a license the applicant is examined, with a license or card renewal at least once every 8 years and the

applicant's license or identification card at all times includes a photograph unless an exception under s. 343.14 (3m) or 343.50 (4g) applies.

SECTION 2939. 343.165 (7) (a) (intro.) of the statutes is amended to read:

343.165 (7) (a) (intro.) The Subject to par. (c), the department may process an application for, and issue or renew, an operator's license or identification card without meeting the requirements under subs. (2) and (3) if all of the following apply:

SECTION 2940. 343.165 (7) (c) of the statutes is created to read:

343.165 (7) (c) 1. Notwithstanding s. 343.14 (2) (f), in processing an application for, and issuing or renewing, an operator's license that contains the marking specified in s. 343.03 (3r) or an identification card that contains the marking specified in s. 343.50 (3) (b), the department may not include any question or require any proof or documentation as to whether the applicant is a citizen or national of the United States or lawfully present in the United States.

2. For an application processed under this paragraph, if the applicant does not provide proof of the applicant's social security number, the applicant shall provide verification, in the manner described in s. 343.14 (2) (br) 2., that the applicant does not have a social security number.

3. Notwithstanding sub. (1) (a), for an application processed under this paragraph, an applicant may provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to the department, in lieu of the documentation required under sub. (1) (a).

4. Notwithstanding sub. (1) (b) and (d), for an application processed under this paragraph, an applicant may provide any documentation deemed acceptable to the department, in lieu of the documentation required under sub. (1) (b) or (d).

SECTION 2941. 343.17 (3) (a) 16. of the statutes is created to read:

343.17 (3) (a) 16. If the license is marked as provided in s. 343.03 (3r) and the license applicant did not provide a verified social security number with the license application, the words “Not valid for voting purposes. Not evidence of citizenship or immigration status.”

SECTION 2942. 343.20 (1) (f) of the statutes is amended to read:

343.20 (1) (f) The department shall cancel an operator’s license, regardless of the license expiration date, if the department receives information from a local, state, or federal government agency that the licensee no longer satisfies the requirements for issuance of a license under ss. 343.14 (2) (es) and 343.165 (1) (e). This paragraph does not apply to an operator’s license if the license application was processed under s. 343.165 (7) (c).

SECTION 2943. 343.20 (1m) of the statutes is amended to read:

343.20 (1m) Notwithstanding sub. (1) (a), and except as provided in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2., 4., 5., 6., or 7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person’s legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) 1m. does not state the date that the person’s legal presence in the United States is no longer authorized, sub. (1) shall apply except that, if the license was issued or renewed based upon the person’s presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal. This subsection does not apply to a license that contains the marking specified in s. 343.03 (3r).

SECTION 2944. 343.20 (2) (a) of the statutes is amended to read:

343.20 (2) (a) At least 30 days prior to the expiration of an operator's license, the department shall provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address or, if desired by the licensee, by any electronic means offered by the department. If the license was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the licensee of the requirement under s. 343.165 (4) (c).

SECTION 2945. 343.50 (3) (a) and (b) of the statutes are amended to read:

343.50 (3) (a) The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY." The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

(b) If an identification card is issued based upon the exception specified in s. 343.165 (7) or (8), the card shall, in addition to any other required legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a marking similar

or identical to the marking described in s. 343.03 (3r) and, if applicable, the words specified in s. 343.17 (3) (a) 16.

SECTION 2946. 343.50 (5) (b) of the statutes is amended to read:

343.50 (5) (b) Except as provided in pars. (bm), (c), and (d) and s. 343.165 (4) (c), an original or reinstated card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 8 years from the card's last expiration date.

SECTION 2947. 343.50 (5) (bm) of the statutes is created to read:

343.50 (5) (bm) Notwithstanding par. (d), if the identification card application was processed under s. 343.165 (7) (c) and the applicant did not provide a verified social security number, an original or reinstated card shall be valid for the succeeding period of 2 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 2 years from the card's last expiration date.

SECTION 2948. 343.50 (5) (c) of the statutes is amended to read:

343.50 (5) (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this paragraph, an identification card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under par. (b), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the period specified in par. (b) except that, if the card was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~

1m. d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal. This paragraph does not apply to an identification card that contains the marking specified in sub. (3) (b).

SECTION 2949. 343.50 (6) of the statutes is amended to read:

343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an identification card, the department shall provide to the card holder notice of renewal of the card either by mail at the card holder's last-known address or, if desired by the card holder, by any electronic means offered by the department. If the card was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder of the requirement under s. 343.165 (4) (c). The department shall include with the notice information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The department may renew an identification card by mail or by any electronic means available to the department, but the department may not make consecutive renewals by mail or electronic means.

SECTION 2950. 343.50 (8) (c) 6. of the statutes is created to read:

343.50 (8) (c) 6. Notwithstanding any other provision of par. (b) and this paragraph, the department may not disclose to any person the fact that an applicant has provided verification under s. 343.165 (7) (c) 2. that the applicant does not have a social security number, except to the elections commission for purposes of administering the agreement described in s. 5.056.

SECTION 2951. 343.50 (10) (c) of the statutes is amended to read:

343.50 (10) (c) Whenever the department receives information from a local, state, or federal government agency that the card holder no longer satisfies the requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A card cancelled under this paragraph may not be reinstated under sub. (5) until these requirements are again satisfied. This paragraph does not apply to a card if the card application was processed under s. 343.165 (7) (c).

SECTION 2952. 452.14 (3) (n) of the statutes is amended to read:

452.14 (3) (n) Treated any person unequally solely because of sex, race, color, handicap, national origin, ancestry, marital status, lawful source of income, status as a holder or nonholder of a license under s. 343.03 (3r), or status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u).

SECTION 2953. 632.35 of the statutes is amended to read:

632.35 Prohibited rejection, cancellation and nonrenewal. No insurer may cancel or refuse to issue or renew an automobile insurance policy wholly or partially because of one or more of the following characteristics of any person: age, sex, residence, race, color, creed, religion, national origin, ancestry, marital status ~~or~~, occupation, or status as a holder or nonholder of a license under s. 343.03 (3r).

SECTION 9344. Initial applicability; Transportation.

(1) DRIVER'S CARDS. The treatment of ss. 343.03 (3m) and (3r), 343.14 (2j), 343.165 (1) (c) and (e), (3) (b) and (c), (4) (b) and (d), and (7) (a) (intro.) and (c), 343.17 (3) (a) 16., 343.20 (1) (f), (1m), and (2) (a), and 343.50 (3) (a) and (b), (5) (b), (bm), and (c), (6), (8) (c) 6., and (10) (c), the renumbering and amendment of s. 343.14 (2) (br) and (es), and the creation of s. 343.14 (2) (br) 2. and (es) 2m. first apply to applications received by the department of transportation on the effective date of this subsection.

SECTION 9444. Effective dates; Transportation.

(1) DRIVER'S CARDS. The treatment of ss. 343.03 (3m) and (3r), 343.14 (2j), 343.165 (1) (c) and (e), (3) (b) and (c), (4) (b) and (d), and (7) (a) (intro.) and (c), 343.17 (3) (a) 16., 343.20 (1) (f), (1m), and (2) (a), and 343.50 (3) (a) and (b), (5) (b), (bm), and (c), (6), (8) (c) 6., and (10) (c), the renumbering and amendment of s. 343.14 (2) (br) and (es), the creation of s. 343.14 (2) (br) 2. and (es) 2m., and SECTION 9344 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1791/P1
EVM:emw

DOA:.....Aslesen, BB0502 - Mass transit aids

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

Mass transit aid amounts

Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. There are five classes of mass transit systems, and the total amount of state aid payments to four of these classes is limited to a specific amount in each calendar year. The fifth class consists of certain commuter or light rail systems, and no state aid amounts are specified for this class. For the four classes of mass transit systems for which state aid amounts are specified, this bill does the following to the total amount limits:

1. For mass transit systems having annual operating expenses of \$80,000,000 or more, the bill maintains the current limit of \$65,477,800 in calendar year 2023 and increases the limit to \$68,096,900 in calendar year 2024 and \$70,820,800 in calendar year 2025 and thereafter.

2. For mass transit systems having annual operating expenses of over \$20,000,000 but less than \$80,000,000, the bill maintains the current limit of \$17,205,400 in calendar year 2023 and increases the limit to \$17,893,600 in calendar year 2024 and \$18,609,400 in calendar year 2025 and thereafter.

3. For the two classes of mass transit systems having annual operating expenses of no more than \$20,000,000, the bill does not make changes to the current limits.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2954. 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

85.20 (**4m**) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the department shall pay ~~\$65,477,800 for aid payable for calendar years 2020 and 2021,~~ ~~\$32,738,900 for calendar year 2022,~~ and \$65,477,800 for aid payable for calendar year 2023, \$68,096,900 for calendar year 2024, and \$70,820,800 for calendar year 2025 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses of \$80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

SECTION 2955. 85.20 (4m) (a) 6. d. of the statutes is amended to read:

85.20 (**4m**) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the department shall pay ~~\$17,205,400 for aid payable for calendar years 2020 and 2021,~~ ~~\$8,602,700 for calendar year 2022,~~ and \$17,205,400 for aid payable for calendar year 2023, \$17,893,600 for calendar year 2024, and \$18,609,400 for calendar year 2025 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000. If the eligible applicant

that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1792/P1
EVM:amn

DOA:.....Aslesen, BB0501 - General transportation aids calculations

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

General transportation aids

Under current law, DOT administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality based on the greater of a share-of-costs formula or an aid rate per mile. The aid rate per mile is \$2,734 for 2023. This bill increases the aid rate per mile to \$2,843 for 2024 and \$2,957 for 2025 and thereafter.

Currently, the maximum annual amount of aid that may be paid to counties under the program is \$127,140,200. The bill maintains this amount for 2023 and increases this amount to \$132,225,800 for 2024 and \$137,514,800 for 2025 and thereafter. Currently, the maximum annual amount of aid that may be paid to municipalities under the program is \$398,996,800. The bill maintains this amount for 2023 and increases this amount to \$414,956,700 for 2024 and \$431,555,000 for 2025 and thereafter.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2956. 86.30 (2) (a) 3. of the statutes is amended to read:

86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$2,628 in calendar years 2020 and 2021, \$2,681 in calendar year 2022, and \$2,734 in calendar year 2023, \$2,843 in calendar year 2024, and \$2,957 in calendar year 2025~~ and thereafter.

SECTION 2957. 86.30 (9) (b) of the statutes is amended to read:

86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are ~~\$122,203,200 in calendar years 2020 and 2021, \$124,647,300 in calendar year 2022, and \$127,140,200 in calendar year 2023, \$132,225,800 in calendar year 2024, and \$137,514,800 in calendar year 2025~~ and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide county average cost-sharing percentage in the particular calendar year.

SECTION 2958. 86.30 (9) (c) of the statutes is amended to read:

86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to municipalities are ~~\$383,503,200 in calendar years 2020 and 2021, \$391,173,300 in calendar year 2022, and \$398,996,800 in calendar year 2023, \$414,956,700 in calendar year 2024, and \$431,555,000 in calendar year 2025~~ and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide municipal average cost-sharing percentage in the particular calendar year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1793/P1
EVM:cdc

DOA:.....Quinn, BB0496 - Joint emergency services levy limit modification
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

Joint emergency services levy limit exception modification

This bill expands the joint emergency medical services district and joint fire department exception to local levy limits.

Generally, under current law, local levy limits are applied to the property tax levies that are imposed by political subdivisions. A political subdivision may not increase its levy by a percentage that exceeds its “valuation factor,” which is the greater of 0 percent or the percentage change in the political subdivision’s equalized value due to new construction, less improvements removed. Current law also contains a number of exceptions to the local levy limits, such as amounts a county levies for a countywide emergency medical system, for a county children with disabilities education board, and for certain bridge and culvert construction and repair.

Among the current law exceptions to local levy limits is an exception for the amount that a municipality levies to pay for charges assessed by a joint fire department or joint emergency medical services district organized by any combination of two or more municipalities. This exception applies only to the extent that the amount levied to pay for such charges would cause the municipality to exceed the otherwise applicable levy limit and only if the charges assessed by the department or district increase in the current year by an amount not greater than

the rate of inflation over the preceding year, plus 2 percent, and if the municipality's governing body adopts a resolution in favor of exceeding the otherwise applicable levy limit.

Under the bill, the exception is expanded to include joint fire services or joint emergency medical services provided by a combination of two or more municipalities through a joint district, joint ownership, joint purchase of services from a nonprofit corporation, or joint contracting with a public or private services provider. The exception is also expanded to cover all fees charged to a municipality by the joint fire services or joint emergency medical services.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2959. 66.0602 (1) (ak) of the statutes is amended to read:

66.0602 (1) (ak) “~~Joint emergency medical services district~~ service” means a joint emergency medical ~~services district~~ service organized by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2) through the formation of a joint emergency services district, joint ownership, joint purchase of services from a nonprofit corporation, or joint contracting with a public or private emergency services provider.

SECTION 2960. 66.0602 (1) (am) of the statutes is amended to read:

66.0602 (1) (am) “~~Joint fire department~~ service” means a joint fire department organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire ~~department~~ service organized by any combination of 2 or more cities, villages, or towns ~~under s. 66.0301 (2) through the formation of a joint fire service district, joint ownership, joint purchase of services from a nonprofit corporation, or joint contracting with a public or private fire service provider.~~

SECTION 2961. 66.0602 (3) (h) 1. of the statutes is amended to read:

66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this section does not apply to the amount that a city, village, or town levies in that year to pay for charges assessed by a joint fire ~~department~~ service or a joint emergency medical ~~services district~~ service, but only to the extent that the amount levied to pay for such charges would cause the city, village, or town to exceed the limit that is otherwise applicable under this section.

SECTION 2962. 66.0602 (3) (h) 2. a. of the statutes is amended to read:

66.0602 (3) (h) 2. a. The total charges assessed by the joint fire ~~department~~ service or the joint emergency medical ~~services district~~ service for the current year increase, relative to the total charges assessed by the joint fire ~~department~~ service or the joint emergency medical ~~services district~~ service for the previous year, by a percentage that is less than or equal to the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on August 31 of the year of the levy, plus 2 percent.

SECTION 2963. 66.0602 (3) (h) 2. b. of the statutes is amended to read:

66.0602 (3) (h) 2. b. The governing body of each city, village, and town that is served by the joint fire ~~department~~ service or the joint emergency medical ~~services district~~ service adopts a resolution in favor of exceeding the limit as described in subd. 1.

SECTION 2964. 66.0602 (3) (h) 3. of the statutes is created to read:

66.0602 (3) (h) 3. Charges assessed by a joint fire service or joint emergency medical service under this paragraph include all fees charged to a city, village, or town by the the joint fire service or joint emergency medical service.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1794/P1
EVM:amn

DOA:.....Schmidt, BB0494 - Ignition interlock devices

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Ignition interlock device requirement expansion

Under current law, if a person is convicted of a second or subsequent offense related to operating a motor vehicle while under the influence of an intoxicant or other drug, with a prohibited alcohol concentration, or with a measurable amount of a controlled substance in his or her blood (OWI offense) or a first OWI offense for which his or her alcohol concentration is 0.15 or greater, a court must order the person's operating privilege restricted to operating vehicles that are equipped with an ignition interlock device. This bill expands the ignition interlock requirement to all OWI offenses that involve the use of alcohol.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2965. 343.301 (1g) (a) 2. a. of the statutes is amended to read:

343.301 (1g) (a) 2. a. ~~The person had an offense involved the use of alcohol concentration of 0.15 or more at the time of the offense.~~

SECTION 9344. Initial applicability; Transportation.

(1) IGNITION INTERLOCK DEVICE REQUIREMENT EXPANSION. The treatment of s. 343.301 (1g) (a) 2. a. first applies to violations committed on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1795/P1
SWB:wj&amn

DOA:.....Aslesen, BB0505 - Eminent domain for nonmotorized paths

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMINENT DOMAIN

Condemnation authority for nonmotorized paths

This bill allows certain entities, such as a county board, village board, or DOT, to use the power of condemnation to acquire land or interests in land for the purpose of establishing or extending recreational trails, bicycle ways or lanes, or pedestrian ways. Current law prohibits the exercise of condemnation power to acquire land or interests in land for those purposes.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2966. 23.09 (2) (d) (intro.) of the statutes is amended to read:

23.09 (2) (d) *Lands, acquisition.* (intro.) Acquire by purchase, lease or agreement, and receive by gifts or devise, lands or waters suitable for the purposes

enumerated in this paragraph, and maintain such lands and waters for such purposes; and, ~~except for the purpose specified under subd. 12.,~~ may condemn lands or waters suitable for such purposes after obtaining approval of the appropriate standing committees of each house of the legislature as determined by the presiding officer thereof:

SECTION 2967. 27.01 (2) (a) of the statutes is amended to read:

27.01 (2) (a) Acquire by purchase, lease or agreement lands or waters suitable for state park purposes and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2968. 27.019 (10) of the statutes is amended to read:

27.019 (10) ACQUISITION OF LAND. Any county in which there does not exist a county park commission acting through its rural planning committee may acquire by gift, grant, devise, donation, purchase, condemnation or otherwise, with the consent of the county board, a sufficient tract or tracts of land for the reservation for public use of river fronts, lake shores, picnic groves, outlook points from hilltops, places of special historic interest, memorial grounds, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same, and to develop and maintain the same for public use. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2969. 27.05 (3) of the statutes is amended to read:

27.05 (3) Acquire, in the name of the county, by purchase, land contract, lease, condemnation, or otherwise, with the approval and consent of the county board, such tracts of land or public ways as it deems suitable for park purposes; including lands in any other county not more than three-fourths of a mile from the county line; but no land so acquired shall be disposed of by the county without the consent of said commission, and all moneys received for any such lands, or any materials, so disposed of, shall be paid into the county park fund hereinafter established. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2970. 27.065 (1) (a) of the statutes is amended to read:

27.065 (1) (a) The county board of any county which shall have adopted a county system of parks or a county system of streets and parkways, pursuant to s. 27.04, may acquire the lands necessary for carrying out all or part of such plan by gift, purchase, condemnation or otherwise; provided, however, that no lands shall be acquired by condemnation unless and until the common council of the city or the board of trustees of the village or the board of supervisors of the town wherein such land is situated shall consent thereto. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~ The cost of acquiring such lands by purchase or condemnation may be paid in whole or in part by the county or by the property to be benefited thereby, as the county board shall direct but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto; provided,

that no assessment for paying the cost of acquiring lands may be levied or collected against the property to be benefited until the governing body of the city, village or town where such lands are located has by resolution determined that the public welfare will be promoted thereby. Title to all lands acquired hereunder shall be an estate in fee simple.

SECTION 2971. 27.08 (2) (b) of the statutes is amended to read:

27.08 (2) (b) To acquire in the name of the city for park, parkway, boulevard or pleasure drive purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege; ~~except that no lands may be acquired by condemnation for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~ Gifts to any city of money or other property, real or personal, either absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall be accepted only after they shall have been recommended by the board to the common council and approved by said council by resolution. Subject to the approval of the common council the board may execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the city for park, parkway, boulevard or pleasure drive purposes.

SECTION 2972. 27.08 (2) (c) of the statutes is amended to read:

27.08 (2) (c) Subject to the approval of the common council to buy or lease lands in the name of the city for park, parkway, boulevard or pleasure drive purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purposes. Every city is authorized, upon recommendation of its officers, board or body having the control and management

of its public parks, to acquire by condemnation in the name of the city such lands within or without its corporate boundaries as it may need for public parks, parkways, boulevards and pleasure drives. ~~The power of condemnation may not be used for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2973. 32.015 of the statutes is repealed.

SECTION 2974. 32.51 (1) (intro.) of the statutes is amended to read:

32.51 (1) PURPOSES. (intro.) In addition to the powers granted under subch. I ~~and subject to the limitations under s. 32.015,~~ any city may condemn or otherwise acquire property under this subchapter for:

SECTION 2975. 59.52 (6) (a) of the statutes is amended to read:

59.52 (6) (a) *How acquired; purposes.* Take and hold land acquired under ch. 75 and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways, dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits for operation under s. 59.70 (24), equipment for clearing and draining land and controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in s. 23.09 (2) (d). ~~The power of condemnation may not be used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2976. 60.782 (2) (d) of the statutes is amended to read:

60.782 (2) (d) Lease or acquire, including by condemnation, any real property situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or 30.275 (4). ~~The power of condemnation may not used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~

SECTION 2977. 61.34 (3) (a) of the statutes is renumbered 61.34 (3) and amended to read:

61.34 (3) ACQUISITION AND DISPOSAL OF PROPERTY. ~~Except as provided in par. (b),~~ The village board may acquire property, real or personal, within or outside the village, for parks, libraries, recreation, beautification, streets, water systems, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by ch. 32.

SECTION 2978. 61.34 (3) (b) of the statutes is repealed.

SECTION 2979. 62.22 (1) (a) of the statutes is renumbered 62.22 (1) and amended to read:

62.22 (1) PURPOSES. ~~Except as provided in par. (b),~~ The governing body of any city may by gift, purchase or condemnation acquire property, real or personal, within or outside the city, for parks, recreation, water systems, sewage or waste

disposal, airports or approaches thereto, cemeteries, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property. The power of condemnation for any such purpose shall be as provided by ch. 32.

SECTION 2980. 62.22 (1) (b) of the statutes is repealed.

SECTION 2981. 62.23 (17) (a) (intro.) of the statutes is amended to read:

62.23 (17) (a) (intro.) ~~Except as provided in par. (am), cities~~ Cities may acquire by gift, lease, purchase, or condemnation any lands within its corporate limits for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same or any lands adjoining or near to such city for use, sublease, or sale for any of the following purposes:

SECTION 2982. 62.23 (17) (am) of the statutes is repealed.

SECTION 2983. 85.09 (2) (a) of the statutes is amended to read:

85.09 (2) (a) The department of transportation shall have the first right to acquire, for present or future transportational or recreational purposes, any property used in operating a railroad or railway, including land and rails, ties, switches, trestles, bridges, and the like located on that property, that has been abandoned. The department of transportation may, in connection with abandoned rail property, assign this right to a state agency, the board of regents of the University of Wisconsin System, any county or municipality, or any transit commission. Acquisition by the department of transportation may be by gift, purchase, or

condemnation in accordance with the procedure under s. 32.05, ~~except that the power of condemnation may not be used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).~~ In addition to its property management authority under s. 85.15, the department of transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect rents and fees for any use of rail property pending discharge of the department's duty to convey property that is not necessary for a public purpose. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned, or under study for possible abandonment unless the conveyance or disposal is for the purpose of providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

SECTION 2984. 990.01 (2) of the statutes is amended to read:

990.01 (2) ACQUIRE. "Acquire," when used in connection with a grant of power to any person, includes the acquisition by purchase, grant, gift or bequest. It includes

~~the power to condemn only in the cases specified in s. 32.02 and subject to the limitations under s. 32.015.~~

SECTION 9351. Initial applicability; Other.

(1) CONDEMNATION AUTHORITY FOR NONMOTORIZED PATHS. The treatment of ss. 23.09 (2) (d) (intro.), 27.01 (2) (a), 27.019 (10), 27.05 (3), 27.065 (1) (a), 27.08 (2) (b) and (c), 32.015, 32.51 (1) (intro.), 59.52 (6) (a), 60.782 (2) (d), 61.34 (3) (a) and (b), 62.22 (1) (a) and (b), 62.23 (17) (a) (intro.) and (am), 85.09 (2) (a), and 990.01 (2) first applies to condemnation proceedings in which title to the subject property has not vested in the condemnor on the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1796/P2
KRP:skw&emw

DOA:.....Aslesen, BB0503 - DMV data sharing with courts

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

GENERAL COURTS AND PROCEDURE

DOT data sharing

Under current law, DOT annually transmits to the director of state courts a list of persons residing in the state that includes certain information about those persons. Each year, the director of state courts uses that information, along with other information available to the director of state courts, to compile a master list of potential jurors for use by the state circuit courts. This bill requires DOT to also send that list to the clerks of court for the federal district courts within this state.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2985. 756.04 (2) (b) of the statutes is amended to read:

756.04 (2) (b) Each year, on a date agreed upon with the office of the director of state courts, the department of transportation shall compile a list that includes the

name, address, county, date of birth, race, gender, identification number and renewal date of each person residing in the state who is licensed as a motor vehicle operator under ch. 343 or who has received an identification card under s. 343.50 or 343.51, and social security number, as permitted by law and any record sharing agreement between the department of transportation and the office of the director of state courts. The office of the director of state courts shall establish the format of the list by agreement with the department of transportation. The department of transportation shall transmit the list without charge to the office of the director of state courts, ~~without charge.~~ and to the clerks of court for the district courts of the United States within this state. If the department of transportation does not have a record sharing agreement with the clerk of court for a district court that requires the clerk of court to keep prospective jurors' identification numbers, renewal dates, and social security numbers confidential and secure from unauthorized access, the department of transportation shall redact that information from the list the department of transportation transmits to the clerk of court.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1797/P4
JK:cdc/skw/cjs

DOA:.....Quinn, BB0500 - Shared revenue reform

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Public safety, per capita, and aidable revenues allocations

Under current law, counties and municipalities annually receive county and municipal aid payments, commonly referred to as shared revenue. Generally, each county and municipality receives a payment equal to the payment it received in 2012.

This bill provides additional aid payments by creating a municipal and county shared revenue program and using a percentage of state sales tax revenue to make the payments. The total amount available to make the payments under the bill is an amount equal to 20 percent of the state sales tax revenue collected in each fiscal year, minus the amounts distributed for county and municipal aid, as state aid for exempt personal property, and as payments under the expenditure restraint program.

Beginning in 2024, each county and municipality will receive a public safety payment to be used for law enforcement, fire protection, and ambulance and emergency medical services and to pay the costs of prosecutorial and judicial functions. The amount that DOR will distribute for these payments is equal to 43.4 percent of the total amount allocated for all payments under the bill. The amount of the payments are determined on the basis of the most recent three-year average of the county's or municipality's expenditures for law enforcement, fire protection, or ambulance and emergency medical services.

Under the bill, each county and municipality will also receive a payment based on the county's or municipality's population. Seventy percent of this per capita distribution is paid to municipalities and 30 percent to counties.

Finally, each county and municipality receives a payment on the basis of its aidable revenues. The bill defines "aidable revenues" as the total of the three-year average of revenues from general property taxes, other taxes, payments in lieu of taxes, special assessments, licenses and permits, fines and forfeitures, public charges, intergovernmental revenues, and shared revenues, not including public utility aid payments. The total amount that DOR distributes for aidable revenues is the amount remaining after determining the amounts distributed as public safety payments or per capita payments. Generally, each county and municipality receives an aidable revenues payment, as adjusted by DOR, in proportion to the amount of its aidable revenues, compared to the aidable revenues for all counties or municipalities.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2986. 20.835 (1) (dc) of the statutes is created to read:

20.835 (1) (dc) *Municipal and county shared revenue.* A sum sufficient to make the payments under s. 79.036.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2987. 25.50 (3) (b) of the statutes is amended to read:

25.50 (3) (b) On the dates specified and to the extent to which they are available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.035, 79.036, 79.04, 79.05, 79.08, and 79.10 shall be considered local funds and, pursuant to the instructions of local officials, may be paid into the separate accounts of all local governments established in the local government pooled-investment fund and, pursuant to the instructions of local officials, to the extent to which they are available, be disbursed or invested.

SECTION 2988. 79.01 (3) of the statutes is created to read:

79.01 (3) There is established an account in the general fund entitled the “Municipal and County Shared Revenue Account,” consisting of an amount equal to 20 percent of the amount of the revenues received from the taxes imposed under ss. 77.52 and 77.53 in each fiscal year, as specified under s. 20.005 (1), less the following amounts:

- (a) The amount distributed under sub. (1).
- (b) The amount distributed under sub. (2d).
- (c) The amount distributed to counties and municipalities under s. 79.096.

SECTION 2989. 79.015 of the statutes is amended to read:

79.015 Statement of estimated payments. The department of revenue, on or before September 15 of each year, shall provide to each municipality and county a statement of estimated payments to be made in the next calendar year to the municipality or county under ss. 79.035, 79.036, 79.04, and 79.05.

SECTION 2990. 79.02 (2) (b) of the statutes is amended to read:

79.02 (2) (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), payments in July shall equal 15 percent of the municipality’s or county’s estimated payments under ss. 79.035 and 79.04, 50 percent of the municipality’s or county’s estimated payments under s. 79.036, and 100 percent of the municipality’s estimated payments under s. 79.05. Upon certification by the department of revenue, the estimated payment under s. 79.05 may be distributed before the 4th Monday in July.

SECTION 2991. 79.02 (3) (a) of the statutes is amended to read:

79.02 (3) (a) Subject to s. 59.605 (4), payments to each municipality and county in November shall equal that municipality’s or county’s entitlement under ss. 79.035, 79.036, 79.04, and 79.05 for the current year, minus the amount distributed to the municipality or county under sub. (2) (b).

SECTION 2992. 79.036 of the statutes is created to read:

79.036 Municipal and county shared revenue. (1) In this section:

(a) “Aidable revenues” means, for each municipality and county, the total of the 3-year average of revenues from each of the following, as reported under s. 73.10:

1. General property taxes and other taxes.
2. Payments in lieu of taxes.
3. Special assessments.
3. Licenses and permits.
4. Fines and forfeitures.
5. Public charges.
6. Intergovernmental revenues.
7. Distributions under this subchapter, not including distributions under s.

79.04.

(b) “County equalized value per capita” means the amount of a county’s most recent equalized value divided by the county’s population.

(c) “Department” means the department of revenue.

(d) “Equalization factor” means the ratio of municipal equalized value per capita or county equalized value per capita divided by the statewide equalized value per capita, as calculated by the department separately for municipalities as a group and counties as a group. For purposes of this paragraph, the equalization factor may not be more than 500 percent of the statewide equalized value per capita, as determined by the department.

(e) “Equalized value” means the assessed value of property adjusted to reflect full value as determined by the department under s. 70.57, including, for municipalities, the value increment, as defined in s. 66.1105 (2) (m), in tax

incremental districts and excluding manufacturing land and improvements assessed under s. 70.995.

(f) “Municipal equalized value per capita” means the amount of a municipality’s most recent equalized value divided by the municipality’s population.

(g) “Qualifying public safety expenditures” means amounts expended by each municipality or county for the purposes of law enforcement, fire protection, or ambulance and emergency medical services, as reported to the department under s. 73.10.

(h) “Standard aidable revenue match percentage” means the percentage match of aidable revenues determined by the department as necessary to distribute the total amount allocated under s. 79.01 (3) to make the payments under this section.

(2) (a) Beginning with the distributions in 2024, each county and municipality shall receive a payment under this subsection from the municipal and county shared revenue account to use for law enforcement, fire protection, and ambulance and emergency medical services and to pay the costs of prosecutorial and judicial functions. The total annual amount to be distributed to counties and municipalities under this subsection is an amount equal to 43.4 percent of the amount determined under s. 79.01 (3), rounded to the nearest \$1,000,000.

****NOTE: The instructions indicate that the payments may be used “to pay for the costs of providing district attorneys and judicial functions.” Please note that, under s. 20.475, district attorneys, although considered county officers, are paid by the state. Therefore, I changed the phrase to read “to pay the costs of prosecutorial and judicial functions.”

(b) The department shall calculate the payment under par. (a) for each municipality and county as a percentage of the most recent 3-year average of qualifying public safety expenditures for each municipality and county as necessary to distribute the full amount of the aid available, or \$10,000, whichever is greater.

(3) (a) Beginning with the distributions in 2024, in addition to the payments under sub. (2), each county and municipality shall receive payments under this subsection from the municipal and county shared revenue account as per capita and aidable revenues allocations. The total annual amount to be distributed to counties and municipalities under this subsection is the amount that remains after making the payments under sub. (2). The department shall distribute 70 percent of the total annual amount determined under this paragraph to municipalities and 30 percent of that amount to the counties.

(b) 1. The department shall determine the per capita aid for the municipalities by multiplying the total amount available to municipalities by 0.15 and dividing the product by the state's total population.

2. Each municipality shall receive its per capita allocation as the result of multiplying the statewide per capita amount determined under subd. 1. by the municipality's population.

(c) 1. The department shall determine the per capita aid for the counties by multiplying the total amount available to counties by 0.15 and dividing the product by the state's total population.

2. Each county shall receive its per capita allocation as the result of multiplying the statewide per capita amount determined under subd. 1. by the county's population.

(d) 1. The total amount available for aidable revenues allocations shall be equal to the amount remaining for municipalities and counties after the distributions of the per capita payments under pars. (b) and (c).

2. Each municipality's aidable revenues allocation is an amount equal to the municipality's aidable revenues multiplied by the quotient of the standard aidable

revenue match percentage for all municipalities divided by the equalization factor for the municipality receiving the allocation.

3. Each county's aidable revenues allocation is an amount equal to the county's aidable revenues multiplied by the quotient of the standard aidable revenue match percentage for all counties divided by the equalization factor for the county receiving the allocation.

(4) (a) 1. Beginning with the distribution in 2025, if the total payments to a municipality or county under this section and s. 79.035 are less than 95 percent of the total payments to the municipality or county under this section and s. 79.035 for the previous year, the municipality or county has an aids deficiency. The amount of the aids deficiency is the amount by which 95 percent of the total payments to the municipality or county under this section and s. 79.035 in the previous year exceeds the payments to the municipality or county under this section and s. 79.035 in the current year.

2. A municipality or county that has an aids deficiency shall receive a payment from the amounts withheld under par. (b) equal to its proportion of all the aids deficiencies of municipalities or counties respectively for that year.

(b) 1. In this paragraph, "maximum allowable increase" in any year means a percentage such that the sum for all municipalities or counties respectively in that year of the excess of payments under this section and s. 79.035 over the payments as limited by the maximum allowable increase is equal to the sum of the aids deficiencies under par. (a) in that year.

2. Beginning with the distribution in 2025, if the payments to a municipality or county in any year exceed its total payments under this section and s. 79.035 in

the previous year by more than the maximum allowable increase, the excess shall be withheld to fund minimum payments in that year under par. (a) 2.

(5) No county or municipality may receive a payment under this section for any year in which it fails to submit to the department the information required under s. 73.10. If a county or municipality does not submit the required information, or submits incomplete information, the department shall notify the county or municipality and give the county or municipality a reasonable opportunity to submit the information or correct the deficiency.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1799/P1
MLJ&JAM:amn

DOA:.....Stinebrink, BB0491 - Wisconsin National Guard duties related to sexual assault and sexual harassment

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Wisconsin National Guard duties related to sexual assault and sexual harassment

This bill makes a number of changes to the Wisconsin Code of Military Justice (WCMJ), including: 1) the codification of offenses that have been included as offenses in the federal Uniform Code of Military Justice (UCMJ) related to retaliation, sexual harassment, and engagement in prohibited sexual activity with a recruit or trainee; 2) articulation of the limits of punishment under the WCMJ; 3) clarifications as to which courts-martial have primary jurisdiction over certain offenses; 4) removal of certain gender-specific language from the WCMJ; 5) requiring that the adjutant general prescribe rules of procedure for courts-martial arising under the WCMJ; and 6) requiring that the adjutant general prescribe and implement a policy that ensures that a victim of an offense under the WCMJ is treated with dignity, respect, courtesy, sensitivity, and fairness.

This bill also requires the adjutant general to submit to the governor and appropriate standing committees of the legislature an annual report containing information related to sexual assaults and sexual harassment reported by members of the Wisconsin National Guard, and a summary of National Guard training and

policies related to preventing and responding to incidents of sexual assault and sexual harassment.

This bill also requires DMA to establish and maintain a case management system that allows the National Guard to track and manage casework related to misconduct within the National Guard. This bill also requires DMA to submit to the governor and appropriate standing committees of the legislature an annual report describing any substantive changes to the UCMJ during the prior federal fiscal year, a comparison of those changes to the WCMJ, and recommendations regarding whether those changes should be incorporated into the WCMJ.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2993. 321.03 (1) (f) of the statutes is created to read:

321.03 (1) (f) 1. In this paragraph, “substantive change” means any change that modifies the elements of a punitive article of the Uniform Code of Military Justice, creates a punitive article in the Uniform Code of Military Justice, or repeals a punitive article from the Uniform Code of Military Justice.

2. By July 1 of each year, submit to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3) a report that summarizes any substantive changes that have been made to the Uniform Code of Military Justice during the prior federal fiscal year, compares those substantive changes to the Wisconsin Code of Military Justice, and provides recommendations to the legislature regarding whether those substantive changes to the Uniform Code of Military Justice should be incorporated into the Wisconsin Code of Military Justice. The report shall be the subject of a public hearing, conducted no less often than annually, by the appropriate standing committees of the legislature.

SECTION 2994. 321.03 (1) (g) of the statutes is created to read:

321.03 (1) (g) Establish and maintain a case management system that allows the national guard to manage and track all case-related information for cases of misconduct within the national guard.

SECTION 2995. 321.04 (1) (s) of the statutes is created to read:

321.04 (1) (s) 1. By February 1 of each year, submit to the governor and to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3), and publish on the department's website, an annual report on sexual assault and sexual harassment within the Wisconsin national guard. The report shall be the subject of a public hearing, conducted no less often than annually, by the appropriate standing committees of the legislature. The report shall include, at a minimum, all of the following information for the prior federal fiscal year:

a. Data regarding all reported incidents of sexual assault and sexual harassment made by members of the Wisconsin national guard during that period, including the numbers of restricted and unrestricted reports of sexual assault and reports of sexual harassment, and historical trends relating to that data for the 5 fiscal years preceding the fiscal year covered in the report. For unrestricted reports of sexual assault and for reports of sexual harassment, the report shall also include all of the following information: the type of conduct that was reported to have occurred; the duty status of the members involved at the time of the incident; information on the status of the report, including whether the case was referred for additional investigation; and a summary of any resolution or discipline taken, including whether criminal charges were referred or filed.

b. A summary of any training relating to preventing and responding to incidents of sexual assault and sexual harassment that was provided to members of the Wisconsin national guard in the preceding year.

c. A summary of any current federal national guard bureau policies relating to preventing and responding to incidents of sexual assault and sexual harassment that were enacted during that period and a description of how those policies are being implemented in the Wisconsin national guard.

d. A summary of the current policies and procedures related to preventing and responding to incidents of sexual assault and sexual harassment in the Wisconsin national guard and any changes made since the prior report.

2. The report under subd. 1. shall protect the privacy of victims of sexual assault and sexual harassment and may not provide any personal identifying information that would allow a victim to be identified.

SECTION 2996. 321.04 (1) (t) of the statutes is created to read:

321.04 (1) (t) Prescribe in writing, make publicly available on the department's website, and implement a policy that ensures that any victim of an offense under the Wisconsin code of military justice is treated with dignity, respect, courtesy, sensitivity, and fairness.

SECTION 2997. 321.04 (1) (u) of the statutes is created to read:

321.04 (1) (u) Prescribe in writing and make publicly available on the department's website the procedures required under s. 322.036.

SECTION 2998. 322.001 (15) of the statutes is amended to read:

322.001 (15) "Military offenses" means those offenses prescribed under articles 77, principals; 78, accessory after the fact; 80, attempts; 81, conspiracy; 82, solicitation; 83, fraudulent enlistment, appointment, or separation; 84, unlawful enlistment, appointment, or separation; 85, desertion; 86, absence without leave; 87, missing movement; 88, contempt toward officials; 89, disrespect towards superior commissioned officer; 90, assaulting or willfully disobeying superior commissioned

officer; 91, insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer; 92, failure to obey order or regulation; 93, cruelty and maltreatment; 93a, prohibited activities with military recruit or trainee by a person in a position of special trust; 94, mutiny or sedition; 95, resistance, flight, breach of arrest, and escape; 96, releasing prisoner without proper authority; 97, unlawful detention; 98, noncompliance with procedural rules; 99, misbehavior before the enemy; 100, subordinate compelling surrender; 101, improper use of countersign; 102, forcing a safeguard; 103, captured or abandoned property; 104, aiding the enemy; 105, misconduct as prisoner; 107, false official statements; 108, military property — loss, damage, destruction, or wrongful disposition; 109, property other than military property — waste, spoilage, or destruction; 110, improper hazarding of vessel; 111, drunken or reckless operation of a vehicle, aircraft, or vessel; 112, drunk on duty; 112a, wrongful use, or possession of controlled substances; 113, misbehavior of sentinel; 114, dueling; 115, malingering; 116, riot or breach of peace; 117, provoking speeches or gestures; 120, rape and sexual assault generally; 120a, stalking; 120b, rape and sexual assault of a child; 120c, sexual misconduct; 121, larceny and wrongful appropriation; 122, robbery; 123, forgery; 124, maiming; 126, arson; 127, extortion; 128, assault; 129, burglary; 130, housebreaking; 131, perjury; 132, frauds against the government; 132a, retaliation; 133, conduct unbecoming an officer and a gentleman; and; 134, general; and 134h, sexual harassment; of this code.

SECTION 2999. 322.001 (16) of the statutes is repealed.

SECTION 3000. 322.036 of the statutes is amended to read:

322.036 Article 36 — Governor may prescribe regulations Pretrial, trial, and post-trial procedures. Pretrial, trial, and post-trial procedures not specified in this code, including modes of proof, for courts-martial cases arising

under this code, and for courts of inquiry, ~~may~~ shall be prescribed by the governor by regulations, or as otherwise provided by law, which shall apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the armed forces but which may not be contrary to or inconsistent with this code adjutant general in writing and made publicly available on the department of military affairs' website.

SECTION 3001. 322.056 (2) of the statutes is amended to read:

322.056 (2) A conviction by a general court-martial of any military offense for which an accused may receive a sentence of confinement for more than 1 year is a felony offense.

SECTION 3002. 322.056 (5) of the statutes is amended to read:

322.056 (5) The limits of punishment for violations of the punitive sections under Subch. X shall be those under the Uniform Code of Military Justice, unless otherwise prescribed by the governor according to ss. 322.018 to 322.020, but under no instance shall any punishment exceed that authorized by this code.

SECTION 3003. 322.0935 of the statutes is created to read:

322.0935 Article 93a — Prohibited activities with military recruit or trainee by a person in a position of special trust. (1) In this section:

(a) “Applicant for military service” means a person who, under regulations prescribed by the secretary of the relevant military branch, is an applicant for original enlistment or appointment in the state military forces.

(b) “Military recruiter” means a person who, under regulations prescribed by the secretary of the relevant military branch, has the primary duty to recruit persons for military service.

(c) “Prohibited sexual activity” means any sexual act, as defined in s. 322.120 (1) (e), or any sexual contact, as defined in s. 322.120 (1) (f), or any attempt or solicitation to commit a sexual act or sexual contact.

(d) “Specially protected junior member of the state military forces” means any of the following:

1. A member of the state military forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program.

2. A member of the state military forces who is a cadet, candidate, or midshipman, or a student in any other officer qualification program.

3. A member of the state military forces in any program that, by regulation prescribed by the secretary of the relevant military branch, is identified as a training program for initial career qualification.

(e) “Training leadership position” means, with respect to a specially protected junior member of the state military forces, any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers’ training corps unit, a training program for entry into the state military forces, or any program that, by regulation prescribed by the secretary of the relevant military branch, is identified as a training program for initial career qualification.

(2) Any officer, noncommissioned officer, or petty officer who is in a training leadership position and engages in prohibited sexual activity with a specially protected junior member of the state military forces shall be punished as a court-martial may direct.

(3) Any person who is a military recruiter and engages in prohibited sexual activity with an applicant for military service or a specially protected junior member

of the state military forces who is enlisted under a delayed entry program shall be punished as a court-martial may direct.

(4) Consent is not a defense for any conduct at issue in a prosecution under this section.

SECTION 3004. 322.120 (1) (a) of the statutes is repealed.

SECTION 3005. 322.120 (3) (a) (intro.) of the statutes is amended to read:

322.120 (3) (a) (intro.) Commits a sexual act upon another person ~~without consent~~ by doing any of the following:

SECTION 3006. 322.120 (3) (b) of the statutes is renumbered 322.120 (3) (b) (intro.) and amended to read:

322.120 (3) (b) (intro.) Commits a sexual act upon another person ~~when~~ under one of the following circumstances:

2. When the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

SECTION 3007. 322.120 (3) (b) 1. of the statutes is created to read:

322.120 (3) (b) 1. Without the consent of the other person.

SECTION 3008. 322.1325 of the statutes is created to read:

322.1325 Article 132a — Retaliation. (1) In this section:

(a) “Protected communication” means any of the following:

1. A lawful communication to a member of Congress, a member of the Wisconsin legislature, the governor, or an inspector general.

2. A communication to a member of the U.S. department of defense or the U.S. national guard bureau, a law enforcement officer, a state agency, a legislative service agency, a person in the chain of command, or a court-martial proceeding in which a member of the state military forces complains of, or discloses information that the

member reasonably believes constitutes evidence of, a violation of a law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(b) “Unlawful discrimination” means discrimination on the basis of race, color, religion, sex, or national origin.

(2) Any person who, with intent to retaliate against any person for reporting or planning to report a criminal or military offense or for making or planning to make a protected communication, or with intent to discourage any person from reporting a criminal or military offense or making a protected communication, does any of the following shall be punished as a court-martial may direct:

(a) Wrongfully takes or threatens to take an adverse personnel action against any person.

(b) Wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person.

SECTION 3009. 322.133 of the statutes is amended to read:

322.133 Article 133 — Conduct unbecoming an officer and a gentleman.

Any commissioned officer, cadet, candidate, or midshipman who is convicted of conduct unbecoming an officer ~~and a gentleman~~ shall be punished as a court-martial may direct.

SECTION 3010. 322.1345 of the statutes is created to read:

322.1345 Article 134h — Sexual harassment. Any person who knowingly makes an unwelcome sexual advance, demand, or request for a sexual favor or knowingly engages in other unwelcome conduct of a sexual nature shall be punished as a court-martial may direct if all of the following apply:

(1) The sexual advance, demand, request, or conduct of a sexual nature satisfies any of the following conditions:

(a) It would, under the circumstances, cause a reasonable person to believe, and at least one person did believe, that submission to or rejection of such an advance, demand, request, or conduct would be made, either explicitly or implicitly, a term or condition of that person's job, pay, career, benefits, or entitlements or would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements.

(b) It was so severe, repetitive, or pervasive that a reasonable person would perceive, and at least one person did perceive, an intimidating, hostile, or offensive working environment.

(2) The sexual advance, demand, request, or conduct of a sexual nature was to the prejudice of good order and discipline in the state military forces or of a nature to bring discredit upon the state military forces, or both.

SECTION 9331. Initial applicability; Military Affairs.

(1) REPORT ON SUBSTANTIVE CHANGES TO THE UNIFORM CODE OF MILITARY JUSTICE. The reporting requirement under s. 321.03 (1) (f) 2. first applies to a substantive change to the Uniform Code of Military Justice that is made on or after October 1, 2023.

(2) REPORTING OF SEXUAL ASSAULT AND SEXUAL HARASSMENT WITHIN THE WISCONSIN NATIONAL GUARD. The reporting requirement under s. 321.04 (1) (s) first applies to a reported incident of sexual assault or sexual harassment that is made on or after October 1, 2023.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1800/P1
MJW:kms

DOA:.....Stinebrink, BB0508 - Statewide interoperable radio network
(WISCOM)

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

A statewide public safety interoperable communication system

This bill creates a continuing GPR appropriation to fund the development and operation of a statewide public safety interoperable communication system.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3011. 20.465 (3) (bm) of the statutes is created to read:

20.465 (3) (bm) *Statewide public safety interoperable communication system.*

As a continuing appropriation, the amounts in the schedule to develop and operate a statewide public safety interoperable communication system.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1802/P1
ARG:amn

DOA:.....Quinn, BB0509 - Technical college district revenue limits

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Technical college district revenue limits

This bill increases the limit on certain revenue, primarily derived from the property tax levy, that technical college districts may generate.

Under current law, with certain exceptions, a technical college district board may not increase its revenue each school year by more than the greater of 1) 0 percent, or 2) the percentage change in the district's equalized value due to new construction, less improvements removed, between the previous year and the current year. The amount of this limit is called the "valuation factor." A district board's revenue is the sum of its tax levy for operations and the amount of aid it receives for property tax relief and tax-exempt personal property.

The bill increases part 1) of the valuation factor from 0 percent to 2 percent, allowing an increase of a district board's revenue by 2 percent over the previous year regardless of any change in the district's equalized value due to net new construction.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3012. 38.16 (3) (a) 4. of the statutes is amended to read:

38.16 (3) (a) 4. "Valuation factor" means a percentage equal to the greater of either zero ~~2~~ percent as compared to the previous year or the percentage change in the district's January 1 equalized value due to the aggregate new construction, less improvements removed, in municipalities located in the district between the previous year and the current year, as determined by the department of revenue under par. (am).

SECTION 9342. Initial applicability; Technical College System.

(1) REVENUE LIMITS. The treatment of s. 38.16 (3) (a) 4. first applies to the calculation of a technical college district board's revenue limit for the 2023-24 school year.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1804/P1
CMH:emw

DOA:.....Schmidt, BB0457 - Field prosecutors

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Repeal of report on field prosecutor positions

2017 Wisconsin Act 261 created two field prosecutor attorney positions in DOJ to assist the Division of Criminal Investigation and district attorneys. The act also required DOJ to submit annual reports to JCF on the activities and effectiveness of the attorneys. The project positions terminate on April 11, 2023. This bill repeals the requirement that DOJ submit the corresponding annual report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3013. 165.25 (11) of the statutes is repealed.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1805/P1
ARG:skw

DOA:.....Mott, BB0471 - Nonresident Tuition Exemption for Tribal Members

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Nonresident tuition exemption for certain tribal members

This bill allows certain students who are members of, or whose parents or grandparents are members of, a federally recognized American Indian tribe and who are otherwise ineligible for resident tuition at UW System institutions and technical colleges to qualify for resident tuition.

Under current law, a person generally must be a resident of this state for at least 12 months prior to registering at a UW System institution in order to be exempt from paying nonresident tuition. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates.

Also under current law, the TCS Board establishes program fees that the technical college districts must charge students. With exceptions, the fees for nonresidents are 150 percent of the fees for residents. The TCS Board must establish procedures to determine the residence of students attending technical colleges, but current law specifies that certain students must be considered residents of this state.

This bill creates a nonresident tuition exemption for certain tribal members or children or grandchildren of tribal members. Under the bill, a student enrolled in a UW System institution or technical college qualifies for resident tuition or fee rates if all of the following apply:

1. The student, or the student's parent or grandparent, is a member of a federally recognized American Indian tribe or band in Wisconsin or is a member of a federally recognized tribe in Minnesota, Illinois, Iowa, or Michigan.

2. The student has resided in Wisconsin, Minnesota, Illinois, Iowa, or Michigan, or in any combination of these states, for at least 12 months prior to enrolling in a UW System institution or technical college.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3014. 36.27 (2) (ar) of the statutes is created to read:

36.27 (2) (ar) A student is entitled to the exemption under par. (a) if all of the following apply:

1. The student, or the student's parent or grandparent, is a member of a federally recognized American Indian tribe or band in this state or is a member of a federally recognized tribe in Minnesota, Illinois, Iowa, or Michigan.

2. The student has resided in Wisconsin, Minnesota, Illinois, Iowa, or Michigan, or in any combination of these states, for at least 12 months immediately preceding the beginning of any semester or session in which the student enrolls in an institution.

SECTION 3015. 38.22 (6) (g) of the statutes is created to read:

38.22 (6) (g) Any person who meets all of the following requirements:

1. The person, or the person's parent or grandparent, is a member of a federally recognized American Indian tribe or band in this state or is a member of a federally recognized tribe in Minnesota, Illinois, Iowa, or Michigan.

2. The person has resided in Wisconsin, Minnesota, Illinois, Iowa, or Michigan, or in any combination of these states, for at least 12 months immediately preceding

the beginning of any semester or session in which the person enrolls in a district school.

SECTION 9342. Initial applicability; Technical College System.

(1) NONRESIDENT TUITION EXEMPTION FOR CERTAIN TRIBAL MEMBERS. The treatment of s. 38.22 (6) (g) first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9347. Initial applicability; University of Wisconsin System.

(1) NONRESIDENT TUITION EXEMPTION FOR CERTAIN TRIBAL MEMBERS. The treatment of s. 36.27 (2) (ar) first applies to students who enroll for the semester or session following the effective date of this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1806/P1
ZDW:cdc

DOA:.....Aslesen, BB0510 - Electric vehicle identification sticker

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Electric vehicle identification sticker

This bill requires DOT to issue a decal for each hybrid and nonhybrid electric vehicle that identifies the vehicle as electric and which must be displayed on the front and rear registration plates of the vehicle. The bill provides that there is a onetime fee of \$1 for the issuance of the decals.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3016. 341.13 (5) of the statutes is created to read:

341.13 (5) A hybrid electric vehicle, as defined under s. 341.25 (1) (L) 1. b., or a nonhybrid electric vehicle, as defined under s. 341.25 (1) (L) 1. c., shall bear decals

issued by the department to indicate that the vehicle is an electric vehicle. The decals shall be displayed as provided in s. 341.15 (1m) (c).

SECTION 3017. 341.15 (1m) (a) of the statutes is amended to read:

341.15 (1m) (a) Except as provided in par. (b) or (c), any registration decal or tag issued by the department shall be placed on the rear registration plate of the vehicle in the manner directed by the department.

SECTION 3018. 341.15 (1m) (c) of the statutes is created to read:

341.15 (1m) (c) Decals issued by the department to indicate that a vehicle is an electric vehicle shall be displayed on the registration plates attached to the front and the rear of the vehicle.

SECTION 3019. 341.26 (8) of the statutes is created to read:

341.26 (8) ELECTRIC VEHICLES. A registration fee of \$1 shall be paid to the department for the issuance of the decals required under s. 341.13 (5) for a hybrid electric vehicle, as defined under s. 341.25 (1) (L) 1. b., or a nonhybrid electric vehicle, as defined under s. 341.25 (1) (L) 1. c.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1811/P1
ZDW:amn

DOA:.....Aslesen, BB0513 - LRIP discretionary grants, state funds

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

Local roads improvement program discretionary grants

Under current law, DOT administers the local roads improvement program (LRIP) to assist political subdivisions in improving seriously deteriorating local roads by reimbursing political subdivisions for certain improvements. LRIP has several components, including discretionary grants. Current law specifies dollar amounts that DOT must allocate in each fiscal year to each of three project types that exceed specified cost thresholds: 1) county trunk highway improvements, 2) town road improvements, and 3) municipal street improvement projects.

Under this bill, in fiscal year 2023-24 and each fiscal year thereafter, of the amount appropriated to DOT for LRIP discretionary grants, DOT must allocate 35.6 percent to county trunk highway improvements, 39.0 percent to town road improvements, and 25.4 percent to municipal street improvements.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3020. 86.31 (3g) of the statutes is amended to read:

86.31 **(3g)** COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate \$5,127,000 in fiscal years 2014-15 to 2016-17 and \$5,393,400 in fiscal year ~~2017-2018 and each fiscal year thereafter,~~ years 2017-18 to 2022-23 to fund county trunk highway improvements with eligible costs totaling more than \$250,000. In fiscal year 2023-24 and each fiscal year thereafter, the department shall allocate 35.6 percent of the amounts appropriated under s. 20.395 (2) (ft) to fund county trunk highway improvements with eligible costs totaling more than \$250,000. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 3021. 86.31 (3m) of the statutes is amended to read:

86.31 **(3m)** TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate \$5,732,500 in fiscal years 2011-12 to 2016-17 and \$5,923,600 in fiscal year ~~years~~ years 2017-18 and each fiscal year thereafter, to 2022-23 to fund town road improvements with eligible costs totaling \$100,000 or more. In fiscal year 2023-24 and each fiscal year thereafter, the department shall allocate 39.0 percent of the amounts appropriated under s. 20.395 (2) (ft) to fund town road improvements with eligible costs totaling \$100,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 3022. 86.31 (3r) of the statutes is amended to read:

86.31 **(3r)** MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate \$976,500 in fiscal years 2009-10 to 2016-17 and \$3,850,400 in fiscal year ~~years~~ years 2017-18 and each

~~fiscal year thereafter, to 2022-23~~ to fund municipal street improvement projects having total estimated costs of \$250,000 or more. In fiscal year 2023-24 and each fiscal year thereafter, the department shall allocate 25.4 percent of the amounts appropriated under s. 20.395 (2) (ft) to fund municipal street improvement projects having total estimated costs of \$250,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1814/P9
MED/MDE/MIM:all

DOA:.....Kirschbaum, BB0325 and BB0010 - Expanded FMLA and Paid
Leave Benefits Insurance Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Family and medical leave expansion

Under the current family and medical leave law, an employer that employs at least 50 individuals on a permanent basis must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take family leave to care for the employee's child, spouse, domestic partner, or parent who has a serious health condition. Employers covered under the law must also permit an employee covered under the law to take up to two weeks of medical leave in a 12-month period when that employee has a serious health condition. An employee may file a complaint with DWD regarding an alleged violation of the family and medical leave law within 30 days after either the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later.

This bill makes the following changes to the family and medical leave law:

1. Requires employers covered under the law to permit employees covered under the law to take family leave to provide for a grandparent, grandchild, or sibling who has a serious health condition.
2. Decreases the number of hours an employee is required to work before qualifying for family and medical leave to 680 hours during the preceding 52 weeks.

3. Increases the amount of weeks an employee is able to take in family and medical leave for any eligible reason to 12 weeks.

4. Extends the time period in which an employee may file a complaint with DWD to 300 days after either the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later.

5. Removes the age restriction from the definition of “child” for various purposes under the family and medical leave law.

6. Requires employers to permit employees to take family leave in the instance of an unforeseen or unexpected gap in childcare for an employee’s child, grandchild, or sibling or because of a qualifying exigency as to be determined by DWD related to covered active duty, as defined in the bill, or notification of an impending call or order to covered active duty of an employee’s child, spouse, domestic partner, parent, grandparent, grandchild, or sibling who is a member of the U.S. armed forces.

7. Requires employers to permit employees to take family leave to address issues related to the employee or the employee’s child, spouse, domestic partner, parent, grandparent, grandchild, or sibling being the victim of domestic abuse, sexual abuse, or stalking.

8. Requires employers to permit employees to take family leave to care for a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling of an employee who is in medical isolation and requires employers to permit employees to take medical leave when an employee is in medical isolation. The bill defines “medical isolation” to include when a local health officer or DHS advises that an individual isolate or quarantine; when a health care professional, a local health officer, or DHS advises that an individual seclude herself or himself when awaiting the results of a diagnostic test for a communicable disease or when the individual is infected with a communicable disease; and when an individual’s employer advises that the individual not come to the workplace due to a concern that the individual may have been exposed to or infected with a communicable disease.

Family and medical leave benefits insurance program

This bill creates a family and medical leave benefits insurance program, to be administered by DWD, under which a covered individual who is on certain family or medical leave is eligible, beginning on January 1, 2025, to receive up to 12 weeks of family or medical leave insurance benefits as specified in the bill from the family and medical leave benefits insurance trust fund created under the bill. For purposes of the bill, the following definitions apply:

1. A “covered individual” is an individual who worked for the same employer for at least 680 hours in the calendar year prior to the year in which the covered individual claims family or medical leave insurance benefits (application year) or a self-employed individual who elects coverage under the program.

2. “Family leave” means leave from employment, self-employment, or availability for employment for the birth or adoptive placement of a new child; to care for a family member who has a serious health condition or is in medical isolation; for covered active duty; or to address issues related to being the victim of domestic abuse, sexual abuse, or stalking.

3. "Medical leave" means leave from employment, self-employment, or availability for employment when a covered individual is in medical isolation or has a serious health condition that makes the employee unable to perform his or her employment duties.

Under the bill, the amount of family or medical leave insurance benefits for a week for which those benefits are payable is as follows:

1. For the amount of the covered individual's average weekly earnings that are less than 50 percent of the state annual median wage in the calendar year before the individual's application year, 90 percent of that individual's average weekly earnings.

2. For the amount of the covered individual's average weekly earnings that are more than 50 percent of the state annual median wage in the calendar year before the individual's application year, 50 percent of that individual's average weekly earnings.

Beginning on January 1, 2025, the bill requires each individual employed in this state by an employer that regularly employs at least 50 individuals, including an individual employed by the state, and any self-employed individual who elects coverage under the family and medical leave benefits insurance program to contribute to the trust fund a percentage of his or her wages from employment or income from self-employment. Under the bill, each employer must contribute the same amount as an employee. The bill requires DWD to collect those contributions in the same manner as DWD collects contributions to the unemployment reserve fund under current law.

The bill provides that an employer that provides paid family and medical leave benefits that are identical to or more generous than those provided under the program may request an exemption from participation in the program. The bill requires DWD to promulgate rules to provide exemptions from participation in the program.

The bill further does the following:

1. Requires DWD to promulgate rules providing for a right to a hearing in cases of disputes involving an individual's eligibility for benefits or status as a covered individual under the program.

2. Requires DWD to promulgate rules providing for a right to a hearing in cases involving the liability of employers for contributions under the program.

3. Allows DWD to seek repayment of family or medical leave insurance benefits that are paid erroneously or as a result of willful misrepresentation. The bill allows DWD to establish other procedures for recovering overpayments and allows DWD to utilize procedures under the unemployment insurance law.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3023. 20.445 (6) (q) of the statutes is created to read:

20.445 (6) (q) *Payment of benefits; family and medical leave benefits insurance trust fund.* From the family and medical leave benefits insurance trust fund, a sum sufficient to pay for the payment of benefits under s. 103.105 (3) and to refund moneys erroneously paid into the fund.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3024. 20.445 (6) (r) of the statutes is created to read:

20.445 (6) (r) *Administrative expenses; family and medical leave benefits insurance trust fund.* Biennially, from the family and medical leave benefits insurance trust fund, the amounts in the schedule for the administrative expenses of the family and medical leave benefits insurance program.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3025. 25.17 (1) (er) of the statutes is created to read:

25.17 (1) (er) Family and medical leave benefits insurance trust fund (s. 25.52);

SECTION 3026. 25.52 of the statutes is created to read:

25.52 Family and medical leave benefits insurance trust fund. There is created a separate nonlapsible trust fund designated as the family and medical leave benefits insurance trust fund, to consist of all moneys deposited in that fund under s. 103.105 (8).

SECTION 3027. 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a) and amended to read:

103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or a legal ward to whom any of the following applies:

SECTION 3028. 103.10 (1) (a) 1. of the statutes is repealed.

SECTION 3029. 103.10 (1) (a) 2. of the statutes is repealed.

SECTION 3030. 103.10 (1) (ap) of the statutes is created to read:

103.10 (1) (ap) "Covered active duty" means any of the following:

1. For a member of a regular component of the U.S. armed forces, duty during the deployment of the member with the U.S. armed forces to a foreign country.

2. For a member of a reserve component of the U.S. armed forces, duty during the deployment of the member with the U.S. armed forces to a foreign country under a call or order to active duty under a provision of law specified in 10 USC 101 (a) (13) (B).

SECTION 3031. 103.10 (1) (b) of the statutes is amended to read:

103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, "employee" means an individual employed in this state by an employer, except the employer's ~~parent, child, spouse, domestic partner, or child parent, grandparent, grandchild, or sibling.~~

SECTION 3032. 103.10 (1) (dm) of the statutes is created to read:

103.10 (1) (dm) "Grandchild" means the child of a child.

SECTION 3033. 103.10 (1) (dp) of the statutes is created to read:

103.10 (1) (dp) "Grandparent" means the parent of a parent.

SECTION 3034. 103.10 (1) (em) of the statutes is created to read:

103.10 (1) (em) "Medical isolation" means any of the following:

1. When a health care professional, a local health officer, or the department of health services advises that an individual seclude herself or himself from others when the individual is awaiting the result of a diagnostic test for a communicable disease or when the individual is infected with a communicable disease.

2. When a local health officer or the department of health services advises that an individual isolate or quarantine under s. 252.06.

3. When an individual's employer advises that the individual not come to the workplace due to a concern that the individual may have been exposed to or infected with a communicable disease.

SECTION 3035. 103.10 (1) (gm) of the statutes is created to read:

103.10 (1) (gm) "Sibling" means a brother, sister, half brother, half sister, stepbrother, or stepsister, whether by blood, marriage, or adoption.

SECTION 3036. 103.10 (1m) (b) 1. of the statutes is renumbered 103.10 (1) (an).

SECTION 3037. 103.10 (1m) (b) 6. of the statutes is renumbered 103.10 (1) (gd).

SECTION 3038. 103.10 (1m) (b) 7. of the statutes is renumbered 103.10 (1) (m).

SECTION 3039. 103.10 (2) (c) of the statutes is amended to read:

103.10 (2) (c) This section only applies to an employee who has been employed by the same employer for more than 52 consecutive weeks and who worked for the employer for at least ~~1,000~~ 680 hours during the preceding 52-week period.

SECTION 3040. 103.10 (3) (a) of the statutes is repealed.

SECTION 3041. 103.10 (3) (b) 3. of the statutes is amended to read:

103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, ~~or parent, grandparent, grandchild, or sibling,~~ if the child, spouse, domestic partner, ~~or parent, grandparent, grandchild, or sibling~~ has a serious health condition.

SECTION 3042. 103.10 (3) (b) 4. of the statutes is created to read:

103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the department by rule, arising out of the fact that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty.

SECTION 3043. 103.10 (3) (b) 5. of the statutes is created to read:

103.10 (3) (b) 5. Because there is an unforeseen or unexpected short-term gap in childcare for the employee's child, grandchild, or sibling that the employee must fill. The department may define by rule "unforeseen or unexpected short-term gap in childcare."

SECTION 3044. 103.10 (3) (b) 6. of the statutes is created to read:

103.10 (3) (b) 6. To care for the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, parent, grandparent, grandchild, or sibling is in medical isolation.

SECTION 3045. 103.10 (3) (b) 7. of the statutes is created to read:

103.10 (3) (b) 7. To address issues of the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling related to being the victim of domestic abuse, sexual abuse, or stalking.

SECTION 3046. 103.10 (4) (a) of the statutes is amended to read:

103.10 (4) (a) Subject to ~~pars. (b) and par. (c)~~ and sub. (4m), an employee who is in medical isolation or has a serious health condition which makes the employee unable to perform his or her employment duties may take medical leave for the period during which he or she is unable to perform those duties.

SECTION 3047. 103.10 (4) (b) of the statutes is repealed.

SECTION 3048. 103.10 (4m) of the statutes is created to read:

103.10 (4m) DURATION OF LEAVE. In a 12-month period, no employee may take more than 12 weeks of family leave for any combination of reasons specified under sub. (3) or (4).

SECTION 3049. 103.10 (6) (b) (intro.) of the statutes is amended to read:

103.10 (6) (b) (intro.) If an employee intends to take family leave because of the planned medical treatment or supervision of a child, spouse, domestic partner, or parent, grandparent, grandchild, or sibling or intends to take medical leave because of the planned medical treatment or supervision of the employee, the employee shall do all of the following:

SECTION 3050. 103.10 (6) (b) 1. of the statutes is amended to read:

103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment or supervision so that it does not unduly disrupt the employer's operations, subject to the approval of the health care provider of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee.

SECTION 3051. 103.10 (6) (c) of the statutes is created to read:

103.10 (6) (c) If the employee intends to take family leave under sub. (3) (b) 4. that is foreseeable because the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty, the employee shall provide notice of that intention to the employer in a reasonable and practicable manner.

SECTION 3052. 103.10 (7) (a) of the statutes is amended to read:

103.10 (7) (a) If an employee requests family leave for a reason described in sub. (3) (b) 3. or requests medical leave due to a serious health condition, the employer may require the employee to provide certification, as described in par. (b), issued by the health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever is appropriate.

SECTION 3053. 103.10 (7) (b) (intro.) of the statutes is amended to read:

103.10 (7) (b) (intro.) No employer may require certification under par. (a) stating more than the following:

SECTION 3054. 103.10 (7) (b) 1. of the statutes is amended to read:

103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee has a serious health condition.

SECTION 3055. 103.10 (7) (cm) of the statutes is created to read:

103.10 (7) (cm) If an employee requests family leave for a reason described in sub. (3) (b) 3., the employer may require the employee to provide certification that the employee is responsible for the care of a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition.

SECTION 3056. 103.10 (7) (d) of the statutes is created to read:

103.10 (7) (d) If an employee requests family leave under sub. (3) (b) 4., the employer may require the employee to provide certification that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty. The certification under this paragraph shall be issued at such time and in such manner as the department may prescribe by rule, and the employee shall provide a copy of that certification to the employer in a timely manner.

SECTION 3057. 103.10 (7) (e) of the statutes is created to read:

103.10 (7) (e) If an employee requests family leave under sub. (3) (b) 5., the employer may require the employee to provide certification that there is an unforeseen or unexpected short-term gap in childcare, as defined in rule by the department, for the employee's child, grandchild, or sibling that the employee must fill. The department may prescribe by rule the form and content of the certification.

SECTION 3058. 103.10 (7) (f) of the statutes is created to read:

103.10 (7) (f) 1. If an employee requests family leave under sub. (3) (b) 6., or medical leave due to medical isolation, the employer may require the employee to provide certification issued by a local public health official, the department of health services, or a health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever is appropriate, except that no employer may require certification under this paragraph if the sole reason for the medical isolation is due to the employer's request under sub. (1) (em) 3. No employer may require certification under this subdivision stating more than that the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee is in medical isolation.

2. If an employee requests family leave under sub. (3) (b) 6., the employer may require the employee to provide certification that the employee is responsible for the care of a child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee who is in medical isolation.

SECTION 3059. 103.10 (7) (g) of the statutes is created to read:

103.10 (7) (g) If an employee requests family leave under sub. (3) (b) 7., the employer may require the employee to provide certification that the employee is addressing issues of the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling related to being the victim of domestic abuse, sexual abuse, or stalking.

SECTION 3060. 103.10 (10) of the statutes is amended to read:

103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an employer and an employee with a serious health condition or in medical isolation from mutually agreeing to alternative employment for the employee while the serious health condition or medical isolation lasts. No period of alternative

employment, with the same employer, reduces the employee's right to family leave or medical leave.

SECTION 3061. 103.10 (12) (b) of the statutes is amended to read:

103.10 (12) (b) An employee who believes his or her employer has violated sub. (11) (a) or (b) may, within ~~30~~ 300 days after the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation. Except as provided in s. 230.45 (1m), the department shall investigate the complaint and shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved and the department finds probable cause to believe a violation has occurred, the department shall proceed with notice and a hearing on the complaint as provided in ch. 227. The hearing shall be held within 60 days after the department receives the complaint.

SECTION 3062. 103.10 (12) (c) of the statutes is amended to read:

103.10 (12) (c) If 2 or more health care providers disagree about any of the information required to be certified under sub. (7) (b), the department may appoint another health care provider to examine the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee and render an opinion as soon as possible. The department shall promptly notify the employee and the employer of the appointment. The employer and the employee shall each pay 50 percent of the cost of the examination and opinion.

SECTION 3063. 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

SECTION 3064. 103.10 (14) (b) of the statutes is repealed.

SECTION 3065. 103.105 of the statutes is created to read:

103.105 Family and medical leave benefits insurance program. (1)

DEFINITIONS. In this section:

(a) “Application year” means the 12-month period beginning on the first day of the first calendar week for which family or medical leave insurance benefits are claimed by a covered individual.

(b) “Average weekly earnings” means one-thirteenth of the wages paid to an employee during the last completed calendar quarter prior to the covered individual’s date of eligibility for benefits under this section and includes all sick, holiday, vacation, and termination pay that is paid directly by an employer to an employee at the employee’s usual rate of pay during his or her last completed calendar quarter as a result of employment for an employer and any total or partial disability payments under ch. 102 or a federal law that provides for payments on account of a work-related injury or illness. For self-employed individuals, “average weekly earnings” means one fifty-second of the gross income reported as income to the federal internal revenue service in the most recent tax year in which the individual filed taxes prior to the individual’s date of eligibility for benefits under this section.

(c) “Covered individual” means an employee who satisfies s. 103.10 (2) (c), or a self-employed individual who elects coverage under sub. (2), regardless of whether the individual is employed or unemployed at the time the individual files an application for family or medical leave insurance benefits.

(d) “Employee” has the meaning given in s. 103.10 (1) (b).

(e) “Employer” has the meaning given in s. 103.10 (1) (c).

(f) “Family leave” means an individual’s leave from employment, self-employment, or availability for employment for a reason specified in s. 103.10 (3) (b) 1. to 7. or 103.11 (4).

(g) “Family or medical leave insurance benefits” means benefits payable under this section from the family and medical leave benefits insurance trust fund.

(h) “Medical leave” means leave from employment, self-employment, or availability for employment for any of the reasons in s. 103.10 (4).

(i) “Self-employed individual” means a sole proprietor, partner of a partnership, member of a limited liability company, or other individual engaged in a vocation, profession, or business for himself or herself and not for an employer.

(j) “State annual median wage” means the median hourly wage for all occupations in this state in a calendar year, as determined by the bureau of labor statistics of the U.S. department of labor, multiplied by 2,080.

(2) ELECTION BY SELF-EMPLOYED INDIVIDUAL. A self-employed individual may elect to be covered under this section by filing a written notice of election with the department in a form and manner prescribed by the department by rule. An initial election under this subsection becomes effective on the date on which the notice of election is filed, shall be for a period of not less than 3 years, and may be renewed for subsequent one-year periods by the filing of a written notice with the department that the self-employed individual intends to continue his or her coverage under this section. A self-employed individual who elects coverage under this section may withdraw that election no earlier than 3 years after the date of the initial election or at such other times as the department may prescribe by rule by providing notice of that withdrawal to the department not less than 30 days before the expiration date of the election.

(3) ELIGIBILITY FOR BENEFITS. (a) Except as otherwise provided in sub. (6), a covered individual who is on family leave or medical leave is eligible to receive family or medical leave insurance benefits in the amount specified in sub. (4) and for the duration specified in sub. (5).

(b) To receive family or medical leave insurance benefits, a covered individual shall file a claim for those benefits within the time and in the manner that the department prescribes by rule. On receipt of a claim for family or medical leave insurance benefits, the department may request from the individual's employer or from the self-employed individual any information necessary for the department to determine the individual's eligibility for those benefits and the amount and duration of those benefits. The employer or self-employed individual shall provide that information to the department within the time and in the manner that the department prescribes by rule. If the department determines that a covered individual is eligible to receive family or medical leave insurance benefits, the department shall provide those benefits to the individual as provided in subs. (4) and (5).

(4) AMOUNT OF BENEFITS. Except as provided in sub. (6), the amount of family or medical leave insurance benefits payable for a week shall be based upon the covered individual's average weekly earnings, as follows:

(a) For the amount of the covered individual's average weekly earnings that are less than 50 percent of the state annual median wage in the calendar year before the covered individual's application year, 90 percent of the covered individual's average weekly earnings.

(b) For the amount of the covered individual's average weekly earnings that are more than or equal to 50 percent of the state annual median wage in the calendar

year before the covered individual's application year, 50 percent of the covered individual's average weekly earnings.

(5) DURATION OF BENEFITS. The maximum number of weeks for which family or medical leave insurance benefits are payable in an application year is 12 weeks. A covered individual may be paid family or medical leave insurance benefits continuously, or at the option of the covered individual, intermittently.

(6) EMPLOYER EXEMPTION FROM PARTICIPATION IN PAID FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE PROGRAM. (a) If an employer provides family and medical leave benefits that are identical to or more generous than benefits provided under this section, the employer may elect to not participate in the paid family and medical leave benefits insurance program under this section. If the department grants an exemption under this subsection, the employer shall pay benefits that are at least identical to benefits under this section, and an employee is entitled to be paid those benefits.

(b) An employer that elects to not participate in the paid family and medical leave benefits insurance program under this section shall request an exemption from the department in writing, in the manner prescribed by the department. An exemption from participation is not effective until approved by the department in writing.

(c) The department may grant a written exemption from participation to an employer who complies with this subsection and all rules promulgated by the department under par. (g).

(d) The department may withdraw its written exemption order granted under par. (c) if the department determines that an employer is not providing paid family

and medical leave benefits to employees that are at least identical to those provided under this section.

(e) If an employee believes that his or her employer that has an exemption under this subsection has violated the employee's right to paid family and medical leave benefits identical to those provided under this section, the employee may file a complaint with the department alleging the violation, and the department shall process the complaint in the same manner as complaints filed under s. 103.10 (12) (b) are processed. If the department finds that an employer has violated this subsection, the department may order the employer to take action to remedy the violation, including providing the paid family and medical leave benefits, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the employee.

(f) After the completion of an administrative proceeding under par. (e), including judicial review, an employee or the department may bring an action in circuit court against an employer to recover damages caused by a violation of this subsection. Section 103.10 (13) (b) applies to the commencement of an action under this paragraph.

(g) The department shall promulgate rules to implement this subsection.

(7) FEDERAL TAX TREATMENT OF BENEFITS. With respect to the federal income taxation of family or medical leave insurance benefits, the department shall do all of the following:

(a) At the time an individual files a claim for those benefits, advise the individual that those benefits may be subject to federal income taxation, that requirements exist under federal law pertaining to estimated tax payments, and that the individual may elect to have federal income taxes withheld from the

individual's benefit payments and may change that election not more than one time in an application year.

(b) Allow the individual to elect to have federal income tax deducted and withheld from the individual's benefit payments, allow the individual to change that election not more than one time in an application year, and deduct and withhold that tax in accordance with the individual's election as provided under 26 USC 3402.

(c) Upon making a deduction under par. (b), transfer the amount deducted from the family and medical leave insurance trust fund to the federal internal revenue service.

(d) In deducting and withholding federal income taxes from an individual's benefit payments, follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of federal income tax.

(8) FAMILY AND MEDICAL LEAVE INSURANCE TRUST FUND. (a) The department shall determine the amount of the required contribution by each employee, self-employed individual who elects coverage under sub. (2), and each employer. The required contribution shall be based on the employee's wages or the self-employed individual's earnings. The required contribution for an employee shall be equally shared between each employee and the employee's employer.

(b) Each employer shall withhold from the wages of its employees the amount determined by the department under this subsection.

(c) The department shall promulgate rules to establish procedures for filing wage reports and collecting the contributions withheld by employers and employer-required contributions under par. (a). The department may utilize the quarterly wage reports submitted under s. 108.205 in lieu of separate contribution

reports and may utilize the procedures for collecting contributions that apply to the collection of contributions to the unemployment reserve fund under s. 108.17.

(cm) The department shall promulgate rules providing for a right to a hearing in cases involving the liability of employers for contributions under this subsection. The department's decisions shall be subject to the rights and procedures for contested cases under ch. 227.

(d) The department shall collect contributions from self-employed individuals pursuant to procedures established by the department under sub. (12) (b).

(e) The department shall deposit contributions received under this subsection in the family and medical leave benefits insurance trust fund.

(f) The department shall use moneys deposited in the family and medical leave benefits insurance trust fund to pay benefits under sub. (3), to refund amounts erroneously paid by employers, and to pay for the administration of the family and medical leave benefits insurance program under this section and for no other purpose.

(9) DENIAL OF CLAIMS; OVERPAYMENTS. (a) The department shall promulgate rules providing for a right to a hearing in cases of disputes involving an individual's eligibility for benefits or status as a covered individual under this section. The department's decisions shall be subject to the rights and procedures for contested cases under ch. 227. To the extent necessary and practical, the department may prescribe procedures in conjunction with any rules promulgated for administrative proceedings under ss. 103.10 (12) and 103.11 (12).

(b) 1. If the department pays family or medical leave insurance benefits to an individual erroneously or as a result of willful misrepresentation, the individual's liability to reimburse the fund for the overpayment may be set forth in a

determination that is subject to review under par. (a). The department may prescribe procedures for waiver of overpayments.

2. To recover any overpayment to a covered individual that is not otherwise repaid or the recovery of which has not been waived, the department may recoup the amount of the overpayment by, in addition to its other remedies, deducting the amount of the overpayment from benefits the individual would otherwise be eligible to receive.

3. The department may establish other procedures for recovering overpayments and may utilize procedures under ch. 108, including the department's remedies for collecting overpayments under ss. 108.22 and 108.225, subject to rules promulgated by the department.

4. The department may not collect any interest on any benefit overpayment.

(10) PROHIBITED ACTS. (a) No person may interfere with, restrain, or deny the exercise of any right provided under this section.

(b) No person may discharge or otherwise discriminate against any person for exercising any right provided under this section, opposing a practice prohibited under this section, filing a complaint or attempting to enforce any right provided under this section, or testifying or assisting in any action or proceeding to enforce any right provided under this section.

(c) No collective bargaining agreement or employer policy may diminish or abridge an employee's rights under this section. Any agreement purporting to waive or modify an employee's rights under this section is void as against public policy and unenforceable.

(11) ENFORCEMENT. (a) Any person who believes that his or her rights under this section have been interfered with, restrained, or denied in violation of sub. (10)

(a) or that he or she has been discharged or otherwise discriminated against in violation of sub. (10) (b) may, within 30 days after the violation occurs or the person should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation, and the department shall process the complaint in the same manner as complaints filed under s. 103.10 (12) (b) are processed. If the department finds that an employer has violated sub. (10) (a) to (c), the department may order the employer to take action to remedy the violation, including providing the requested family leave or medical leave, reinstating an employee, providing back pay accrued not more than 2 years before the complaint was filed, and, notwithstanding s. 814.04 (1), paying reasonable actual attorney fees to the complainant.

(b) After the completion of an administrative proceeding under par. (a), including judicial review, an employee or the department may bring an action in circuit court against an employer to recover damages caused by a violation of sub. (10) (a) to (c). Section 103.10 (13) (b) applies to the commencement of an action under this paragraph.

(12) ADMINISTRATION. The department shall administer the family and medical leave benefits insurance program under this section. In administering the program, the department shall do all of the following:

(a) Establish procedures and forms for the filing of claims for benefits under this section.

(b) Establish procedures and forms for collecting contributions from self-employed individuals.

(c) Promulgate rules to implement this section.

(d) Use information sharing and integration technology to facilitate the exchange of information as necessary for the department to perform its duties under this section.

(e) By September 1 of each year, submit a report to the governor, the joint committee on finance, and the appropriate standing committees of the legislature under s. 13.172 (3) on the family and medical leave benefits insurance program under this section. The report shall include the projected and actual rates of participation in the program, the premium rates for coverage under the program, and the balance in the family and medical leave benefits insurance trust fund under s. 25.52.

(13) RECORDS. (a) The records made or maintained by the department in connection with the administration of this section are confidential and shall be open to public inspection or disclosure only to the extent that the department allows in the interest of the family and medical leave benefits insurance program. No person may allow inspection or disclosure of any record provided by the department unless the department authorizes the inspection or disclosure.

(b) The department may provide records made or maintained by the department in connection with the administration of this section to any governmental unit, corresponding unit in the government of another state, or any unit of the federal government. No such unit may allow inspection or disclosure of any record provided by the department unless the department authorizes the inspection or disclosure.

(c) Upon request of the department of revenue, the department may provide information, including social security numbers, concerning covered individuals to the department of revenue for the purpose of administering state taxes, identifying fraudulent tax returns, providing information for tax-related prosecutions, or

locating persons or the assets of persons who have failed to file tax returns, who have underreported their taxable income, or who are delinquent debtors. The department of revenue shall adhere to the limitation on inspection and disclosure of the information under par. (b).

(14) BENEFIT AMOUNT ADJUSTMENT. On April 1 of each year, the department may adjust the maximum weekly benefit payment to 90 percent of the state average weekly earnings, which becomes effective on October 1 of that year. The department shall annually have the adjusted amount of the maximum weekly benefit payment published in the Wisconsin Administrative Register.

(15) NOTICE POSTED. Each employer shall post, on its website and in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth employees' rights under this section and any adjustment to benefits as provided in sub. (14). Any employer that violates this subsection shall forfeit not more than \$100 for each violation.

SECTION 3066. 111.322 (2m) (a) of the statutes is amended to read:

111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

***NOTE: This is reconciled s. 111.322 (2m) (a). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1 and -1814/P8.

SECTION 3067. 111.322 (2m) (b) of the statutes is amended to read:

111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13,

103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

***NOTE: This is reconciled s. 111.322 (2m) (b). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1 and -1814/P8.

SECTION 3068. 165.68 (1) (a) 3. of the statutes is amended to read:

165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 ~~(1m)~~ ~~(b) 6~~ (1) (gd).

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) PROPOSED PERMANENT RULES. The department of workforce development shall submit in proposed form the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the legislative council staff under s. 227.15 (1) no later than the first day of the 4th month beginning after the effective date of this subsection.

(2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

(a) Notwithstanding s. 227.135 (2), the department of workforce development is not required to present the statement of the scope of the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the department of administration for review by the department of administration and approval by the governor.

(b) Notwithstanding s. 227.185, the department of workforce development is not required to present the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) in final draft form to the governor for approval.

(c) Notwithstanding s. 227.137 (2), the department of workforce development is not required to prepare an economic impact analysis for the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c).

(d) Notwithstanding ss. 227.14 (2g) and 227.19 (3) (e), the department of workforce development is not required to submit the proposed rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) to the small business regulatory review board and is not required to prepare a final regulatory flexibility analysis for those rules.

(3) EMERGENCY RULES. Using the procedure under s. 227.24, the department of workforce development shall promulgate the rules required under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) for the period before the effective date of the permanent rules promulgated under s. 103.105 (8) (c) and (cm), (9) (a) and (b) 3., and (12) (c) but not to exceed the period authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of the scope of the rules promulgated under this subsection or present the rules to the governor for approval.

SECTION 9250. Fiscal changes; Workforce Development.

(1) TRANSFERS TO FAMILY AND MEDICAL LEAVE BENEFITS INSURANCE TRUST FUND. There is transferred from the general fund to the family and medical leave benefits insurance trust fund created under s. 25.52 \$243,413,400 in the 2023-25 fiscal biennium.

SECTION 9350. Initial applicability; Workforce Development.

(1) **FAMILY AND MEDICAL LEAVE.** The treatment of s. 103.10 (12) (b) first applies to a violation that occurs, or that an employee should reasonably have known occurred, on the effective date of this subsection.

(2) **PAID FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.**

(a) *Family and medical leave benefits insurance trust fund contributions.* Except as provided in par. (c), the treatment of s. 103.105 (8) first applies to wages earned on January 1, 2025.

(b) *Family or medical leave insurance benefits eligibility.* Except as provided in par. (c), the treatment of s. 103.105 (3) first applies to a period of family leave, as defined in s. 103.105 (1) (f), or a period of medical leave, as defined in s. 103.105 (1) (h), commencing on January 1, 2025.

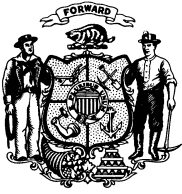
(c) *Collective bargaining agreements.* The treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m) (a) (by SECTION 3066, with respect to rights to family and medical leave insurance benefits) and (b) (by SECTION 3067, with respect to rights to family and medical leave insurance benefits) and SECTION 9150 (1), (2), and (3) of this act first apply to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with the treatment of ss. 20.445 (6), 25.17 (1) (er), 25.52, 103.105, and 111.322 (2m) (a) (by SECTION 3066, with respect to rights to family and medical leave insurance benefits) and (b) (by SECTION 3067, with respect to rights to family and medical leave insurance benefits) and SECTION 9150 (1), (2), and (3) of this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed.

****NOTE: This is reconciled SECTION 9350 (2) (c). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1 and -1814/P8.

(3) **PREVAILING WAGE.** The treatment of ss. 19.36 (12), 66.0129 (5), 66.0903 (1) (a), (am), (b), (c), (cm), (dr), (em), (f), (g), (hm), (im), and (j), (1m) (b), and (2) to (12), 84.41 (3), 84.54, 86.51, 103.005 (12) (a), 103.49, 103.50, 103.503 (1) (a), (e), and (g), (2), and (3) (a) 2., 104.001 (4), 106.04, 109.09 (1), 111.322 (2m) (a) (by SECTION 3066, with respect to rights to prevailing wages and hours of labor), (b) (by SECTION 3067, with respect to rights to prevailing wages and hours of labor), and (c), 227.01 (13) (t), 229.682 (2), 229.8275, 946.15, and 978.05 (6) (a) first apply, with respect to a project of public works that is subject to bidding, to a project for which the request for bids is issued on the effective date of this subsection and, with respect to a project of public works that is not subject to bidding, to a project the contract for which is entered into on the effective date of this subsection.

****NOTE: This is reconciled SECTION 9350 (3). This SECTION has been affected by drafts with the following LRB numbers: -1395/P1 and -1814/P8.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1819/P1
SWB:amn

DOA:.....Stinebrink, BB0518 - Health Care Workforce Mental Health

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

COVID-19 health care workforce pilot project

This bill requires DHS to distribute \$621,000 in fiscal year 2024-25 to support a pilot project in Dane County relating to the impact of the COVID-19 pandemic on the health care workforce.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9119. Nonstatutory provisions; Health Services.

(1) HEALTH CARE WORKFORCE PILOT PROJECT. The department of health services shall distribute \$621,000 in fiscal year 2024-25 to support a pilot project in Dane

County relating to the impact of the COVID-19 pandemic on the health care workforce.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1820/P2
SWB:kms

DOA:.....Stinebrink, BB0519 - Complex patient pilot

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Complex patient pilot program

This bill requires DHS to form an advisory group to assist with development and implementation of a complex patient pilot program. Under the bill, the secretary of DHS shall serve as chair of the advisory group, and members must have clinical, financial, or administrative expertise in government programs, acute care, or post-acute care. The bill requires the advisory group to develop a request for proposal from partnership groups that would be designated as participating sites for the pilot program. Under the bill, only partnership groups that include at least one hospital and at least one post-acute facility are eligible to participate, but partnership groups could include more than one hospital or post-acute facility. The bill requires applicant partnership groups to address certain issues in the application, including: 1) the number of beds that would be set aside in the post-acute facility; 2) the goals of the partnership during the pilot program and after the pilot program; 3) the types of complex patients for whom care would be provided; 4) expertise to successfully implement the proposal; 5) the per diem rate requested to adequately compensate the hospital or hospitals and the post-acute facility or facilities; 6) a post-acute bed reserve rate; and 7) anticipated impediments to

successful implementation and how the applicant partnership group intends to overcome the anticipated impediments.

Under the bill, the advisory group must also determine and recommend to DHS an amount of the funding budgeted for the pilot program to be reserved for reconciliation to ensure that participants are held harmless from unanticipated financial loss. The bill also requires the advisory group to develop a methodology to evaluate the complex patient pilot program and make recommendations to the secretary of DHS regarding which partnership groups should receive designation as participating sites for the pilot program. The bill allows the department to contract with an independent organization to evaluate the complex patient pilot program. The advisory group or any independent organization hired to complete the evaluation of the pilot program must complete and submit to the secretary of DHS an evaluation of the pilot program, including a written report and recommendations, no later June 30, 2025.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3069. 20.435 (7) (d) of the statutes is created to read:

20.435 (7) (d) *Complex patient pilot program.* Biennially, the amounts in the schedule for the complex patient pilot program under 2023 Wisconsin Act (this act), section 9119 (1).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3070. 20.435 (7) (d) of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) COMPLEX PATIENT PILOT PROGRAM.

(a) In this subsection, “department” means the department of health services.

(b) The department shall form an advisory group to assist with development and implementation of a complex patient pilot program. The secretary of health services, or his or her designee, shall be the chair of the advisory group. Members

of the advisory group under this paragraph shall have clinical, financial, or administrative expertise in government programs, acute care, or post-acute care.

(c) The department shall use its request-for-proposal procedure to select partnership groups to be designated as participating sites for the complex patient pilot program under this subsection.

(d) The advisory group formed under this subsection shall develop a request for proposal for the complex patient pilot program that includes eligibility requirements. For purposes of the pilot program under this subsection, only partnerships of hospitals and post-acute facilities are eligible to submit proposals. An eligible partnership shall include at least one hospital and at least one post-acute facility, but may include more than one hospital or post-acute facility.

(e) Each partnership group that applies to the department to be designated as a site for the complex patient pilot program shall specifically address all of the following issues:

1. The number of beds that would be set aside in the post-acute facility.
2. The goals of the partnership during the pilot program and after the pilot program.
3. The types of complex patients for whom care would be provided.
4. Expertise to successfully implement the proposal, including a discussion of at least all of the following issues:
 - a. Experience of the partners working together.
 - b. Plan for staffing the unit.
 - c. Ability to electronically exchange health information.
 - d. Clinical expertise.
 - e. Hospital and post-acute facility survey history over the past 3 years.

f. Acute care partner readmissions history over the past 3 years.

g. Discharge planning and patient intake resources.

h. Stability of finances to support the proposal, including matching funds that could be dedicated to the pilot program under this subsection. No applicant is required to provide matching funds or a contribution, but the advisory group and the department of health services may take into consideration the availability of matching funds or a contribution in evaluating an application.

5. The per diem rate requested to adequately compensate the hospital or hospitals and the post-acute facility or facilities.

6. A post-acute bed reserve rate.

7. Anticipated impediments to successful implementation and how the applicant partnership group intends to overcome the anticipated impediments.

(f) The advisory group formed under this subsection shall do all of the following:

1. Determine and recommend to the department an amount of the funding budgeted for the complex patient pilot program under s. 20.435 (7) (d) to be reserved for reconciliation to ensure that participants in the pilot program are held harmless from unanticipated financial loss.

2. Develop a methodology to evaluate the complex patient pilot program, including a recommendation on whether the department should contract with an independent organization to evaluate the complex patient pilot program. The department may contract with an independent organization to complete the evaluation described under this subdivision and, if the department does so, the department may pay the fee of the organization selected from the appropriation under s. 20.435 (7) (d).

3. Make recommendations to the secretary of health services regarding which partnership groups should receive designation as a participating site for the complex patient pilot program.

(g) 1. No later than 90 days after the effective date of this subdivision, the advisory group shall complete development of the request for proposal for partnership groups to be designated as participating sites in the complex patient pilot program and provide its recommendations to the secretary of health services.

2. No later than 150 days after the effective date of this subdivision, the advisory group shall review all applications submitted in response to the request for proposal and select up to 4 partnership groups to recommend to the secretary of health services for designation as participating sites for the complex patient pilot program under this subsection.

3. Between 6 months and 18 months after the effective date of this subdivision, the partnership groups designated by the department as participating sites in the complex patient pilot program shall implement the pilot program and meet quarterly with both the department and the advisory group or any independent organization hired by the department for the purpose of evaluating the pilot program to discuss experiences relating to the pilot program. From the appropriation under s. 20.435 (7) (d), the department shall provide payments to partnership groups designated as participating sites for care provided during the course of the pilot program under this subsection.

4. No later than June 30, 2025, the advisory group or any independent organization hired by the department for the purpose of evaluating the complex patient pilot program shall complete and submit to the secretary of health services

an evaluation of the complex patient pilot program under this subsection, including a written report and recommendations.

SECTION 9419. Effective dates; Health Services.

(1) COMPLEX PATIENT PILOT PROGRAM. The repeal of s. 20.435 (7) (d) takes effect on July 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1822/P1
MJW:kms

DOA:.....Stinebrink, BB0492 - Next Generation 911 Cost Recovery

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Recovery of Next Generation 911 costs

Under current law, DMA must contract for the creation, operation, and maintenance of an emergency services IP network to implement what is known as “Next Generation 911,” a modern emergency communication network. This bill requires that the contracts include a provision that the contracted entity reimburse originating service providers, which are the entities that provide services used to connect to the emergency number system, for all their costs incurred in connecting to the Next Generation 911 system.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3071. 256.35 (3s) (a) 2m. of the statutes is created to read:

256.35 (3s) (a) 2m. “Emergency services IP network provider” means an entity under contract with the department under par. (b) to create, operate, and maintain an emergency services IP network.

SECTION 3072. 256.35 (3s) (a) 3m. of the statutes is created to read:

256.35 (3s) (a) 3m. “Next Generation 911 costs” means the costs incurred in the operation of a Next Generation 911 emergency number system by an originating service provider and, if applicable, the 3rd-party provider it uses to connect to an emergency services IP network.

***NOTE: “Originating service provider” does not need to be defined here because it’s already defined in s. 256.35 (1) (es) for all of s. 256.35 using the definition you provided.

SECTION 3073. 256.35 (3s) (b) of the statutes is amended to read:

256.35 (3s) (b) *Emergency services IP network contracts.* The department shall invite bids to be submitted under s. 16.75 and, from the appropriation under s. 20.465 (3) (qm), contract for the creation, operation, and maintenance of an emergency services IP network that to the greatest extent feasible relies on industry standards and existing infrastructure to provide all public safety answering points with the network necessary to implement Next Generation 911. Any contract under this paragraph shall include a requirement that the emergency services IP network provider reimburse any originating service provider or, if applicable, the 3rd-party providers it uses to connect to an emergency services IP network for all Next Generation 911 costs incurred by the originating service provider or, if applicable, the 3rd-party provider.

SECTION 3074. 256.35 (3s) (bf) of the statutes is created to read:

256.35 (3s) (bf) *Next Generation 911 cost recovery.* An emergency services IP network provider shall reimburse any originating service provider or, if applicable,

the 3rd-party provider it uses to connect to an emergency services IP network for all Next Generation 911 costs incurred by the originating service provider or, if applicable, the 3rd-party provider.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1823/P3
MJW:amn

DOA:.....Schmidt, BB0520 - Office of Missing and Murdered Indigenous
Women and Relatives

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Creating the Office of Missing and Murdered Indigenous Women

This bill creates within DOJ the Office of Missing and Murdered Indigenous Women, which is tasked with providing certain services to crime victims, their families, witnesses, and others who are members of a tribe; providing training relating to missing and murdered indigenous women, including search, rescue, and response training; and establishing a grant program related to missing and murdered indigenous women.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3075. 15.253 (4) of the statutes is created to read:

15.253 (4) OFFICE OF MISSING AND MURDERED INDIGENOUS WOMEN. There is created an office of missing and murdered indigenous women. The director of the office shall be appointed by the attorney general.

SECTION 3076. 20.455 (5) (c) of the statutes is created to read:

20.455 (5) (c) *Office of missing and murdered indigenous women.* The amounts in the schedule for the administration of the office of missing and murdered indigenous women and to provide grants under s. 165.97 (3).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3077. 20.923 (4) (c) 7. of the statutes is created to read:

20.923 (4) (c) 7. Justice, department of: director of the office of missing and murdered indigenous women.

SECTION 3078. 165.97 of the statutes is created to read:

165.97 Office of missing and murdered indigenous women. (1)

DEFINITIONS. In this section:

(d) "Office" means the office of missing and murdered indigenous women.

(m) "Tribe" means a federally recognized American Indian tribe or band in this state.

(2) DUTIES. The office shall do all of the following:

(a) Provide services to crime victims and witnesses who are members of a tribe.

(b) Provide trauma-informed health and wellness support for crime victims, their families, and other persons who are members of a tribe.

(c) Offer or contract with another entity to offer training relating to missing and murdered indigenous women. Training under this paragraph may include training topics such as search and rescue tactics, enhanced response and coordination tactics

across federal, state, and tribal jurisdictions, and other topics relating to missing and murdered indigenous women.

(3) GRANT PROGRAM. The office shall establish a program to provide grants from the appropriation under s. 20.455 (5) (c) to tribes and organizations affiliated with tribes relating to missing and murdered indigenous women.

SECTION 3079. 230.08 (2) (wd) of the statutes is created to read:

230.08 **(2)** (wd) The director of the office of missing and murdered indigenous women in the department of justice.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1824/P4
KP:cjs&cde

DOA:.....Martin, BB0515 - Milwaukee County sales tax

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

Milwaukee County sales and use tax

Current law allows a county to enact an ordinance to impose sales and use taxes at the rate of 0.5 percent of the sales price or purchase price on tangible personal property and taxable services. The county must use the revenue from the taxes for property tax relief. The bill allows Milwaukee County to impose, by ordinance, an additional sales and use tax at the rate of 1 percent of the sales price or purchase price on tangible personal property and taxable services. However, the ordinance does not take effect unless approved by a majority of the voters of the county at a referendum. The bill requires 50 percent of the revenue from those taxes to be distributed to the City of Milwaukee, and the revenue may be used for any purpose designated by the common council. The revenue retained by Milwaukee County may be used for any purpose designated by the county board or specified in the ordinance or in the referendum approving the ordinance.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3080. 77.70 (4) of the statutes is created to read:

77.70 (4) In addition to the taxes imposed under sub. (1), Milwaukee County may, by ordinance, impose a sales and use tax under this subchapter at the rate of 1 percent of the sales price or purchase price. A sales and use tax enacted under this subsection may not take effect unless approved by a majority of the electors of the county at a referendum. The referendum question submitted to the electors of the county shall describe both the taxes to be imposed under this subsection and the distribution to the city of Milwaukee of 50 percent of the revenue from the taxes. The county shall distribute 50 percent of the revenue from the taxes imposed under this subsection to the city of Milwaukee, and the revenue may be used for any purpose designated by the common council. The remaining revenue may be used for any purpose designated by the county board or specified in the ordinance or in the referendum approving the ordinance. The taxes imposed under this subsection may be imposed only in their entirety as provided in this subchapter. If approved at a referendum, the ordinance shall be effective on January 1, April 1, July 1, or October 1. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which the county has enacted a repeal ordinance under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1825/P4
KP:cjs/wlj/skw

DOA:.....Martin, BB0516 - Local sales tax authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

County and municipality sales and use taxes

Current law allows a county to enact an ordinance to impose sales and use taxes at the rate of 0.5 percent of the sales price or purchase price on tangible personal property and taxable services. The county must use the revenue from the taxes for property tax relief. This bill allows a county, except for Milwaukee County, to impose, by ordinance, an additional sales and use tax at the rate of 0.5 percent of the sales price or purchase price on tangible personal property and taxable services. However, the ordinance does not take effect unless approved by a majority of the voters of the county at a referendum. The revenue from those taxes may be used for any purpose designated by the county board or specified in the ordinance or in the referendum approving the ordinance.

The bill also allows a municipality, except for the City of Milwaukee, with a 2020 population exceeding 30,000 to enact an ordinance to impose sales and use taxes at the rate of 0.5 percent of the sales price or purchase price on tangible personal property and taxable services. The ordinance does not take effect unless approved by a majority of the voters of the municipality at a referendum. The revenue from those taxes may be used for any purpose designated by the governing body of the

municipality or specified in the ordinance or in the referendum approving the ordinance.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3081. 20.566 (1) (g) of the statutes is amended to read:

20.566 (1) (g) *Administration of county and municipal sales and use taxes.*

From moneys received from the appropriation under s. 20.835 (4) (g), the amounts in the schedule for the purpose of administering the county and municipal taxes under subch. V of ch. 77. The balance of all taxes collected under subch. V of ch. 77, after the distribution under s. 77.76 (3), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance of this appropriation account lapses to the general fund.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3082. 20.835 (4) (g) of the statutes is amended to read:

20.835 (4) (g) *County and municipal taxes.* All moneys received from the taxes imposed under s. 77.70 for distribution to the counties and municipalities ~~that enact an ordinance~~ imposing taxes under that section and for interest payments on refunds under s. 77.76 (3), except that 1.75 percent of those tax revenues collected under that section shall be credited to the appropriation account under s. 20.566 (1) (g).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3083. Chapter 77 (title) of the statutes is amended to read:

CHAPTER 77

TAXATION OF FOREST CROPLANDS;

REAL ESTATE TRANSFER FEES;

**SALES AND USE TAXES;
COUNTY, MUNICIPALITY,
TRANSIT AUTHORITY, AND
SPECIAL DISTRICT SALES AND USE
TAXES; MANAGED FOREST LAND;
ECONOMIC DEVELOPMENT SURCHARGE;
LOCAL FOOD AND BEVERAGE TAX;
LOCAL RENTAL CAR TAX; PREMIER
RESORT AREA TAXES; STATE RENTAL
VEHICLE FEE; DRY CLEANING FEES; REGIONAL TRANSIT
AUTHORITY FEES**

****NOTE: This is reconciled ch. 77 (title). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3084. Subchapter V (title) of chapter 77 [precedes 77.70] of the statutes is amended to read:

**CHAPTER 77
SUBCHAPTER V
COUNTY, MUNICIPALITY,
TRANSIT AUTHORITY, AND
SPECIAL DISTRICT SALES AND
USE TAXES**

****NOTE: This is reconciled subch. V of ch. 77 (title). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3085. 77.70 (title) of the statutes is amended to read:

77.70 (title) Adoption by county or municipal ordinance.

SECTION 3086. 77.70 of the statutes is renumbered 77.70 (1) and amended to read:

77.70 (1) ~~Any~~ Except as provided in subs. (2) and (4), any county desiring to may impose county sales and use taxes under this subchapter ~~may do so~~ by the adoption of an ordinance, stating its purpose and referring to this subchapter. The rate of the tax imposed under this ~~section~~ subsection is 0.5 percent of the sales price or purchase price. Except as provided in s. 66.0621 (3m), the county sales and use taxes under this subsection may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter. That ordinance shall be effective on ~~the first day of January, the first day of April, the first day of July or the first day of October~~ January 1, April 1, July 1, or October 1. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which the county has enacted a repeal ordinance under this ~~section~~ subsection.

***NOTE: This is reconciled s. 77.70 (1). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1824/P3.

SECTION 3087. 77.70 (2) of the statutes is created to read:

77.70 (2) In addition to the taxes imposed under sub. (1), a county other than Milwaukee County may, by ordinance, impose a sales and use tax under this subchapter at the rate of 0.5 percent of the sales price or purchase price. A sales and

use tax enacted under this subsection may not take effect unless approved by a majority of the electors of the county at a referendum. The revenue from the taxes imposed under this subsection may be used for any purpose designated by the county board or specified in the ordinance or in the referendum approving the ordinance. The taxes imposed under this subsection may be imposed only in their entirety as provided in this subchapter. If approved at a referendum, the ordinance shall be effective on January 1, April 1, July 1, or October 1. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which the county has enacted a repeal ordinance under this subsection.

SECTION 3088. 77.70 (3) of the statutes is created to read:

77.70 (3) A municipality other than the city of Milwaukee with a population exceeding 30,000, as determined by the 2020 federal decennial census or under s. 16.96 for 2020, may, by ordinance, impose a sales and use tax under this subchapter at the rate of 0.5 percent of the sales price or purchase price. A sales and use tax enacted under this subsection may not take effect unless approved by a majority of the electors of the municipality at a referendum. The revenue from the taxes imposed under this subsection may be used for any purpose designated by the governing body of the municipality or specified in the ordinance or in the referendum approving the ordinance. The taxes imposed under this subsection may be imposed

only in their entirety as provided in this subchapter. If approved at a referendum, the ordinance shall be effective on January 1, April 1, July 1, or October 1. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which the municipality has enacted a repeal ordinance under this subsection.

SECTION 3089. 77.71 (intro.) of the statutes is amended to read:

77.71 Imposition of county, municipality, transit authority, and special district sales and use taxes. (intro.) Whenever a ~~county~~ sales and use tax ordinance is adopted under s. 77.70 or a ~~special district~~ resolution is adopted under s. 77.705 ~~or~~, 77.706, or 77.708, the following taxes are imposed:

****NOTE: This is reconciled s. 77.71 (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3090. 77.71 (intro.) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

77.71 Imposition of county, municipality, transit authority, and special district sales and use taxes. (intro.) Whenever a sales and use tax ordinance is adopted under s. 77.70 or a resolution is adopted under s. ~~77.705~~, 77.706, or 77.708, the following taxes are imposed:

****NOTE: This is reconciled s. 77.71 (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and -1968/P1.

SECTION 3091. 77.71 (1) of the statutes is amended to read:

77.71 (1) For the privilege of selling, licensing, leasing, or renting tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), and for the privilege of selling, licensing, performing, or furnishing services a sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price from the sale, license, lease, or rental of tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed under sub. (4), sold, licensed, leased, or rented at retail in the county ~~or~~ municipality, special district, or transit authority's jurisdictional area, or from selling, licensing, performing, or furnishing services described under s. 77.52 (2) in the county ~~or~~ municipality, special district, or transit authority's jurisdictional area.

****NOTE: This is reconciled s. 77.71 (1). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3092. 77.71 (1) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

77.71 (1) For the privilege of selling, licensing, leasing, or renting tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), and for the privilege of selling, licensing, performing, or furnishing services a sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. ~~77.705 or~~ 77.706 in the case of a special district tax of the sales price from the sale, license, lease, or rental of tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and

(d), except property taxed under sub. (4), sold, licensed, leased, or rented at retail in the county, municipality, special district, or transit authority's jurisdictional area, or from selling, licensing, performing, or furnishing services described under s. 77.52 (2) in the county, municipality, special district, or transit authority's jurisdictional area.

****NOTE: This is reconciled s. 77.71 (1). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and -1968/P1.

SECTION 3093. 77.71 (2) of the statutes is amended to read:

77.71 (2) An excise tax is imposed at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming in the county ~~or, municipality,~~ special district, or transit authority's jurisdictional area tangible personal property, or items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the tangible personal property, item, property, good, or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3), (4), or (5) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same tangible personal property, item, property, good, or service that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration, or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the purchase price but on the amount under s. 77.53 (1m).

****NOTE: This is reconciled s. 77.71 (2). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3094. 77.71 (2) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

77.71 (2) An excise tax is imposed at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. ~~77.705 or~~ 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming in the county, municipality, special district, or transit authority's jurisdictional area tangible personal property, or items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the tangible personal property, item, property, good, or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3), (4), or (5) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same tangible personal property, item, property, good, or service that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration, or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the purchase price but on the amount under s. 77.53 (1m).

****NOTE: This is reconciled s. 77.71 (2). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and -1968/P1.

SECTION 3095. 77.71 (3) of the statutes is amended to read:

77.71 (3) An excise tax is imposed upon a contractor engaged in construction activities within the county ~~or, municipality, special district, or transit authority's jurisdictional area~~ at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate

under s. 77.705 or 77.706 in the case of a special district tax of the purchase price of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing, altering, repairing, or improving real property and that became a component part of real property in that county, municipality, or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county, municipality, transit authority, or special district in this state on that tangible personal property, item, property, or good, or has paid a similar local sales tax in another state on a purchase of the same tangible personal property, item, property, or good, that tax shall be credited against the tax under this subsection.

****NOTE: This is reconciled s. 77.71 (3). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3096. 77.71 (3) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

77.71 (3) An excise tax is imposed upon a contractor engaged in construction activities within the county, municipality, special district, or transit authority's jurisdictional area at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. ~~77.705 or~~ 77.706 in the case of a special district tax of the purchase price of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing, altering, repairing, or improving real property and that became a component part of real property in that county, municipality, or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county, municipality, transit authority, or special district in this state on that tangible personal property, item, property, or good, or has paid

a similar local sales tax in another state on a purchase of the same tangible personal property, item, property, or good, that tax shall be credited against the tax under this subsection.

***NOTE: This is reconciled s. 77.71 (3). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and -1968/P1.

SECTION 3097. 77.71 (4) of the statutes is amended to read:

77.71 (4) An excise tax is imposed at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be registered or titled with this state and if that property is to be customarily kept in a county or municipality that has in effect an ordinance under s. 77.70, the jurisdictional area of a transit authority that has in effect a resolution under s. 77.708, or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection. The lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft is not taxed under this subsection if the lease or rental does not require recurring periodic payments.

***NOTE: This is reconciled s. 77.71 (4). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3098. 77.71 (4) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

77.71 (4) An excise tax is imposed at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit

authority tax, or at the rate under s. ~~77.705~~ or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be registered or titled with this state and if that property is to be customarily kept in a county or municipality that has in effect an ordinance under s. 77.70, the jurisdictional area of a transit authority that has in effect a resolution under s. 77.708, or in a special district that has in effect a resolution under s. ~~77.705~~ or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection. The lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft is not taxed under this subsection if the lease or rental does not require recurring periodic payments.

****NOTE: This is reconciled s. 77.71 (4). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and 1968/P1.

SECTION 3099. 77.71 (5) of the statutes is amended to read:

77.71 (5) An excise tax is imposed on the purchase price for the lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax upon every person storing, using, or otherwise consuming in the county or, municipality, special district, or transit authority's jurisdictional area the motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be registered or titled with this state and if the lease or rental does not require recurring periodic payments, except that a receipt indicating that the tax under sub. (1) had been paid relieves the

purchaser of liability for the tax under this subsection and except that if the purchaser has paid a similar local tax in another state on the same lease or rental of such motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft, that tax shall be credited against the tax under this subsection.

****NOTE: This is reconciled s. 77.71 (5). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3100. 77.71 (5) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

77.71 (5) An excise tax is imposed on the purchase price for the lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft at the rates under s. 77.70 in the case of a county or municipality tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. ~~77.705~~ ~~or~~ 77.706 in the case of a special district tax upon every person storing, using, or otherwise consuming in the county, municipality, special district, or transit authority's jurisdictional area the motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be registered or titled with this state and if the lease or rental does not require recurring periodic payments, except that a receipt indicating that the tax under sub. (1) had been paid relieves the purchaser of liability for the tax under this subsection and except that if the purchaser has paid a similar local tax in another state on the same lease or rental of such motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft, that tax shall be credited against the tax under this subsection.

****NOTE: This is reconciled s. 77.71 (5). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, -1940/P2, and -1968/P1.

SECTION 3101. 77.73 (2) of the statutes is amended to read:

77.73 (2) Counties ~~and, municipalities,~~ special districts, and transit authorities do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b), (c), and (d), and tangible personal property, except snowmobiles, trailers, semitrailers, limited use off-highway motorcycles, as defined in s. 23.335 (1) (o), all-terrain vehicles, and utility terrain vehicles, purchased in a sale that is consummated in another county, municipality, or special district in this state, or in another transit authority's jurisdictional area, that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county ~~or,~~ municipality, special district, or jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

***NOTE: This is reconciled s. 77.73 (2). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3102. 77.73 (2m) of the statutes is amended to read:

77.73 (2m) Counties ~~and, municipalities,~~ special districts, and transit authorities do not have jurisdiction to impose the tax under s. 77.71 (5) with regard to the lease or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft if the lease or rental does not require recurring periodic payments and if the purchaser received the property in another county, municipality, or special district in this state, or in another transit authority's jurisdictional area, and then brings the property into a county ~~or,~~ municipality, special district, or transit authority that imposes the tax under s. 77.71 (5).

***NOTE: This is reconciled s. 77.73 (2m). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3103. 77.73 (3) of the statutes is amended to read:

77.73 (3) Counties ~~and, municipalities,~~ special districts, ~~and transit authorities~~ have jurisdiction to impose the taxes under this subchapter on retailers who file, or who are required to file, an application under s. 77.52 (7) or who register, or who are required to register, under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged in business in the county ~~or, municipality,~~ special district, ~~or transit authority's jurisdictional area,~~ as provided in s. 77.51 (13g). A retailer who files, or is required to file, an application under s. 77.52 (7) or who registers, or is required to register, under s. 77.53 (9) or (9m) shall collect, report, and remit to the department the taxes imposed under this subchapter for all counties ~~or, municipalities,~~ special districts, ~~and transit authorities~~ that have an ordinance or resolution imposing the taxes under this subchapter.

****NOTE: This is reconciled s. 77.73 (3). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3104. 77.75 of the statutes is amended to read:

77.75 Reports. Every person subject to county, ~~municipality,~~ transit authority, or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county ~~or, municipality,~~ special district, ~~or jurisdictional area of a transit authority~~ that has imposed those taxes separately from sales made elsewhere in this state and file a report as prescribed by the department of revenue.

****NOTE: This is reconciled s. 77.75. This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3105. 77.76 (1) of the statutes is amended to read:

77.76 (1) The department of revenue shall have full power to levy, enforce, and collect county, ~~municipality,~~ transit authority, and special district sales and use taxes and may take any action, conduct any proceeding, impose interest and penalties, and

in all respects proceed as it is authorized to proceed for the taxes imposed by subch. III. The department of transportation and the department of natural resources may administer the county, municipality, transit authority, and special district sales and use taxes in regard to items under s. 77.61 (1).

****NOTE: This is reconciled s. 77.76 (1). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3106. 77.76 (2) of the statutes is amended to read:

77.76 (2) Judicial and administrative review of departmental determinations shall be as provided in subch. III for state sales and use taxes, and no county, municipality, transit authority, or special district may intervene in any matter related to the levy, enforcement, and collection of the taxes under this subchapter.

****NOTE: This is reconciled s. 77.76 (2). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3107. 77.76 (3) of the statutes is renumbered 77.76 (3) (a) and amended to read:

77.76 (3) (a) From the appropriation under s. 20.835 (4) (g), the department of revenue shall distribute 98.25 percent of the county taxes reported for each enacting county, minus the county portion of the retailers' discounts, to the county and shall indicate the taxes reported by each taxpayer, no later than 75 days following the last day of the calendar quarter in which such amounts were reported. In this ~~subsection~~ paragraph, the "county portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction, the numerator of which is the gross county sales and use taxes payable and the denominator of which is the sum of the gross state and county sales and use taxes payable. The county taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the county taxes previously distributed.

Interest paid on refunds of county sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1) (a). The county may retain the amount it receives or it may distribute all or a portion of the amount it receives to the towns, villages, cities, and school districts in the county. After receiving notice from the department of revenue, a county shall reimburse the department for the amount by which any refunds, including interest, of the county's sales and use taxes that the department pays or allows in a reporting period exceeds the amount of the county's sales and use taxes otherwise payable to the county under this ~~subsection~~ paragraph for the same or subsequent reporting period. Any county receiving a report under this ~~subsection~~ paragraph is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5) and (6).

SECTION 3108. 77.76 (3) (b) of the statutes is created to read:

77.76 (3) (b) From the appropriation under s. 20.835 (4) (g), the department of revenue shall distribute 98.25 percent of the municipality taxes reported for each enacting municipality, minus the municipality portion of the retailers' discounts, to the municipality and shall indicate the taxes reported by each taxpayer, no later than 75 days following the last day of the calendar quarter in which such amounts were reported. In this paragraph, the "municipality portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction, the numerator of which is the gross municipality sales and use taxes payable and the denominator of which is the sum of the gross state and municipality sales and use taxes payable. The municipality taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the municipality taxes previously distributed. Interest paid on refunds of municipality

sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1) (a). After receiving notice from the department of revenue, a municipality shall reimburse the department for the amount by which any refunds, including interest, of the municipality's sales and use taxes that the department pays or allows in a reporting period exceeds the amount of the municipality's sales and use taxes otherwise payable to the municipality under this paragraph for the same or subsequent reporting period. Any municipality receiving a report under this paragraph is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5) and (6).

SECTION 3109. 77.76 (4) of the statutes is amended to read:

77.76 (4) There shall be retained by the state 1.5 percent of the taxes collected for taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities under s. 77.708 and 1.75 percent of the taxes collected for taxes imposed by counties or municipalities under s. 77.70 to cover costs incurred by the state in administering, enforcing, and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

***NOTE: This is reconciled s. 77.76 (4). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3110. 77.76 (4) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

77.76 (4) There shall be retained by the state 1.5 percent of the taxes collected for taxes imposed by special districts under ~~ss. 77.705 and s. 77.706~~ and transit authorities under s. 77.708 and 1.75 percent of the taxes collected for taxes imposed by counties or municipalities under s. 77.70 to cover costs incurred by the state in

administering, enforcing, and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

****NOTE: This is reconciled s. 77.76 (4). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3, 1940/P2, and -1968/P1.

SECTION 3111. 77.77 (1) (a) of the statutes is amended to read:

77.77 (1) (a) The sales price from services subject to the tax under s. 77.52 (2) or the lease, rental, or license of tangible personal property and property, items, and goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this subchapter, and the incremental amount of tax caused by a rate increase applicable to those services, leases, rentals, or licenses is due, beginning with the first billing period starting on or after the effective date of the county ordinance, municipal ordinance, special district resolution, transit authority resolution, or rate increase, regardless of whether the service is furnished or the property, item, or good is leased, rented, or licensed to the customer before or after that date.

****NOTE: This is reconciled s. 77.77 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3112. 77.77 (1) (b) of the statutes is amended to read:

77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease, rental, or license of tangible personal property and property, items, and goods specified under s. 77.52 (1) (b), (c), and (d) is not subject to the taxes under this subchapter, and a decrease in the tax rate imposed under this subchapter on those services first applies, beginning with bills rendered on or after the effective date of the repeal or sunset of a county ordinance or, municipal ordinance, special district resolution, or transit authority resolution imposing the tax or other rate decrease, regardless of whether the service is furnished or the property, item, or good is leased, rented, or licensed to the customer before or after that date.

***NOTE: This is reconciled s. 77.77 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3113. 77.77 (3) of the statutes is amended to read:

77.77 (3) The sale of building materials to contractors engaged in the business of constructing, altering, repairing or improving real estate for others is not subject to the taxes under this subchapter, and the incremental amount of tax caused by the rate increase applicable to those materials is not due, if the materials are affixed and made a structural part of real estate, and the amount payable to the contractor is fixed without regard to the costs incurred in performing a written contract that was irrevocably entered into prior to the effective date of the county ordinance, municipal ordinance, special district resolution, transit authority resolution, or rate increase or that resulted from the acceptance of a formal written bid accompanied by a bond or other performance guaranty that was irrevocably submitted before that date.

***NOTE: This is reconciled s. 77.77 (3). This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 3114. 77.78 of the statutes is amended to read:

77.78 Registration. No motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain vehicle, off-highway motorcycle, as defined in s. 23.335 (1) (q), or aircraft that is required to be registered by this state may be registered or titled by this state unless the registrant files a sales and use tax report and pays the county tax, municipal tax, transit authority tax, and special district tax at the time of registering or titling to the state agency that registers or titles the property. That state agency shall transmit those tax revenues to the department of revenue.

***NOTE: This is reconciled s. 77.78. This SECTION has been affected by drafts with the following LRB numbers: -1825/P3 and -1968/P1.

SECTION 9437. Effective dates; Revenue.

(1) LOCAL PROFESSIONAL BASEBALL PARK DISTRICT.

(a) The treatment of ss. 20.566 (1) (gd), 20.835 (4) (gb), 77.705, 77.71 (intro.) (by SECTION 3090), (1) (by SECTION 3092), (2) (by SECTION 3094), (3) (by SECTION 3096), (4) (by SECTION 3098), and (5) (by SECTION 3100), 77.76 (4) (by SECTION 3110) and (6), 229.68 (15), and 229.76 and the amendment of s. 77.707 (1) take effect on April 30, 2024.

(b) The treatment of s. 77.707 (2) and the repeal of s. 77.707 (1) take effect on January 1, 2025.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1826/P1
MJW:skw

DOA:.....Stinebrink, BB0521 - Counterdrug Air Support

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
MILITARY AFFAIRS

Aerial assistance

This bill provides that DMA may provide aerial assistance for incident awareness and assessment, drug interdiction and counter-drug activities, search and rescue efforts, or disasters, and seek reimbursement for such services if provided.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3115. 20.465 (1) (km) of the statutes is amended to read:

20.465 (1) (km) *Agency services.* The amounts in the schedule to render services to the department and to other state agencies, perform services under s. 321.03 (2) (c), and perform other general program operations. All moneys received

from other state agencies and all moneys received by the department from the department for services rendered shall be credited to this appropriation.

SECTION 3116. 321.03 (2) (c) of the statutes is created to read:

321.03 (2) (c) Provide aerial assistance for incident awareness and assessment, drug interdiction and counter-drug activities, search and rescue efforts, or disasters, as defined in s. 323.02 (6). The department may seek reimbursement for the cost of any assistance provided under this paragraph.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1829/P1
MJW:cjs

DOA:.....Schmidt, BB0493 - Immunity for Certain Controlled Substances
Offenses

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

Immunity for certain controlled substances offenses

Current law grants immunity from prosecution for possessing a controlled substance to a person, called an aider, who summons or provides emergency medical assistance to another person because the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance. Under 2017 Wisconsin Act 33, an aider was also immune from having probation, parole, or extended supervision revoked for possessing a controlled substance under the same circumstances. Act 33 also granted the aided person immunity from from having probation, parole, or extended supervision revoked for possessing a controlled substance when an aider seeks assistance for the aided person. The immunity applied only if the aided person completes a treatment program as part of his or her probation, parole, or extended supervision. Act 33 also provided that a prosecutor must offer an aided person who is subject to prosecution for possessing a controlled substance a deferred prosecution agreement if the aided person completes a treatment program.

The expanded immunities under 2017 Wisconsin Act 33 were temporary, and expired on August 1, 2020. This bill permanently restores these expanded immunities from 2017 Wisconsin Act 33.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3117. 961.443 (2) (title) of the statutes is amended to read:

961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF PAROLE, PROBATION, OR EXTENDED SUPERVISION.

SECTION 3118. 961.443 (2) of the statutes is renumbered 961.443 (2) (a) and amended to read:

961.443 (2) (a) An No aider may have his or her parole, probation, or extended supervision revoked, and an aider is immune from prosecution under s. 961.573 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, and under s. 961.69 (2) for possession of a masking agent under the circumstances surrounding or leading to his or her commission of an act described in sub. (1) if the aider's attempt to obtain assistance occurs immediately after the aider believes the other person is suffering from the overdose or other adverse reaction.

SECTION 3119. 961.443 (2) (b) of the statutes is created to read:

961.443 (2) (b) 1. No aided person person may have his or her parole, probation, or extended supervision revoked under the circumstances surrounding or leading to an aider's commission of an act described in sub. (1) if the aided person completes a treatment program as a condition of his or her parole, probation, or extended supervision or, if a treatment program is unavailable or would be prohibitive financially, agrees to be imprisoned in the county jail for not less than 15 days.

2. If an aided person is subject to prosecution under s. 961.573 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, or under s. 961.69 (2) for possession of a masking agent under the circumstances surrounding or leading to an aider's commission of an act described in sub. (1), the district attorney shall offer the aided person a deferred prosecution agreement that includes the completion of a treatment program. This subdivision does not apply to an aided person who is on parole, probation, or extended supervision and fails to meet a condition under subd. 1.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1830/P1
MJW:amn

DOA:.....Schmidt, BB0495 - Parole and Release Notice to Crime Victims

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Notice to crime victims upon parole or release to extended supervision

Before a prisoner is released on parole or extended supervision, the parole commission or DOC must notify certain individuals of the pending release, including the victim of the crime or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian. This bill provides that, if the victim died as a result of the crime, the parole commission or DOC must also notify any member of the victim's family who was younger than 18 years old at the time the crime was committed but is now 18 years old or older.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3120. 304.06 (1) (c) 3. of the statutes is amended to read:

304.06 (1) (c) 3. The victim of the crime committed by the inmate or, if the victim died as a result of the crime, an adult member of the victim's family and any member

of the victim's family who was younger than 18 years old at the time the crime was committed but is now 18 years old or older or, if the victim is younger than 18 years old, the victim's parent or legal guardian, upon submission of a card under par. (f) requesting notification.

SECTION 3121. 304.063 (2) (a) of the statutes is amended to read:

304.063 (2) (a) The victim of the crime committed by the prisoner or, if the victim died as a result of the crime, an adult member of the victim's family and any member of the victim's family who was younger than 18 years old at the time the crime was committed but is now 18 years old or older or, if the victim is younger than 18 years old, the victim's parent or legal guardian.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1832/P1

JK:emw

DOA:.....Martin, BB0514 - Additional county and municipal aid payments
- LCO Case

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Nontaxable reservation property

This bill provides an additional county and municipal aid payment for certain towns and counties that will no longer be able to impose property taxes on property located within the boundaries of an American Indian reservation and owned by the tribe or tribal members. A federal court recently held that, pursuant to the 1854 Treaty of La Pointe, the state and its political subdivisions are prohibited from taxing all real property within the Bad River, Lac Courte Oreilles, Lac du Flambeau, and Red Cliff reservations if that property is owned by the tribe or by one or more tribal members, regardless of whether the property was previously owned by a person other than the tribe or a tribal member. See *Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin v. Evers*, 46 F.4th 552 (7th Cir. 2022).

Under the bill, DOA determines the amount of the payments to the affected towns and counties for the payments in 2024. In 2025, and in each year thereafter, the amount of the payment a town or county receives is the amount received in the previous year, less 10 percent. No payments are made under the bill after the distribution in 2033.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3122. 20.835 (1) (db) of the statutes is amended to read:

20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make payments to counties, towns, villages, and cities under s. 79.035, less the amount paid from the appropriation under par. (r), not including the payments under s. 79.035 (9).

SECTION 3123. 20.835 (1) (dd) of the statutes is created to read:

20.835 (1) (dd) *County and municipal aid; special supplement.* The amounts in the schedule to make payments to towns and counties under s. 79.035 (9).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3124. 79.035 (9) of the statutes is created to read:

79.035 (9) (a) Beginning with the distributions in 2024 and ending with the distributions in 2033, the following towns and counties shall receive a payment from the appropriation account under s. 20.835 (1) (dd) in an amount determined by the department of administration under par. (b):

1. The Town of Gingles.
2. The Town of Sanborn.
3. The Town of White River.
4. The Town of Russell.
5. The Town of Sherman.
6. The Town of Bass Lake.
7. The Town of Lac du Flambeau.

8. Ashland County.
9. Bayfield County.
10. Iron County.
11. Sawyer County.
12. Vilas County.

(b) For the distribution in 2024, the department of administration shall determine the amount of the payment to each town and county under par. (a) to compensate the town or county for the loss of property tax revenue as a result of not being able to legally impose local general property taxes on property located within the boundaries of an American Indian reservation and owned by the tribe or tribal members, consistent with the 1854 Treaty of La Pointe. In 2025, and in each year thereafter, each town and county eligible to receive a payment under this subsection shall receive a payment in an amount that is 10 percent less than the amount of the payment in the previous year. The department of administration shall not make a payment under this subsection after the distribution in 2033.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1833/P1
MED&JPC:cjs

DOA:.....Bollhorst, BB0171 - 60-Day PPE Stockpile

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Personal protective equipment stockpile

This bill provides funding to DHS to establish and maintain a state stockpile of personal protective equipment.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3125. 20.435 (1) (ca) of the statutes is created to read:

20.435 (1) (ca) *State stockpile of personal protective equipment.* Biennially, the amounts in the schedule for the establishment and maintenance of a state stockpile of personal protective equipment under s. 252.02 (8), including associated storage and warehousing.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3126. 252.02 (8) of the statutes is created to read:

252.02 (8) The department may establish and maintain a state stockpile of personal protective equipment.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1834/P1
JAM:wlj

DOA:.....Kirschbaum, BB0517 - Grants for health care-related credits
taken in dual enrollment technical college programs

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Grants to reimburse technical colleges for health care-related dual enrollment courses

Under current law, technical colleges may offer dual enrollment programs or courses designed to provide high school students the opportunity to earn credits in both technical college and high school. This bill requires the TCS Board to award grants to technical colleges to reimburse the technical colleges for expenses related to providing to high school students dual enrollment courses related to health care.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3127. 20.292 (1) (c) of the statutes is created to read:

20.292 (1) (c) *Grants to technical colleges for dual enrollment courses related to health care.* The amounts in the schedule for grants to technical colleges under s. 38.04 (25).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3128. 38.04 (25) of the statutes is created to read:

38.04 (25) GRANTS TO TECHNICAL COLLEGES FOR DUAL ENROLLMENT COURSES RELATED TO HEALTH CARE. From the appropriation under s. 20.292 (1) (c), the board shall award grants to technical colleges to reimburse the technical colleges for expenses related to providing to high school students dual enrollment courses related to health care, as determined by the board.

****NOTE: I included the last provision of the last sentence per our telephone conversation; please let me know if it is not consistent with your intent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1838/P2
JPC:skw

DOA:.....Bollhorst, BB0401 - Child Wellness Grant

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Grants to free-standing pediatric teaching hospitals

This bill directs DHS to award grants to free-standing pediatric teaching hospitals to fund programming related to parenting, educational needs of and supports for chronically ill children, and case management for children with asthma. The bill specifies that only free-standing pediatric teaching hospitals for which at least 45 percent of total inpatient days are provided to Medical Assistance recipients are eligible for the grant.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3129. 253.19 of the statutes is created to read:

253.19 Grants to free-standing pediatric teaching hospitals. From the appropriation under s. 20.435 (1) (b), the department shall award grants to

free-standing pediatric teaching hospitals to fund programming related to parenting, educational needs of and supports for chronically ill children, and case management for children with asthma. A free-standing pediatric teaching hospital is eligible for a grant under this section only if the percentage of Medical Assistance recipient inpatient days at the free-standing pediatric teaching hospital calculated under s. 49.45 (3m) (b) 1. a. is greater than 45 percent.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1850/P1
EVM:amn

DOA:.....Aslesen, BB0524 - Establish a transit capital assistance grant program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

Transit capital assistance grants

This bill requires DOT to establish a transit capital assistance grant program, under which DOT awards grants to eligible applicants for the replacement of public transit vehicles.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3130. 20.395 (1) (bt) of the statutes is created to read:

20.395 (1) (bt) *Transit capital assistance grants.* As a continuing appropriation, the amounts in the schedule for transit capital assistance grants under s. 85.203.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3131. 85.203 of the statutes is created to read:

85.203 Transit capital assistance grants. (1) In this section:

(a) “Eligible applicant” has the meaning given in s. 85.20 (1) (b).

(b) “Public transit vehicle” means any vehicle used for providing transportation service to the general public that is eligible for replacement under settlement guidelines, as defined in s. 16.047 (1) (b).

(2) The department shall administer a transit capital assistance grant program. From the appropriation under s. 20.395 (1) (bt), the department shall award grants to eligible applicants for the replacement of public transit vehicles. The department shall establish criteria for awarding grants under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1851/P1
ZDW:cjs

DOA:.....Aslesen, BB0526 - Interconnected traffic signal and railroad systems

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

Interconnected traffic signal and railroad signal systems

Under current law, DOT is appropriated federal, state, and local moneys for the purpose of railroad crossing improvements. This bill appropriates to DOT state and local moneys specifically for the planning and installation of interconnected traffic signal and railroad signal systems.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3132. 20.395 (2) (gt) of the statutes is created to read:

20.395 (2) (gt) *Interconnected traffic signal and railroad signal systems, state funds.* As a continuing appropriation, the amounts in the schedule for the planning and installation of interconnected traffic signal and railroad signal systems.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3133. 20.395 (2) (gw) of the statutes is created to read:

20.395 (2) (gw) *Interconnected traffic signal and railroad signal systems, local funds.* All moneys received from any local unit of government for the planning and installation of interconnected traffic signal and railroad signal systems, for such purposes.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1852/P1
ZDW:emw

DOA:.....Aslesen, BB0525 - State appropriations for local transportation facilities

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

State funding for local transportation facilities

Under current law, DOT is appropriated moneys received from local units of government and the federal government for the purposes of providing public access roads to navigable waters; improving highway connections between the UW System and state charitable or penal institutions; constructing and maintaining UW System, state charitable or penal institution, and state capitol roadways; constructing and maintaining state park, forest, and riverway roads; and improving transportation facilities.

This bill creates an appropriation of state moneys from the transportation fund for the same purposes.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3134. 20.395 (2) (fw) of the statutes is created to read:

20.395 (2) (fw) *Local transportation facility improvement assistance, state funds.* As a continuing appropriation, the amounts in the schedule for providing public access roads to navigable waters and for the purposes of ss. 84.27 and 84.28 and for improving transportation facilities, including facilities funded under applicable federal acts or programs, that are not state trunk or connecting highways, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1853/P4
FFK:all

DOA:.....Hynek, BB0522 - Computer Science Education

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Computer science education grants

This bill requires DPI to annually award grants to school districts for the purpose of expanding computer science educational opportunities in all grade levels in the school district.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3135. 20.255 (2) (ds) of the statutes is repealed and recreated to read:

20.255 (2) (ds) *Computer science education grants.* The amounts in the schedule for grants to school boards under s. 115.28 (29).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3136. 115.28 (29) of the statutes is created to read:

115.28 **(29)** COMPUTER SCIENCE EDUCATION GRANTS. Annually award grants to school boards to expand computer science educational opportunities in all grade levels operated by the school district. For purposes of awarding grants under this subsection, expanding computer science educational opportunities includes providing professional development, the application of programming or coding concepts or integration of computer science fundamentals into other subjects, and purchasing curricula and related materials.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1855/P2
ZDW:cdc&amn

DOA:.....Aslesen, BB0527 - Fund creation and general fund transfer

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Transportation facilities revenue obligation repayment fund

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities. DOT may deposit in special trust funds certain revenues pledged for the repayment of these revenue bonds. Moneys pledged in excess of the amount needed for repayment of the bonds are transferred to the transportation fund, free of any pledge.

This bill authorizes DOT to create a new trust fund and requires the transfer of \$379,369,800 from the general fund to the trust fund, for the purpose of repayment of revenue bonds.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3137. 84.59 (2) (c) of the statutes is created to read:

84.59 (2) (c) The department may, under s. 18.561 or 18.562, deposit in a separate and distinct fund outside the state treasury, in an account maintained by a trustee, the revenues derived under 2023 Wisconsin Act ... (this act), section 9244 (1). The revenues deposited are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this section. Revenue obligations issued for the purposes specified in sub. (1) and for the repayment of which revenues are deposited under this paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

SECTION 9244. Fiscal changes; Transportation.

(1) TRANSPORTATION FACILITIES REVENUE OBLIGATION REPAYMENT FUND. There is transferred from the general fund to the trust fund created under s. 84.59 (2) (c) \$379,369,800 during the 2023-25 fiscal biennium.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1860/P1
ZDW:cde

DOA:.....Aslesen, BB0529 - Number of state patrol officers

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Number of state patrol officers

This bill increases the number of state traffic patrol officers DOT may employ from 399 to 434.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3138. 110.07 (1) (a) (intro.) of the statutes is amended to read:

110.07 (1) (a) (intro.) The secretary shall employ not more than ~~399~~ 434 traffic officers. The state traffic patrol consists of the traffic officers, the person designated to head them whose position shall be in the classified service and, if certified under

s. 165.85 (4) (a) 1. as qualified to be a law enforcement officer, the division administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include supervising the state traffic patrol. The division administrator may not be counted under this paragraph. Members of the state traffic patrol shall:

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1861/P5
ZDW:cdc&amn

DOA:.....Aslesen, BB0530 - General fund transfers for electric vehicle sales
and APART

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

General fund transfers to the transportation fund

This bill requires two transfers from the general fund to the transportation fund in each fiscal year, beginning on June 30, 2024. The first transfer must be in an amount equal to the amount of sales tax generated by the sale of electric vehicles in this state, as calculated by DOA. Beginning in fiscal year 2025-26, the amount transferred may not exceed 120 percent of the amount transferred in the previous year, or \$75,000,000, whichever is less. The second transfer must be equal to the marginal difference between the sales tax generated from the sale of automotive parts, accessories, tires, and repair and maintenance services in fiscal year 2020-21 and the fiscal year of the transfer, as calculated by DOA.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3139. 16.5185 (4) of the statutes is created to read:

16.5185 (4) (a) Subject to par. (b), beginning on June 30, 2024, in each fiscal year, the secretary shall transfer from the general fund to the transportation fund an amount equal to the amount calculated by the department approximating the amount of sales tax generated by the sale of electric vehicles in this state.

(b) Beginning in fiscal year 2025-26, the transfer under par. (a) may not exceed 120 percent of the amount transferred in the previous year, or \$75,000,000, whichever is less.

****NOTE: This is reconciled s. 16.5185. This SECTION has been affected by drafts with the following LRB numbers: 23-1861/P4 and 23-1739/P2.

SECTION 3140. 16.5185 (5) of the statutes is created to read:

16.5185 (5) Beginning on June 30, 2024, in each fiscal year, the secretary shall transfer from the general fund to the transportation fund an amount equal to the amount calculated by the department approximating the marginal difference between the sales tax generated from the sale of automotive parts, accessories, tires, and repair and maintenance services in fiscal year 2020-21 and the fiscal year of the transfer.

****NOTE: This is reconciled s. 16.5185. This SECTION has been affected by drafts with the following LRB numbers: 23-1861/P4 and 23-1739/P2.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1862/P1
MJW:wlj

DOA:.....Richter, BB0528 - Earned Release

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Earned compliance credit

This bill creates an earned compliance credit for time spent on extended supervision or parole. Under current law, a person's extended supervision or parole may be revoked if he or she violates a condition or rule of the extended supervision or parole. If extended supervision or parole is revoked, the person is returned to prison for an amount of time up to the length of the original sentence, less any time actually served in confinement and less any credit for good behavior. Under current law, when extended supervision or parole is revoked, the time spent on extended supervision or parole is not credited as time served under the sentence.

Under the bill, an eligible inmate receives an earned compliance credit for time served on extended supervision or parole. The earned compliance credit equals the amount of time served on extended supervision or parole without violating any condition or rule of extended supervision or parole. Under the bill, a person is eligible to receive the earned compliance credit only if the person is not required to register as a sex offender and is serving a sentence for a crime that is not a specified violent crime or a specified crime against a child. Under the bill, if a person's extended supervision or parole is revoked, he or she may be incarcerated for up to the length

of the original sentence, less any credit for time served in confinement, any credit for good behavior, and any earned compliance credit.

Earned release

Under current law, an eligible inmate may earn early release to parole or extended supervision by successfully completing a substance abuse program. An inmate is eligible for earned release only if the inmate is serving time for a crime that is not a violent crime and, for an inmate who is serving a bifurcated sentence, the sentencing court determines that the inmate is eligible.

This bill expands the earned release program to include successful completion of a vocational readiness program, which includes educational, vocational, treatment, or other qualifying evidence-based training programs to reduce recidivism, in addition to successful completion of a substance use disorder treatment program. The bill also provides that DOC, not the sentencing court, determines eligibility for all inmates.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3141. 302.05 (title) of the statutes is amended to read:

302.05 (title) **Wisconsin substance abuse earned release program.**

SECTION 3142. 302.05 (1) (am) (intro.) of the statutes is amended to read:

302.05 (1) (am) (intro.) The department of corrections and the department of health services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance ~~abuse~~ use disorder of inmates transferred from Wisconsin state prisons. ~~This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program.~~ The department of corrections and the department of health services shall ensure that the residents at the institution and the residents in the substance ~~abuse~~ use disorder program:

SECTION 3143. 302.05 (1) (b) of the statutes is amended to read:

302.05 (1) (b) The department of corrections and the department of health services shall, at any correctional facility the departments determine is appropriate, provide a substance abuse use disorder treatment program for inmates for the purposes of the program described in sub. (3).

SECTION 3144. 302.05 (1) (c) of the statutes is created to read:

302.05 (1) (c) 1. In this paragraph, “vocational readiness training program” means an educational, vocational, treatment, or other evidence-based training program to reduce recidivism.

2. The department shall, at any correctional facility the department determines is appropriate, provide vocational readiness training programs for the purposes of the program described in sub. (3).

SECTION 3145. 302.05 (2) of the statutes is amended to read:

302.05 (2) Transfer to a correctional treatment facility for the treatment of a substance abuse use disorder shall be considered a transfer under s. 302.18.

SECTION 3146. 302.05 (3) (a) 2. of the statutes is amended to read:

302.05 (3) (a) 2. ~~If the inmate is serving a bifurcated sentence imposed under s. 973.01, the sentencing court decided under par. (e) or s. 973.01 (3g)~~ The department determines that the inmate is eligible to participate in the earned release program described in this subsection. In making its determination, the department shall consider a decision of the sentencing court under s. 302.05 (3) (e), 2021 stats., or s. 973.01 (3g), 2021 stats.

SECTION 3147. 302.05 (3) (b) of the statutes is amended to read:

302.05 (3) (b) Except as provided in par. (d), if the department determines that an eligible inmate serving a sentence other than one imposed under s. 973.01 has successfully completed a substance use disorder treatment program described in

sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. If the parole commission grants parole under this paragraph for the completion of a substance use disorder treatment program, it shall require the parolee to participate in an intensive supervision program for drug abusers as a condition of parole.

SECTION 3148. 302.05 (3) (c) 1. of the statutes is amended to read:

302.05 (3) (c) 1. Except as provided in par. (d), if the department determines that an eligible inmate serving the term of confinement in prison portion of a bifurcated sentence imposed under s. 973.01 has successfully completed a substance use disorder treatment program described in sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the department shall inform the court that sentenced the inmate.

SECTION 3149. 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd. 1. that an inmate whom the court sentenced under s. 973.01 has successfully completed a substance use disorder treatment program described in sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the court shall modify the inmate's bifurcated sentence as follows:

SECTION 3150. 302.05 (3) (d) of the statutes is amended to read:

302.05 (3) (d) The department may place intensive sanctions program participants in a treatment program described in sub. (1) (b), but pars. (b) and (c) do not apply to those participants.

SECTION 3151. 302.05 (3) (e) of the statutes is repealed.

SECTION 3152. 302.11 (7) (am) of the statutes is amended to read:

302.11 (7) (am) The reviewing authority may return a parolee released under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the remainder of the sentence for a violation of the conditions of parole. The remainder of the sentence is the entire sentence, less time served in custody prior to parole and less any earned compliance credit under s. 973.156. The revocation order shall provide the parolee with credit in accordance with ss. 304.072 and 973.155.

SECTION 3153. 302.113 (9) (ag) of the statutes is renumbered 302.113 (9) (ag) (intro.) and amended to read:

302.113 (9) (ag) (intro.) In this subsection “~~reviewing~~”:

1. “Reviewing authority” means the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing.

SECTION 3154. 302.113 (9) (am) of the statutes is renumbered 302.113 (9) (am) 1. and amended to read:

302.113 (9) (am) 1. If a person released to extended supervision under this section violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the reviewing authority shall order the person to be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence. ~~The time~~

(ag) 2. “Time remaining on the bifurcated sentence is” means the total length of the bifurcated sentence, less time served by the person in confinement under the sentence before release to extended supervision under sub. (2), less any earned compliance credit under s. 973.156, and less all time served in confinement for previous revocations of extended supervision under the sentence.

(am) 2. The order returning a person to prison under this paragraph shall provide the person whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.

SECTION 3155. 302.113 (9) (b) of the statutes is amended to read:

302.113 (9) (b) A person who is returned to prison after revocation of extended supervision shall be incarcerated for the entire period of time specified by the order under par. (am) 1. The period of time specified under par. (am) 1. may be extended in accordance with sub. (3). If a person is returned to prison under par. (am) 1. for a period of time that is less than the time remaining on the bifurcated sentence, the person shall be released to extended supervision after he or she has served the period of time specified by the order under par. (am) 1. and any periods of extension imposed in accordance with sub. (3).

SECTION 3156. 302.113 (9) (c) of the statutes is amended to read:

302.113 (9) (c) A person who is subsequently released to extended supervision after service of the period of time specified by the order under par. (am) 1. is subject to all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the expiration of the time remaining extended supervision portion of on the bifurcated sentence. ~~The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.~~

SECTION 3157. 302.114 (9) (ag) of the statutes is amended to read:

302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given in s. 302.113 (9) (ag) 1.

SECTION 3158. 304.072 (4) of the statutes is amended to read:

304.072 (4) The sentence of a revoked parolee or person on extended supervision resumes running on the day he or she is received at a correctional institution subject to sentence credit for the period of custody in a jail, correctional institution or any other detention facility pending revocation according to the terms of s. 973.155 and subject to earned compliance credit under s. 973.156.

SECTION 3159. 973.15 (5) of the statutes is amended to read:

973.15 (5) A convicted offender who is made available to another jurisdiction under ch. 976 or in any other lawful manner shall be credited with service of his or her Wisconsin sentence or commitment under the terms of s. ss. 973.155 and 973.156 for the duration of custody in the other jurisdiction.

SECTION 3160. 973.156 of the statutes is created to read:

973.156 Earned compliance credit. (1) In this section, “qualifying offense” means a crime other than a violation of ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

(2) Upon the revocation of extended supervision under s. 302.113 (9) or parole under s. 302.11 (7), a person shall be given earned compliance credit toward the service of his or her sentence for a qualifying offense for each day that the person spent on extended supervision or parole without violating a condition or rule of extended supervision or parole prior to the violation that resulted in the revocation.

(3) Subsection (2) does not apply to a person who is required to register under s. 301.45.

(4) If a person is serving more than one sentence, earned compliance credit under sub. (2) is earned only for the time spent on extended supervision or parole for qualifying offenses.

(5) The amount of the earned compliance credit under sub. (2) shall be calculated and applied by the appropriate reviewing authority under s. 302.11 (7) (am) or 302.113 (9) (am) 1.

SECTION 9108. Nonstatutory provisions; Corrections.

(1) **EARNED RELEASE PROGRAM RULES.** The department of corrections shall update its administrative rules to implement earned release for completion of a vocational readiness training program under s. 302.05 (3), including specification of the eligibility criteria for persons sentenced before the effective date of this subsection to participate in the program.

(2) **EARNED COMPLIANCE CREDIT.** A person who is serving a sentence for a violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095 and who is in custody upon revocation of extended supervision or parole on the effective date of this subsection may petition the department of corrections to be given credit under s. 973.156. Upon proper verification of the facts alleged in the petition, credit under s. 973.156 shall be applied retroactively to the person. If the department of corrections is unable to determine whether credit under s. 973.156 should be given, or otherwise refuses to award retroactive credit, the person may petition the sentencing court for relief. This subsection applies regardless of the date the person was sentenced. A person who is required to register under s. 301.45 is not eligible to receive credit under this subsection.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1863/P1
ZDW:amn

DOA:.....Aslesen, BB0532 - Mississippi River Parkway Commission position authority

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Mississippi River Parkway Commission position authority

Under current law, the Mississippi River Parkway Commission assists in coordinating the development and preservation of the Great River Road in Wisconsin. The commission consists of members appointed to four-year terms by the governor. These members serve without compensation, but may be reimbursed for actual expenses of performing their duties. Reimbursements are paid from moneys appropriated to DOT for departmental management and operations.

This bill increases the position authority for the Mississippi River Parkway Commission by 1.0 FTE, funded from the same appropriation, for the purpose of providing administrative support to the commission.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9144. Nonstatutory provisions; Transportation.

(1) MISSISSIPPI RIVER PARKWAY COMMISSION POSITION AUTHORITY. The authorized FTE positions for the Mississippi River parkway commission, funded from the appropriation under s. 20.395 (4) (aq), are increased by 1.0 SEG position for the purpose of providing administrative support to the commission.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1864/P1
KRP:klm

DOA:.....Schmidt, BB0531 - Pretrial risk assessments

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

CIRCUIT COURTS

Reimbursements for pretrial risk assessments

This bill requires the director of state courts to reimburse counties for circuit court costs related to implementing the use of pretrial risk assessments. The director of state courts must make the payments from a new biennial general program operations appropriation created in the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3161. 20.625 (1) (cg) of the statutes is amended to read:

20.625 (1) (cg) *Circuit court costs; generally.* Biennially, the amounts in the schedule to make payments to counties for circuit court costs under s. 758.19 (5) (am) to (i).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3162. 20.625 (1) (d) of the statutes is created to read:

20.625 (1) (d) *Circuit court costs; pretrial risk assessments.* Biennially, the amounts in the schedule to reimburse counties for circuit court costs under s. 758.19 (5) (j).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3163. 758.19 (5) (j) of the statutes is created to read:

758.19 (5) (j) Notwithstanding par. (b), the director of state courts shall make payments from the appropriation under s. 20.625 (1) (d) to counties to reimburse counties for circuit court costs related to implementing the use of pretrial risk assessments.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1866/P1
ZDW:cdc

DOA:.....Aslesen, BB0533 - Ray Nitschke Memorial Bridge

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

Ray Nitschke Memorial Bridge

This bill requires DOT, in the 2023-24 fiscal year, to set aside \$1,200,000 of the amounts appropriated to DOT for bridge development, construction, and rehabilitation for repairs to the Ray Nitschke Memorial Bridge in Brown County.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3164. 20.395 (2) (eq) of the statutes is amended to read:

20.395 (2) (eq) *Highway and local bridge improvement assistance, state funds.*

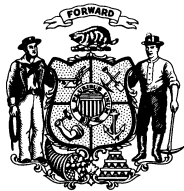
As a continuing appropriation, the amounts in the schedule for bridge development, construction, and rehabilitation under s. 84.18, for the development and

construction of bridges under ss. 84.12 and 84.17, for payments to local units of government for jurisdictional transfers under s. 84.16, for the improvement of the state trunk highway system under 1985 Wisconsin Act 341, section 6 (1), to provide for the payments specified under 2001 Wisconsin Act 16, section 9152 (3d), ~~and~~ for the payment required under 2015 Wisconsin Act 55, section 9145 (3f), and for the improvement specified under 2023 Wisconsin Act... (this act), section 9144 (1).

SECTION 9144. Nonstatutory provisions; Transportation.

(1) RAY NITSCHKE MEMORIAL BRIDGE. Notwithstanding eligibility requirements for receiving aid or limitations on the amount and use of aid provided under s. 84.18, in the 2023-24 fiscal year, from the appropriation under s. 20.395 (2) (eq), the department of transportation shall set aside \$1,200,000 for repairs to the Ray Nitschke Memorial Bridge in Brown County.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1876/P1
EVM:skw

DOA:.....Aslesen, BB0534 - Quarry hours of operation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

Nonmetallic quarry hours of operation

The bill prohibits a political subdivision from limiting the times that activities related to extracting or processing minerals at a quarry occur if the minerals will be used in a public works project that requires nighttime construction or an emergency repair.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3165. 66.0441 of the statutes is created to read:

66.0441 Quarry hours of operation. (1) In this section:

(a) "Political subdivision" means a city, village, town, or county.

(b) "Public works project" means a federal, state, county, or municipal project that involves the construction, maintenance, or repair of a public transportation facility or other public infrastructure and in which nonmetallic minerals are used.

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

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

(2) A political subdivision may not limit the times that quarry operations may occur if the materials produced by the quarry will be used in a public works project that requires construction work to be performed during the night or an emergency repair.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1887/P1
ZDW:amn

DOA:.....Aslesen, BB0537 - Local bridge South Bridge Connector

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS AND LOCAL ASSISTANCE

Bonding authority for Southern Bridge project

Under current law, the state may contract up to \$46,849,800 in public debt for DOT to acquire, construct, develop, enlarge, or improve local bridges and interstate bridges. This bill authorizes the state to contract an additional \$50,000,000 in public debt for the construction of the Southern Bridge project crossing the Fox River in Brown County.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3166. 20.866 (2) (ug) of the statutes is amended to read:

20.866 (2) (ug) *Transportation; accelerated bridge improvements.* From the capital improvement fund, a sum sufficient to acquire, construct, develop, enlarge or

improve local bridges under s. 84.11 and interstate bridges under s. 84.12. The state may contract public debt in an amount not to exceed \$46,849,800 for this purpose.

In addition, the state may contract public debt in an amount not to exceed \$50,000,000 for the construction of the Southern Bridge project crossing the Fox River in Brown County.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1889/P2
EVM:kms&emw

DOA:.....Aslesen, BB0535 - Traffic calming grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

TRANSPORTATION AIDS

Traffic calming grants

Under this bill, DOT must develop and administer a local traffic calming grant program. Under the program, DOT must award grants to political subdivisions for infrastructure projects designed to reduce the speed of vehicular traffic.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3167. 20.395 (2) (ja) of the statutes is created to read:

20.395 (2) (ja) *Local traffic calming grants.* From the general fund, as a continuing appropriation, the amounts in the schedule for the local traffic calming grant program under s. 85.024.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3168. 85.024 of the statutes is created to read:

85.024 Local traffic calming grants. The department shall develop and administer a local traffic calming grant program. From the appropriation under s. 20.395 (2) (ja), the department shall award grants to counties, cities, villages, and towns for infrastructure projects that are eligible for funding under the federal transportation alternatives program and that are designed to reduce the speed of vehicular traffic. The department shall prescribe the form, nature, and extent of information that shall be contained in applications for grants under this section and shall establish criteria for evaluating applications and for awarding grants under this section.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1892/P1
FFK:kms

DOA:.....Hynek, BB0536 - MENTOR Greater Milwaukee

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Mentor Greater Milwaukee, Inc.

This bill requires DPI to award grants to Mentor Greater Milwaukee, Inc., to expand access to quality youth mentoring in Milwaukee County.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3169. 20.255 (3) (fw) of the statutes is created to read:

20.255 (3) (fw) *Mentor Greater Milwaukee.* Biennially, the amounts in the schedule for grants to Mentor Greater Milwaukee, Inc., under s. 115.28 (69).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3170. 115.28 (69) of the statutes is created to read:

115.28 (69) MENTOR GREATER MILWAUKEE. From the appropriation under s. 20.255 (3) (fw), award grants to Mentor Greater Milwaukee, Inc., to expand access to quality youth mentoring in Milwaukee County.

***NOTE: Let me know if your intent was to require DPI to distribute the amount in the appropriation to Mentor Greater Milwaukee. If so, because it is a biennial appropriation, let me know how or when you want DPI to distribute the money.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1893/P2
JAM:cdc

DOA:.....Kirschbaum, BB0539 - Workforce advancement training grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Grants for technical college district boards to provide workforce advancement training for businesses

This bill requires the TCS Board to award grants to technical college district boards for the provision of customized instruction and training opportunities for businesses to meet current workforce demands in various industries.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3171. 38.274 of the statutes is created to read:

38.274 Workforce advancement training grants. From the appropriation under s. 20.292 (1) (f), the board shall award grants to district boards for the purpose

of increasing the number of customized instruction and training opportunities for businesses to meet current workforce demands in various industries.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1894/P2
JAM:klm

DOA:.....Kirschbaum, BB0538 - Open educational resources at technical colleges

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Grants for technical college district boards for the creation of open educational resources

This bill requires the TCS Board to award grants to technical college district boards for the creation of open educational resources that will allow the public and technical colleges across the TCS to access technical college course materials.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3172. 20.292 (1) (f) of the statutes is amended to read:

20.292 (1) (f) *Grants to district boards.* As a continuing appropriation, the amounts in the schedule for aids and grants to technical college districts under ss.

38.04 (13) (a), (20), (28), and (32) (a), 38.26, 38.27, 38.272, 38.274, 38.276, 38.28 (4), 38.29, 38.32, 38.33, 38.34, 38.38, 38.40 (4m), and 38.41.

****NOTE: The above provision reconciles the treatment of s. 20.292 (1) (f) in LRB numbers 23-1691/P2, 23-1893/P1, and 23-1894/P1.

SECTION 3173. 38.276 of the statutes is created to read:

38.276 Open educational resources grants. From the appropriation under s. 20.292 (1) (f), the board shall award grants to district boards for the creation of open educational resources that will allow the public and technical colleges across the technical college system to access technical college course materials.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1895/P1
JPC:skw

DOA:.....Stinebrink, BB0541 - Tribal Long-Term Care

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Grants for tribal long-term care system development

This bill requires DHS to annually allocate up to \$5,500,000 to federally recognized American Indian tribes and bands located in this state for capital improvements to tribal facilities serving tribal members with long-term care needs and for improvements and repairs to homes of tribal members with long-term care needs to enable tribal members to receive long-term care services at home.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3174. 20.435 (7) (b) of the statutes is amended to read:

20.435 (7) (b) *Community aids and Medical Assistance payments.* The amounts in the schedule for human services and community mental health services

under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), to fund activities in support of resource center operations, for services under the family care benefit under s. 46.284 (5), for grants to federally recognized American Indian tribes and bands located in this state under s. 46.41, for Medical Assistance payment adjustments under s. 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45 (53) for services described in s. 49.45 (53) that are provided before January 1, 2012. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27, 2017 stats. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3175. 46.41 of the statutes is created to read:

46.41 Grants for tribal long-term care system development. From the appropriation under s. 20.435 (7) (b), the department shall annually allocate not

more than \$5,500,000 in each fiscal year to federally recognized American Indian tribes and bands located in this state for capital improvements to tribal facilities serving tribal members with long-term care needs and for improvements and repairs to homes of tribal members with long-term care needs to enable tribal members to receive long-term care services at home.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1896/P1
KP:cjs

DOA:.....Martin, BB0540 - Moving computer aid payments date

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Moving the date of computer aid payments

Beginning in 2024, the bill requires DOA to make computer aid payments to taxing jurisdictions by the first Monday in May. Under current law, computers and certain computer-related equipment are exempt from local personal property taxes, and DOA makes computer aid payments to taxing jurisdictions to compensate them for the corresponding loss of property tax revenue. Current law requires DOA to make computer aid payments by the fourth Monday in July.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3176. 79.095 (4) (c) of the statutes is amended to read:

79.095 (4) (c) The department shall certify the amount of the payment due each taxing jurisdiction to the department of administration, which shall make the payments on or before the 4th first Monday in July. ~~For purposes of ch. 121, school~~

~~districts shall treat the payments made in July under this subsection as if they had been received in the previous school year May.~~

SECTION 9437. Effective dates; Revenue.

(1) DATE OF COMPUTER AID PAYMENTS. The treatment of s. 79.095 (4) (c) takes effect on January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1906/P1
SWB:skw

DOA:.....Stinebrink, BB0542 - Health care provider innovation grants

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

GENERAL HEALTH AND HUMAN SERVICES

Health care provider innovation grants

Under current law, DHS is required to award grants for certain community programs. This bill allows DHS to distribute up to \$15,000,000 in each fiscal year as grants to health care providers and long-term care providers to implement best practices and innovative solutions to increase worker recruitment and retention.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3177. 46.48 (22) of the statutes is created to read:

46.48 (22) HEALTH CARE PROVIDER INNOVATION GRANTS. The department may distribute not more than \$15,000,000 in each fiscal year as grants to health care

providers and long-term care providers to implement best practices and innovative solutions to increase worker recruitment and retention.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1910/P5
JPC:amn/wlj/kms

DOA:.....Mott, BB0543 - Advanced practice registered nurses

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ADVANCED PRACTICE REGISTERED NURSING

Licensure of advanced practice registered nurses

Under current law, a person who wishes to practice professional nursing must be licensed by the Board of Nursing as a registered nurse (RN). This bill creates an additional system of licensure for advanced practice registered nurses (APRNs), to be administered by the board. Under the bill, in order to apply for an APRN license, a person must 1) hold an RN license; 2) have completed an accredited graduate-level or postgraduate-level education program preparing the person to practice as an APRN in one of four recognized roles and hold a current national certification approved by the board; 3) possess malpractice liability insurance as provided in the bill; 4) pay a fee determined by DSPS; and 5) satisfy certain other criteria specified in the bill. The bill also allows a person who has not completed an accredited education program described above to receive an APRN license if the person 1) on January 1, 2023, is both licensed as an RN in Wisconsin and practicing in one of the four recognized roles; and 2) satisfies additional practice or education criteria established by the board. The bill also, however, automatically grants licenses to certain RNs, as further described below. The four recognized roles, as defined in the bill, are 1) certified nurse-midwife; 2) certified registered nurse anesthetist; 3) clinical nurse specialist; and 4) nurse practitioner. The bill requires the board, upon granting a person an APRN license, to also grant the person one or more specialty

designations corresponding to the recognized role or roles for which the person qualifies.

Under the bill, all APRNs, except APRNs with a certified nurse-midwife specialty designation, must practice in collaboration with a physician or dentist. However, under the bill, an APRN may practice without being supervised by a physician or dentist if the Board of Nursing verifies that the APRN has completed 3,840 hours of professional nursing in a clinical setting and has completed 3,840 clinical hours of advanced practice registered nursing practice in his or her recognized role while working with a physician or dentist during those 3,840 hours of practice. APRNs may count additional hours practiced as an APRN in collaboration with a physician or dentist towards the 3,840 required hours of professional nursing. APRNs with a certified nurse-midwife specialty designation are instead required, if they offer to deliver babies outside of a hospital setting, to file and keep current with the board a proactive plan for involving a hospital or a physician who has admitting privileges at a hospital in the treatment of patients with higher acuity or emergency care needs, as further described below. Additionally, under the bill, an APRN may provide pain management services only while working in a collaborative relationship with a physician who specializes in pain management or, if the APRN has qualified to practice independently, in a hospital or clinic associated with a hospital.

The bill allows an APRN to delegate a task or order to another clinically trained health care worker if the task or order is within the scope of the APRN's practice, the APRN is competent to perform the task or issue the order, and the APRN has reasonable evidence that the health care worker is minimally competent to perform the task or issue the order under the circumstances. The bill requires an APRN to adhere to professional standards when managing situations that are beyond the APRN's expertise.

The holder of an APRN license may append the title "A.P.R.N." to his or her name, as well as a title corresponding to whichever specialty designations that the person possesses. The bill prohibits any person from using the title "A.P.R.N.," and from otherwise indicating that he or she is an APRN, unless the person is licensed by the board as an APRN. The bill also prohibits the use of titles and abbreviations corresponding to a recognized role unless the person has a specialty designation for that role.

Under the bill, when an APRN renews his or her APRN license, the board must grant the person the renewal of both the person's RN license and the person's APRN license. The bill requires all APRNs to complete continuing education requirements each biennium in clinical pharmacology or therapeutics relevant to the APRN's area of practice and to satisfy certain other requirements when renewing a license.

Practice of nurse-midwifery

This bill repeals licensure and practice requirements specific to nurse-midwives and the practice of nurse-midwifery, including specific requirements to practice with an obstetrician. Under the bill, "certified nurse-midwife" is one of the four recognized roles for APRNs, and a person who is licensed as a nurse-midwife under current law is automatically granted an APRN

license with a certified nurse-midwife specialty designation. The bill otherwise allows nurse-midwives to be licensed as APRNs if they satisfy the licensure requirements, except that the bill also requires that a person applying for a certified nurse-midwife specialty designation be certified by the American Midwifery Certification Board. The bill also requires an APRN with a specialty designation as a certified nurse-midwife to file with the Board of Nursing, and obtain the board's approval of, a plan for ensuring appropriate care or care transitions in treating certain patients if the APRN offers to deliver babies outside of a hospital setting.

Prescribing authority

Under current law, a person licensed as an RN may apply to the Board of Nursing for a certificate to issue prescription orders if the person meets certain requirements established by the board. An RN holding a certificate is subject to various practice requirements and limitations established by the board and must possess malpractice liability insurance in an amount determined by the board.

The bill eliminates certificates to issue prescription orders and generally authorizes APRNs to issue prescription orders. A person who is certified to issue prescription orders under current law is automatically granted an APRN license with his or her appropriate specialty designation. RNs who are practicing in a recognized role on January 1, 2023, but who do not hold a certificate to issue prescription orders on that date and who are granted an APRN license under the bill may not issue prescription orders. As under current law, an APRN issuing prescription orders is subject to various practice requirements and limitations established by the board.

The bill repeals a provision concerning the ability of advanced practice nurses who are certified to issue prescription orders and who are required to work in collaboration with or under the supervision of a physician to obtain and practice under a federal waiver to dispense narcotic drugs to individuals for addiction treatment.

Malpractice liability insurance

The bill requires all APRNs to maintain malpractice liability insurance in coverage amounts specified under current law for physicians and nurse anesthetists. Additionally, the bill requires APRNs who have qualified to practice independently and who practice outside a collaborative or employment relationship, but not including those APRNs who only practice as a certified nurse-midwife, to participate in the Injured Patients and Families Compensation Fund. Under current law, only physicians and nurse anesthetists are mandatory participants in the Injured Patients and Families Compensation Fund. The Injured Patients and Families Compensation Fund provides excess medical malpractice coverage for health care providers who participate in the fund and meet all other participation requirements, which includes maintaining malpractice liability insurance in coverage amounts specified under current law.

Other changes

The bill directs DHS to require a hospital that provides emergency services to have sufficient qualified personnel available at all times to manage the number and severity of emergency department cases anticipated by the location. At a minimum,

the bill directs DHS to require a hospital that provides emergency services to have on-site at least one physician who, through education, training, and experience, specializes in emergency medicine.

The bill makes numerous other changes throughout the statutes relating to APRNs, including various terminology changes.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3178. 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

29.193 (1m) (a) 2. (intro.) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician, a licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~:

SECTION 3179. 29.193 (2) (b) 2. of the statutes is amended to read:

29.193 (2) (b) 2. An applicant shall submit an application on a form prepared and furnished by the department, which shall include a written statement or report prepared and signed by a licensed physician, a licensed physician assistant, a licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~ prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

SECTION 3180. 29.193 (2) (c) 3. of the statutes is amended to read:

29.193 (2) (c) 3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician, a licensed physician

assistant, a licensed chiropractor, a licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~ selected by the applicant from a list of licensed physicians, licensed physician assistants, licensed chiropractors, licensed podiatrists, and ~~certified~~ licensed advanced practice nurse ~~prescribers~~ registered nurses compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

SECTION 3181. 29.193 (2) (cd) 2. b. of the statutes is amended to read:

29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function in one or both arms and fails to meet the minimum standards of the standard upper extremity pinch test, the standard grip test, or the standard nine-hole peg test, administered under the direction of a licensed physician, a licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~.

SECTION 3182. 29.193 (2) (cd) 2. c. of the statutes is amended to read:

29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength test, administered under the direction of a licensed physician, a licensed physician assistant, a licensed chiropractor, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~.

SECTION 3183. 29.193 (2) (e) of the statutes is amended to read:

29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this subsection, except a permit under par. (c) 3., may obtain a review of that decision by a licensed physician, a licensed physician assistant, a licensed chiropractor, a

licensed podiatrist, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~ designated by the department and with an office located in the department district in which the applicant resides. The department shall pay for the cost of a review under this paragraph unless the denied application on its face fails to meet the standards set forth in par. (c) 1. or 2. A review under this paragraph is the only method of review of a decision to deny a permit under this subsection and is not subject to further review under ch. 227.

SECTION 3184. 29.193 (3) (a) of the statutes is amended to read:

29.193 (3) (a) Produces a certificate from a licensed physician, a licensed physician assistant, a licensed optometrist, or a ~~certified~~ licensed advanced practice registered nurse ~~prescriber~~ stating that his or her sight is impaired to the degree that he or she cannot read ordinary newspaper print with or without corrective glasses.

SECTION 3185. 46.03 (44) of the statutes is amended to read:

46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and keep current an information sheet to be distributed to a patient by a physician, a physician assistant, or ~~certified~~ an advanced practice registered nurse ~~prescriber~~ who may issue prescription orders under s. 441.09 (2) providing expedited partner therapy to that patient under s. 441.092, 448.035, or 448.9725. The information sheet shall include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. The information sheet shall also include a statement advising a person with questions about the information to contact his or her physician, advanced practice registered nurse, pharmacist, or local health department, as defined in s. 250.01 (4).

SECTION 3186. 50.01 (1b) of the statutes is repealed.

SECTION 3187. 50.08 (2) of the statutes is amended to read:

50.08 (2) A physician, an advanced practice registered nurse ~~prescriber~~ certified who may issue prescription orders under s. 441.16 441.09 (2), or a physician assistant who prescribes a psychotropic medication to a nursing home resident who has degenerative brain disorder shall notify the nursing home if the prescribed medication has a boxed warning under 21 CFR 201.57.

SECTION 3188. 50.09 (1) (a) (intro.) of the statutes is amended to read:

50.09 (1) (a) (intro.) Private and unrestricted communications with the resident's family, physician, physician assistant, advanced practice registered nurse ~~prescriber~~, attorney, and any other person, unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ in the resident's medical record, except that communications with public officials or with the resident's attorney shall not be restricted in any event. The right to private and unrestricted communications shall include, but is not limited to, the right to:

SECTION 3189. 50.09 (1) (f) 1. of the statutes is amended to read:

50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses or both domestic partners under ch. 770 are residents of the same facility, the spouses or domestic partners shall be permitted to share a room unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ in the resident's medical record.

SECTION 3190. 50.09 (1) (h) of the statutes is amended to read:

50.09 (1) (h) Meet with, and participate in activities of social, religious, and community groups at the resident's discretion, unless medically contraindicated as documented by the resident's physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ in the resident's medical record.

SECTION 3191. 50.09 (1) (k) of the statutes is amended to read:

50.09 (1) (k) Be free from mental and physical abuse, and be free from chemical and physical restraints except as authorized in writing by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ for a specified and limited period of time and documented in the resident's medical record. Physical restraints may be used in an emergency when necessary to protect the resident from injury to himself or herself or others or to property. However, authorization for continuing use of the physical restraints shall be secured from a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ within 12 hours. Any use of physical restraints shall be noted in the resident's medical records. "Physical restraints" includes, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that the resident is unable to remove easily, and confinement in a locked room.

SECTION 3192. 50.36 (3s) of the statutes is created to read:

50.36 (3s) The department shall require a hospital that provides emergency services to have sufficient qualified personnel at all times to manage the number and severity of emergency department cases anticipated by the location. At all times, a hospital that provides emergency services shall have on-site at least one physician who, through education, training, and experience, specializes in emergency medicine.

SECTION 3193. 50.49 (1) (b) (intro.) of the statutes is amended to read:

50.49 (1) (b) (intro.) "Home health services" means the following items and services that are furnished to an individual, who is under the care of a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, by a home health agency, or by others under arrangements made by the home health agency,

that are under a plan for furnishing those items and services to the individual that is established and periodically reviewed by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ and that are, except as provided in subd. 6., provided on a visiting basis in a place of residence used as the individual's home:

SECTION 3194. 51.41 (1d) (b) 4. of the statutes is amended to read:

51.41 (1d) (b) 4. A psychiatric mental health advanced practice registered nurse who is suggested by the Milwaukee County board of supervisors. The Milwaukee County board of supervisors shall solicit suggestions from organizations including the Wisconsin Nurses Association for individuals who specialize in a full continuum of behavioral health and medical services including emergency detention, inpatient, residential, transitional, partial hospitalization, intensive outpatient, and wraparound community-based services. The Milwaukee County board of supervisors shall suggest to the Milwaukee County executive 4 psychiatric mental health advanced practice registered nurses for this board membership position.

SECTION 3195. 70.47 (8) (intro.) of the statutes is amended to read:

70.47 (8) HEARING. (intro.) The board shall hear upon oath all persons who appear before it in relation to the assessment. Instead of appearing in person at the hearing, the board may allow the property owner, or the property owner's representative, at the request of either person, to appear before the board, under oath, by telephone or to submit written statements, under oath, to the board. The board shall hear upon oath, by telephone, all ill or disabled persons who present to the board a letter from a physician, physician assistant, or advanced practice registered nurse ~~prescriber certified under s. 441.16 (2)~~ licensed under ch. 441 that

confirms their illness or disability. At the request of the property owner or the property owner's representative, the board may postpone and reschedule a hearing under this subsection, but may not postpone and reschedule a hearing more than once during the same session for the same property. The board at such hearing shall proceed as follows:

SECTION 3196. 77.54 (14) (f) 3. of the statutes is repealed.

SECTION 3197. 77.54 (14) (f) 4. of the statutes is amended to read:

77.54 (14) (f) 4. An advanced practice registered nurse who may issue prescription orders under s. 441.09 (2).

SECTION 3198. 97.59 of the statutes is amended to read:

97.59 Handling foods. No person in charge of any public eating place or other establishment where food products to be consumed by others are handled may knowingly employ any person handling food products who has a disease in a form that is communicable by food handling. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods or is suspected of having a disease in a form that is communicable by food handling shall submit to an examination by the officer or by a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ designated by the officer. The expense of the examination, if any, shall be paid by the person examined. Any person knowingly infected with a disease in a form that is communicable by food handling who handles food products to be consumed by others and any persons knowingly employing or permitting such a person to handle food products to be consumed by others shall be punished as provided by s. 97.72.

SECTION 3199. 102.13 (1) (a) of the statutes is amended to read:

102.13 (1) (a) Except as provided in sub. (4), whenever compensation is claimed by an employee, the employee shall, upon the written request of the employee's employer or worker's compensation insurer, submit to reasonable examinations by physicians, chiropractors, psychologists, dentists, physician assistants, advanced practice nurse prescribers registered nurses, or podiatrists provided and paid for by the employer or insurer. No employee who submits to an examination under this paragraph is a patient of the examining physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist for any purpose other than for the purpose of bringing an action under ch. 655, unless the employee specifically requests treatment from that physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist.

SECTION 3200. 102.13 (1) (b) (intro.), 1., 3. and 4. of the statutes are amended to read:

102.13 (1) (b) (intro.) An employer or insurer who requests that an employee submit to reasonable examination under par. (a) or (am) shall tender to the employee, before the examination, all necessary expenses including transportation expenses. The employee is entitled to have a physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist provided by himself or herself present at the examination and to receive a copy of all reports of the examination that are prepared by the examining physician, chiropractor, psychologist, podiatrist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational expert immediately upon receipt of those reports by the employer or worker's compensation insurer. The employee is entitled to have one observer provided by himself or herself present at the

examination. The employee is also entitled to have a translator provided by himself or herself present at the examination if the employee has difficulty speaking or understanding the English language. The employer's or insurer's written request for examination shall notify the employee of all of the following:

1. The proposed date, time, and place of the examination and the identity and area of specialization of the examining physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational expert.

3. The employee's right to have his or her physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist present at the examination.

4. The employee's right to receive a copy of all reports of the examination that are prepared by the examining physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational expert immediately upon receipt of these reports by the employer or worker's compensation insurer.

SECTION 3201. 102.13 (1) (d) 1., 2., 3. and 4. of the statutes are amended to read:

102.13 (1) (d) 1. Any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, or vocational expert who is present at any examination under par. (a) or (am) may be required to testify as to the results of the examination.

2. Any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist who attended a worker's compensation claimant for any condition or complaint reasonably related to the

condition for which the claimant claims compensation may be required to testify before the division when the division so directs.

3. Notwithstanding any statutory provisions except par. (e), any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist attending a worker's compensation claimant for any condition or complaint reasonably related to the condition for which the claimant claims compensation may furnish to the employee, employer, worker's compensation insurer, department, or division information and reports relative to a compensation claim.

4. The testimony of any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist who is licensed to practice where he or she resides or practices in any state and the testimony of any vocational expert may be received in evidence in compensation proceedings.

SECTION 3202. 102.13 (2) (a) of the statutes is amended to read:

102.13 (2) (a) An employee who reports an injury alleged to be work-related or files an application for hearing waives any physician-patient, psychologist-patient, or chiropractor-patient privilege with respect to any condition or complaint reasonably related to the condition for which the employee claims compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or health care provider shall, within a reasonable time after written request by the employee, employer, worker's compensation insurer, department, or division, or its representative, provide that person with any information or written material reasonably related to

any injury for which the employee claims compensation. If the request is by a representative of a worker's compensation insurer for a billing statement, the physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or health care provider shall, within 30 days after receiving the request, provide that person with a complete copy of an itemized billing statement or a billing statement in a standard billing format recognized by the federal government.

SECTION 3203. 102.13 (2) (b) of the statutes is amended to read:

102.13 (2) (b) A physician, chiropractor, podiatrist, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, hospital, or health service provider shall furnish a legible, certified duplicate of the written material requested under par. (a) in paper format upon payment of the actual costs of preparing the certified duplicate, not to exceed the greater of 45 cents per page or \$7.50 per request, plus the actual costs of postage, or shall furnish a legible, certified duplicate of that material in electronic format upon payment of \$26 per request. Any person who refuses to provide certified duplicates of written material in the person's custody that is requested under par. (a) shall be liable for reasonable and necessary costs and, notwithstanding s. 814.04 (1), reasonable attorney fees incurred in enforcing the requester's right to the duplicates under par. (a).

SECTION 3204. 102.17 (1) (d) 1. and 2. of the statutes are amended to read:

102.17 (1) (d) 1. The contents of certified medical and surgical reports by physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice ~~nurse prescribers~~ registered nurses, and chiropractors licensed in and practicing in this state, and of certified reports by experts concerning loss of earning capacity under s. 102.44 (2) and (3), presented by a party for compensation

constitute prima facie evidence as to the matter contained in those reports, subject to any rules and limitations the division prescribes. Certified reports of physicians, podiatrists, surgeons, dentists, psychologists, physician assistants, advanced practice nurse prescribers registered nurses, and chiropractors, wherever licensed and practicing, who have examined or treated the claimant, and of experts, if the practitioner or expert consents to being subjected to cross-examination, also constitute prima facie evidence as to the matter contained in those reports. Certified reports of physicians, podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of the diagnosis, necessity of the treatment, and cause and extent of the disability. Certified reports by doctors of dentistry, physician assistants, and advanced practice nurse prescribers registered nurses are admissible as evidence of the diagnosis and necessity of treatment but not of the cause and extent of disability. Any physician, podiatrist, surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice registered nurse prescriber, or expert who knowingly makes a false statement of fact or opinion in a certified report may be fined or imprisoned, or both, under s. 943.395.

2. The record of a hospital or sanatorium in this state that is satisfactory to the division, established by certificate, affidavit, or testimony of the supervising officer of the hospital or sanatorium, any other person having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist, physician assistant, advanced practice registered nurse prescriber, or chiropractor to be the record of the patient in question, and made in the regular course of examination or treatment of the patient, constitutes prima facie evidence as to the matter contained in the record, to the extent that the record is otherwise competent and relevant.

SECTION 3205. 102.29 (3) of the statutes is amended to read:

102.29 (3) Nothing in this chapter shall prevent an employee from taking the compensation that the employee may be entitled to under this chapter and also maintaining a civil action against any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist for malpractice.

SECTION 3206. 102.42 (2) (a) of the statutes is amended to read:

102.42 (2) (a) When the employer has notice of an injury and its relationship to the employment, the employer shall offer to the injured employee his or her choice of any physician, chiropractor, psychologist, dentist, physician assistant, advanced practice registered nurse ~~prescriber~~, or podiatrist licensed to practice and practicing in this state for treatment of the injury. By mutual agreement, the employee may have the choice of any qualified practitioner not licensed in this state. In case of emergency, the employer may arrange for treatment without tendering a choice. After the emergency has passed the employee shall be given his or her choice of attending practitioner at the earliest opportunity. The employee has the right to a 2nd choice of attending practitioner on notice to the employer or its insurance carrier. Any further choice shall be by mutual agreement. Partners and clinics are considered to be one practitioner. Treatment by a practitioner on referral from another practitioner is considered to be treatment by one practitioner.

SECTION 3207. 106.30 (1) of the statutes is amended to read:

106.30 (1) DEFINITION. In this section, “nurse” means a registered nurse licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, or an advanced practice registered nurse ~~prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15~~ 441.09.

SECTION 3208. 118.15 (3) (a) of the statutes is amended to read:

118.15 (3) (a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, naturopathic doctor, dentist, chiropractor, optometrist, psychologist, physician assistant, ~~or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice registered nurse prescriber, or registered nurse described under s. 255.06 (1) (f) 1.~~ or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

SECTION 3209. 118.25 (1) (a) of the statutes is amended to read:

118.25 (1) (a) “Practitioner” means a person licensed as a physician, naturopathic doctor, or physician assistant in any state or licensed as an advanced practice registered nurse or certified as an advanced practice registered nurse prescriber in any state. In this paragraph, “physician” has the meaning given in s. 448.01 (5).

SECTION 3210. 118.29 (1) (e) of the statutes is amended to read:

118.29 (1) (e) “Practitioner” means any physician, naturopathic doctor, dentist, optometrist, physician assistant, advanced practice registered nurse prescriber with prescribing authority, or podiatrist licensed in any state.

SECTION 3211. 118.2925 (1) (b) of the statutes is repealed.

SECTION 3212. 118.2925 (3) of the statutes is amended to read:

118.2925 (3) PRESCRIPTIONS FOR SCHOOLS. A physician, an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2), or a physician assistant may prescribe epinephrine auto-injectors or prefilled syringes in the name of a school that has adopted a plan under sub. (2) (a), to be maintained by the school for use under sub. (4).

SECTION 3213. 118.2925 (4) (c) of the statutes is amended to read:

118.2925 (4) (c) Administer an epinephrine auto-injector or prefilled syringe to a pupil or other person who the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis in accordance with a standing protocol from a physician, an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2), or a physician assistant, regardless of whether the pupil or other person has a prescription for an epinephrine auto-injector or prefilled syringe. If the pupil or other person does not have a prescription for an epinephrine auto-injector or prefilled syringe, or the person who administers the epinephrine auto-injector or prefilled syringe does not know whether the pupil or other person has a prescription for an epinephrine auto-injector or prefilled syringe, the person who administers the epinephrine auto-injector or prefilled syringe shall, as soon as practicable, report the administration by dialing the telephone number “911” or, in an area in which the telephone number “911” is not available, the telephone number for an emergency medical service provider.

SECTION 3214. 118.2925 (5) of the statutes is amended to read:

118.2925 (5) IMMUNITY FROM CIVIL LIABILITY; EXEMPTION FROM PRACTICE OF MEDICINE. A school and its designated school personnel, and a physician, an advanced practice registered nurse prescriber who may issue prescription orders under s. 441.09 (2), or a physician assistant who provides a prescription or standing protocol

for school epinephrine auto-injectors or prefilled syringes, are not liable for any injury that results from the administration or self-administration of an epinephrine auto-injector or prefilled syringe under this section, regardless of whether authorization was given by the pupil's parent or guardian or by the pupil's physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, unless the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48.

SECTION 3215. 146.615 (1) (a) of the statutes is amended to read:

146.615 (1) (a) "Advanced practice clinician" means a physician assistant or an advanced practice registered nurse, ~~including a nurse practitioner, certified nurse-midwife, clinical nurse specialist, or certified registered nurse anesthetist~~ licensed under s. 441.09.

SECTION 3216. 146.82 (3) (a) of the statutes is amended to read:

146.82 (3) (a) Notwithstanding sub. (1), a physician, a naturopathic doctor, a limited-scope naturopathic doctor, a physician assistant, or an advanced practice registered nurse ~~prescriber~~ certified under s. 441.16 (2) licensed under s. 441.09 who treats a patient whose physical or mental condition in the physician's, naturopathic doctor's, limited-scope naturopathic doctor's, physician assistant's, or advanced practice nurse ~~prescriber's~~ registered nurse's judgment affects the patient's ability to exercise reasonable and ordinary control over a motor vehicle may report the patient's name and other information relevant to the condition to the department of transportation without the informed consent of the patient.

SECTION 3217. 146.89 (1) (r) 1. of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist, dental therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or ~~nurse-midwife~~ advanced practice registered nurse under ch. 441, an optometrist under ch. 449, a physician assistant under subch. IX of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

****NOTE: This is reconciled s. 146.89 (1) (r) 1. This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3218. 146.89 (1) (r) 3. of the statutes is renumbered 146.89 (1) (r) 5e. and amended to read:

146.89 (1) (r) 5e. A registered nurse practitioner, as defined in s. 255.06 (1) (d) who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a party state, as defined in s. 441.51 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes performance of delegated medical services under the supervision of a physician, dentist, podiatrist, or advanced practice registered nurse.

SECTION 3219. 146.89 (1) (r) 8. of the statutes is repealed.

SECTION 3220. 146.89 (6) of the statutes is amended to read:

146.89 (6) (a) While serving as a volunteer health care provider under this section, an advanced practice registered nurse ~~who has a certificate to issue prescription orders under s. 441.16 (2)~~ is considered to meet the requirements of s. 655.23, if required to comply with s. 655.23.

(b) While serving as a volunteer health care provider under this section, an advanced practice registered nurse ~~who has a certificate to issue prescription orders under s. 441.16 (2)~~ is not required to maintain in effect malpractice insurance.

SECTION 3221. 154.01 (1g) of the statutes is amended to read:

154.01 (1g) “Advanced practice registered nurse” means ~~a nurse~~ an individual licensed under ~~ch. 441 who is currently certified by a national certifying body approved by the board of nursing as a nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist~~ s. 441.09.

SECTION 3222. 155.01 (1g) (b) of the statutes is repealed and recreated to read:

155.01 (1g) (b) An individual who is licensed as an advanced practice registered nurse and possesses a nurse practitioner specialty designation under s. 441.09.

SECTION 3223. 251.01 (1c) of the statutes is repealed and recreated to read:

251.01 (1c) “Advanced practice registered nurse” means an individual licensed under s. 441.09.

SECTION 3224. 252.01 (1c) of the statutes is repealed.

SECTION 3225. 252.07 (8) (a) 2. of the statutes is amended to read:

252.07 (8) (a) 2. The department or local health officer provides to the court a written statement from a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ that the individual has infectious tuberculosis or suspect tuberculosis.

SECTION 3226. 252.07 (9) (c) of the statutes is amended to read:

252.07 (9) (c) If the court orders confinement of an individual under this subsection, the individual shall remain confined until the department or local health officer, with the concurrence of a treating physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, determines that treatment is complete or that the individual is no longer a substantial threat to himself or herself or to the public health. If the individual is to be confined for more than 6 months, the court shall review the confinement every 6 months.

SECTION 3227. 252.10 (7) of the statutes is amended to read:

252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation account under s. 20.435 (1) (e) and dispensed to patients through the public health dispensaries, local health departments, physicians, or advanced practice nurse prescribers registered nurses who may issue prescription orders under s. 441.09 (2).

SECTION 3228. 252.11 (2), (4), (5) and (7) of the statutes are amended to read:

252.11 (2) An officer of the department or a local health officer having knowledge of any reported or reasonably suspected case or contact of a sexually transmitted disease for which no appropriate treatment is being administered, or of an actual contact of a reported case or potential contact of a reasonably suspected case, shall investigate or cause the case or contact to be investigated as necessary. If, following a request of an officer of the department or a local health officer, a person reasonably suspected of being infected with a sexually transmitted disease refuses or neglects examination by a physician, physician assistant, or advanced practice registered nurse prescriber or treatment, an officer of the department or a local health officer may proceed to have the person committed under sub. (5) to an institution or system of care for examination, treatment, or observation.

(4) If a person infected with a sexually transmitted disease ceases or refuses treatment before reaching what in a physician's, physician assistant's, or advanced practice nurse prescriber's registered nurse's opinion is the noncommunicable stage, the physician, physician assistant, or advanced practice registered nurse prescriber shall notify the department. The department shall without delay take the necessary steps to have the person committed for treatment or observation under sub. (5), or shall notify the local health officer to take these steps.

(5) Any court of record may commit a person infected with a sexually transmitted disease to any institution or may require the person to undergo a system of care for examination, treatment, or observation if the person ceases or refuses examination, treatment, or observation under the supervision of a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~. The court shall summon the person to appear on a date at least 48 hours, but not more than 96 hours, after service if an officer of the department or a local health officer petitions the court and states the facts authorizing commitment. If the person fails to appear or fails to accept commitment without reasonable cause, the court may cite the person for contempt. The court may issue a warrant and may direct the sheriff, any constable, or any police officer of the county immediately to arrest the person and bring the person to court if the court finds that a summons will be ineffectual. The court shall hear the matter of commitment summarily. Commitment under this subsection continues until the disease is no longer communicable or until other provisions are made for treatment that satisfy the department. The certificate of the petitioning officer is prima facie evidence that the disease is no longer communicable or that satisfactory provisions for treatment have been made.

(7) Reports, examinations and inspections, and all records concerning sexually transmitted diseases are confidential and not open to public inspection, and may not be divulged except as may be necessary for the preservation of the public health, in the course of commitment proceedings under sub. (5), or as provided under s. 938.296 (4) or 968.38 (4). If a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ has reported a case of sexually transmitted disease to the department under sub. (4), information regarding the presence of the disease and treatment is not privileged when the patient, physician, physician assistant, or

advanced practice registered nurse ~~prescriber~~ is called upon to testify to the facts before any court of record.

SECTION 3229. 252.11 (10) of the statutes is amended to read:

252.11 (10) The state laboratory of hygiene shall examine specimens for the diagnosis of sexually transmitted diseases for any physician, naturopathic doctor, physician assistant, advanced practice registered nurse ~~prescriber~~, or local health officer in the state, and shall report the positive results of the examinations to the local health officer and to the department. All laboratories performing tests for sexually transmitted diseases shall report all positive results to the local health officer and to the department, with the name of the physician, naturopathic doctor, physician assistant, or advanced practice registered nurse ~~prescriber~~ to whom reported.

SECTION 3230. 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3. and (7m) (intro.) and (b) of the statutes are amended to read:

252.15 (3m) (d) 11. b. The coroner, medical examiner, or appointed assistant is investigating the cause of death of the subject of the HIV test and has contact with the body fluid of the subject of the HIV test that constitutes a significant exposure, if a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, based on information provided to the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies in writing that the coroner, medical examiner, or appointed assistant has had a contact that constitutes a significant exposure and if the certification accompanies the request for disclosure.

13. If the subject of the HIV test has a positive HIV test result and is deceased, by the subject's attending physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, to persons, if known to the physician, physician

assistant, or advanced practice registered nurse ~~prescriber~~, with whom the subject had sexual contact or shared intravenous drug use paraphernalia.

(5g) (c) A physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, based on information provided to the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies in writing that the person has had contact that constitutes a significant exposure. The certification shall accompany the request for HIV testing and disclosure. If the person is a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, he or she may not make this determination or certification. The information that is provided to a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to document the occurrence of the contact that constitutes a significant exposure and the physician's, physician assistant's, or advanced practice nurse ~~prescriber's~~ registered nurse's certification that the person has had contact that constitutes a significant exposure, shall be provided on a report form that is developed by the department of safety and professional services under s. 101.02 (19) (a) or on a report form that the department of safety and professional services determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).

(5m) (d) 2. A physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, based on information provided to the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~, determines and certifies in writing that the contact under subd. 1. constitutes a significant exposure. A health care provider who has a contact under subd. 1. c. may not make the certification under this subdivision for himself or herself.

(e) 2. If the contact occurs as provided under par. (d) 1. b., the attending physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ of the funeral director, coroner, medical examiner, or appointed assistant.

3. If the contact occurs as provided under par. (d) 1. c., the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ who makes the certification under par. (d) 2.

(7m) REPORTING OF PERSONS SIGNIFICANTLY EXPOSED. (intro.) If a positive, validated HIV test result is obtained from a test subject, the test subject's physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ who maintains a record of the HIV test result under sub. (4) (c) may report to the state epidemiologist the name of any person known to the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to have had contact with body fluid of the test subject that constitutes a significant exposure, only after the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ has done all of the following:

(b) Notified the HIV test subject that the name of any person known to the physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ to have had contact with body fluid of the test subject that constitutes a significant exposure will be reported to the state epidemiologist.

SECTION 3231. 252.16 (3) (c) (intro.) of the statutes is amended to read:

252.16 (3) (c) (intro.) Has submitted to the department a certification from a physician, as defined in s. 448.01 (5), physician assistant, or advanced practice registered nurse ~~prescriber~~ of all of the following:

SECTION 3232. 252.17 (3) (c) (intro.) of the statutes is amended to read:

252.17 (3) (c) (intro.) Has submitted to the department a certification from a physician, as defined in s. 448.01 (5), physician assistant, or advanced practice registered nurse ~~prescriber~~ of all of the following:

SECTION 3233. 253.07 (4) (d) of the statutes is amended to read:

253.07 (4) (d) In each fiscal year, \$31,500 as grants for employment in communities of licensed registered nurses, licensed practical nurses, ~~certified nurse-midwives~~ licensed advanced practice registered nurses, or licensed physician assistants who are members of a racial minority.

SECTION 3234. 253.115 (1) (f) of the statutes is created to read:

253.115 (1) (f) “Nurse-midwife” means an individual who is licensed as an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 3235. 253.115 (4) of the statutes is amended to read:

253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician, nurse-midwife ~~licensed under s. 441.15~~, or certified professional midwife licensed under s. 440.982 who attended the birth shall ensure that the infant is screened for hearing loss before being discharged from a hospital, or within 30 days of birth if the infant was not born in a hospital.

SECTION 3236. 253.115 (7) (a) (intro.) of the statutes is amended to read:

253.115 (7) (a) (intro.) The physician, nurse-midwife ~~licensed under s. 441.15~~, or certified professional midwife licensed under s. 440.982 who is required to ensure that the infant is screened for hearing loss under sub. (4) shall do all of the following:

SECTION 3237. 253.13 (1) of the statutes is renumbered 253.13 (1) (b) and amended to read:

253.13 (1) (b) The attending physician or ~~nurse licensed under s. 441.15 nurse-midwife~~ shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to tests for congenital and metabolic disorders, as specified in rules promulgated by the department. If the infant is born elsewhere than in a hospital or maternity home, the attending physician, ~~nurse licensed under s. 441.15 nurse-midwife~~, or birth attendant who attended the birth shall cause the infant, within one week of birth, to be subjected to these tests.

SECTION 3238. 253.13 (1) (a) of the statutes is created to read:

253.13 (1) (a) In this subsection, “nurse-midwife” means an individual who is licensed as an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 3239. 253.15 (1) (em) of the statutes is created to read:

253.15 (1) (em) “Nurse-midwife” means an individual who is licensed as an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 3240. 253.15 (2) of the statutes is amended to read:

253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a

significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to child care providers under sub. (4) (d), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home visitation services under s. 48.983 (4) (b) 1. and to all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (44). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

SECTION 3241. 255.06 (1) (d) of the statutes is renumbered 255.06 (1) (f) (intro.) and amended to read:

255.06 (1) (f) (intro.) "~~Nurse practitioner~~" "Women's health nurse clinician" means ~~a~~ any of the following:

1. A registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k), and whose practice of professional nursing under s. 441.001 (4) includes performance of delegated medical services under the supervision of a physician, naturopathic doctor, dentist, or podiatrist, or advanced practice registered nurse.

SECTION 3242. 255.06 (1) (f) 2. of the statutes is created to read:

255.06 (1) (f) 2. An advanced practice registered nurse.

SECTION 3243. 255.06 (2) (d) of the statutes is amended to read:

255.06 (2) (d) *Specialized training for rural colposcopic examinations and activities.* Provide not more than \$25,000 in each fiscal year as reimbursement for the provision of specialized training of ~~nurse practitioners~~ women's health nurse clinicians to perform, in rural areas, colposcopic examinations and follow-up activities for the treatment of cervical cancer.

SECTION 3244. 255.07 (1) (d) of the statutes is amended to read:

255.07 (1) (d) "Health care practitioner" means a physician, a physician assistant, or an advanced practice registered nurse who ~~is certified to~~ may issue prescription orders under s. 441.16 441.09 (2).

SECTION 3245. 257.01 (5) (a) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

257.01 (5) (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or ~~nurse-midwife~~ advanced practice registered nurse under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

***NOTE: This is reconciled s. 257.01 (5) (a). This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3246. 257.01 (5) (b) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist

under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or ~~nurse-midwife~~, advanced practice registered nurse under ch. 441, licensed as a nurse-midwife under ch. 441, 2021 stats., licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual's license or certification was never revoked, limited, suspended, or denied renewal.

***NOTE: This is reconciled s. 257.01 (5) (b). This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3247. 341.14 (1a), (1e) (a), (1m) and (1q) of the statutes are amended to read:

341.14 **(1a)** If any resident of this state, who is registering or has registered an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled

person plates of a special design in lieu of plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a nonveteran disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee shall be made for the issuance or renewal of such plates.

(1e) (a) If any resident of this state, who is registering or has registered a motorcycle, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, from a Christian Science practitioner residing in this state and listed in the Christian Science journal, or from the U.S. department of veterans affairs certifying to the department that the resident is a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the disabled person a plate of a special design in lieu of the plate which ordinarily would be issued for the motorcycle, and shall renew the plate. The statement shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, advanced practice registered nurse, public health nurse, physician assistant, podiatrist, chiropractor, practitioner, or U.S. department of veterans affairs as to the duration of the disability. The plate shall be so designed as to readily apprise law enforcement officers of the fact that the motorcycle is owned by a disabled person and

is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plate.

(1m) If any licensed driver submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from a public health nurse certified or licensed to practice in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that another person who is regularly dependent on the licensed driver for transportation is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver to the licensed driver plates of a special design in lieu of the plates which ordinarily would be issued for the automobile or motor truck, dual purpose motor home or dual purpose farm truck having a gross weight of not more than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds or motor home, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a licensed driver on whom a disabled person is regularly dependent and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

(1q) If any employer who provides an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000

pounds or a motor home, for an employee's use submits to the department a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal certifying that the employee is a person with a disability that limits or impairs the ability to walk, the department shall issue and deliver to such employer plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance or renewal of the plates. The plates shall conform to the plates required in sub. (1a).

SECTION 3248. 343.16 (5) (a) of the statutes is amended to read:

343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from

a physician, physician assistant, advanced practice registered nurse ~~prescriber~~ certified under s. 441.16 (2) licensed under s. 441.09, or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the department shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

SECTION 3249. 343.51 (1) of the statutes is amended to read:

343.51 (1) Any person who qualifies for registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits or impairs the ability to walk may request from the department a special identification card that will entitle any motor vehicle parked by, or under the direction of, the person, or a motor vehicle operated by or on behalf of the organization when used to transport such a person, to parking privileges under s. 346.50 (2), (2a), and (3). The department shall issue the card at a fee to be determined by the department, upon submission by the applicant, if the applicant is an individual rather than an organization, of a statement from a physician licensed to

practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a public health nurse certified or licensed to practice in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state and listed in the Christian Science journal that the person is a person with a disability that limits or impairs the ability to walk. The statement shall state whether the disability is permanent or temporary and, if temporary, the opinion of the physician, advanced practice registered nurse, public health nurse, physician assistant, podiatrist, chiropractor, or practitioner as to the duration of the disability. The department shall issue the card upon application by an organization on a form prescribed by the department if the department believes that the organization meets the requirements under this subsection.

SECTION 3250. 343.62 (4) (a) 4. of the statutes is amended to read:

343.62 (4) (a) 4. The applicant submits with the application a statement completed within the immediately preceding 24 months, except as provided by rule, by a physician licensed to practice medicine in any state, from an advanced practice registered nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a podiatrist licensed to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state, and listed in the Christian Science journal certifying that, in the medical care provider's judgment, the applicant is physically fit to teach driving.

SECTION 3251. 440.03 (13) (b) 3. of the statutes is repealed.

SECTION 3252. 440.03 (13) (b) 39m. of the statutes is created to read:

440.03 (13) (b) 39m. Nurse, advanced practice registered.

SECTION 3253. 440.03 (13) (b) 42. of the statutes is repealed.

SECTION 3254. 440.077 (1) (a) of the statutes is amended to read:

440.077 (1) (a) “Advanced practice registered nurse ~~prescriber~~” means an advanced practice registered nurse ~~prescriber certified licensed~~ under s. 441.16 (2) 441.09.

SECTION 3255. 440.077 (2) (c) of the statutes is amended to read:

440.077 (2) (c) Under the program under par. (a), a participating military medical personnel shall be supervised by a physician, physician assistant, podiatrist, registered professional nurse, or advanced practice registered nurse ~~prescriber~~. The supervising physician, physician assistant, podiatrist, registered professional nurse, or advanced practice registered nurse ~~prescriber~~ shall retain responsibility for the care of the patient.

SECTION 3256. 440.094 (1) (c) 1. of the statutes is amended to read:

440.094 (1) (c) 1. A registered nurse, licensed practical nurse, or nurse ~~midwife licensed under ch. 441, or an advanced practice registered nurse prescriber certified licensed~~ under ch. 441.

SECTION 3257. 440.094 (2) (a) (intro.) of the statutes is amended to read:

440.094 (2) (a) (intro.) Notwithstanding ss. 441.06 (4), ~~441.15 (2), 441.16, 441.09 (3) (b), 446.02 (1), 447.03 (1) and (2), 448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2), 449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1), 459.24 (1), and 460.02, a health care provider may provide services within the scope of the credential that the health care provider holds and the department shall grant the health care provider a temporary credential to practice under this section if all of the following apply:~~

SECTION 3258. 440.981 (1) of the statutes is amended to read:

440.981 (1) No person may use the title “licensed midwife,” describe or imply that he or she is a licensed midwife, or represent himself or herself as a licensed midwife unless the person is granted a license under this subchapter or is licensed as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 3259. 440.982 (1) of the statutes is amended to read:

440.982 (1) No person may engage in the practice of midwifery unless the person is granted a license under this subchapter, is granted a temporary permit pursuant to a rule promulgated under s. 440.984 (2m), or is licensed as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09.

SECTION 3260. 440.987 (2) of the statutes is amended to read:

440.987 (2) One member who is licensed as ~~a nurse-midwife under s. 441.15~~ an advanced practice registered nurse and possesses a certified nurse-midwife specialty designation under s. 441.09 and who practices in an out-of-hospital setting.

SECTION 3261. 441.001 (1c) of the statutes is created to read:

441.001 (1c) ADVANCED PRACTICE REGISTERED NURSING. “Advanced practice registered nursing” means the practice of a certified nurse-midwife, the practice of a certified registered nurse anesthetist, the practice of a clinical nurse specialist, and the practice of a nurse practitioner.

SECTION 3262. 441.001 (3c) of the statutes is created to read:

441.001 (3c) PRACTICE OF A CERTIFIED NURSE-MIDWIFE. “Practice of a certified nurse-midwife” means practice in the management of women’s health care,

pregnancy, childbirth, postpartum care for newborns, family planning, and gynecological services consistent with the standards of practice of the American College of Nurse-Midwives or its successor.

SECTION 3263. 441.001 (3g) of the statutes is created to read:

441.001 **(3g)** PRACTICE OF A CERTIFIED REGISTERED NURSE ANESTHETIST. “Practice of a certified registered nurse anesthetist” means providing anesthesia care, pain management care, and care related to anesthesia and pain management for persons across their lifespan, whose health status may range from healthy through all levels of acuity, including persons with immediate, severe, or life-threatening illness or injury, in diverse settings, including hospitals, ambulatory surgery centers, outpatient clinics, medical offices, and home health care settings.

SECTION 3264. 441.001 (3n) of the statutes is created to read:

441.001 **(3n)** PRACTICE OF A CLINICAL NURSE SPECIALIST. “Practice of a clinical nurse specialist” means providing advanced nursing care, primarily in health care facilities, including the diagnosis and treatment of illness for identified specific populations based on a specialty.

SECTION 3265. 441.001 (3r) of the statutes is created to read:

441.001 **(3r)** PRACTICE OF A NURSE PRACTITIONER. “Practice of a nurse practitioner” means practice in ambulatory, acute, long-term, or other health care settings as a primary or specialty care provider who provides health services, including assessing, diagnosing, treating, or managing acute, episodic, and chronic illnesses.

SECTION 3266. 441.001 (3w) of the statutes is created to read:

441.001 **(3w)** PRESCRIPTION ORDER. “Prescription order” has the meaning given in s. 450.01 (21).

SECTION 3267. 441.001 (5) of the statutes is created to read:

441.001 (5) RECOGNIZED ROLE. “Recognized role” means one of the following roles:

- (a) Certified nurse-midwife.
- (b) Certified registered nurse anesthetist.
- (c) Clinical nurse specialist.
- (d) Nurse practitioner.

SECTION 3268. 441.01 (3) of the statutes is amended to read:

441.01 (3) The board may promulgate rules to establish minimum standards for schools for professional nurses ~~and~~, schools for licensed practical nurses, and schools for advanced practice registered nurses, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. ~~It~~ The board may also ~~establish~~ promulgate rules to prevent unauthorized persons from practicing professional nursing. ~~It shall approve all rules for the administration of this chapter in accordance with ch. 227.~~

SECTION 3269. 441.01 (4) of the statutes is amended to read:

441.01 (4) The board shall direct that those schools that qualify be placed on a list of schools the board has approved for professional nurses ~~or~~, of schools the board has approved for licensed practical nurses, or of schools the board has approved for advanced practice registered nurses on application and proof of qualifications, ~~and the board shall make a study of nursing education and initiate~~ promulgate rules and policies to improve it.

SECTION 3270. 441.01 (7) (a) (intro.) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

441.01 (7) (a) (intro.) Biennially, each holder of a registered nurse or, licensed practical nurse, or licensed advanced practice registered nurse license issued under this chapter shall do all of the following:

***NOTE: This is reconciled s. 441.01 (7) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1910/P2.

SECTION 3271. 441.01 (7) (c) of the statutes is created to read:

441.01 (7) (c) An applicant who is renewing both a registered nurse and advanced practice registered nurse license under s. 441.09 (1) (c) is only required to pay a single fee under par. (a) 2.

SECTION 3272. 441.06 (title) of the statutes is repealed and recreated to read:

441.06 (title) Registered nurses; civil liability exemption.

SECTION 3273. 441.06 (3) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is amended to read:

441.06 (3) ~~A~~ Except as provided in s. 441.09 (1) (c), a registered nurse practicing for compensation shall, on or before the applicable renewal date determined by the department under s. 440.08 (2), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, with the applicable renewal fee determined by the department under s. 440.03 (9) (a).

***NOTE: This is reconciled s. 441.06 (3). This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1910/P2.

SECTION 3274. 441.06 (4) of the statutes is amended to read:

441.06 (4) Except as provided in ss. 257.03 and 440.077, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in ss. 257.03 and 440.077, no person

not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.51.

SECTION 3275. 441.06 (7) of the statutes is renumbered 441.09 (7) and amended to read:

441.09 (7) CIVIL LIABILITY. No person ~~certified~~ licensed as an advanced practice registered nurse prescriber under s. 441.16 (2) this section is liable for civil damages for any of the following:

(a) Reporting in good faith to the department of transportation under s. 146.82 (3) a patient's name and other information relevant to a physical or mental condition of the patient that in the advanced practice ~~nurse prescriber's~~ registered nurse's judgment impairs the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

(b) In good faith, not reporting to the department of transportation under s. 146.82 (3) a patient's name and other information relevant to a physical or mental condition of the patient that in the advanced practice ~~nurse prescriber's~~ registered nurse's judgment does not impair the patient's ability to exercise reasonable and ordinary control over a motor vehicle.

SECTION 3276. 441.07 (1g) (intro.), (a), (c) and (e) of the statutes are amended to read:

441.07 (1g) (intro.) Subject to the rules promulgated under s. 440.03 (1), the board may deny an initial license or revoke, limit, suspend, or deny the renewal of a license of a registered nurse, ~~nurse-midwife~~ advanced practice registered nurse,

or licensed practical nurse; ~~deny an initial certificate or revoke, limit, suspend, or deny the renewal of a certificate to prescribe drugs or devices granted under s. 441.16;~~ or reprimand a registered nurse, ~~nurse-midwife~~ advanced practice registered nurse, or licensed practical nurse, if the board finds that the applicant or licensee committed any of the following:

(a) Fraud in the procuring or renewal of the ~~certificate or~~ license.

(c) Acts ~~which~~ that show the registered nurse, ~~nurse-midwife~~ advanced practice registered nurse, or licensed practical nurse to be unfit or incompetent by reason of negligence, abuse of alcohol or other drugs, or mental incompetency.

(e) A violation of any state or federal law that regulates prescribing or dispensing drugs or devices, if the person ~~has a certificate to prescribe drugs or devices under s. 441.16~~ may issue prescription orders under s. 441.09 (2).

SECTION 3277. 441.09 of the statutes is created to read:

441.09 Advanced practice registered nurses; civil liability exemption.

(1) LICENSE. (a) An applicant who satisfies all of the following requirements may apply to the board for initial licensure by the board as an advanced practice registered nurse:

1. The applicant satisfies one of the following criteria:

a. The applicant holds a valid license to practice as a registered nurse issued under s. 441.06 (1), (1c), or (1m).

b. The applicant applies concurrently for a license under s. 441.06 (1), (1c), or (1m) with the application for a license under this paragraph.

c. The applicant is a registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact.

2. The applicant provides evidence satisfactory to the board that he or she satisfies one of the following criteria:

a. The applicant has completed a graduate-level or postgraduate-level education program that is approved by the board and that prepares the applicant for the practice of advanced practice registered nursing in one of the 4 recognized roles, and the applicant holds a current certification by a national certifying body approved by the board.

b. On January 1, 2023, the applicant was licensed as a registered nurse in this state and was practicing in a recognized role, and the applicant satisfies additional criteria established by the board by rule under sub. (6) (a) 3. relating to practice, education, or certification.

3. The applicant pays the fee specified under s. 440.05 (1).

4. The applicant provides to the board evidence of any malpractice liability insurance coverage required under sub. (5).

5. If the applicant is applying to receive a certified nurse-midwife specialty designation under par. (b) 1., the applicant does all of the following:

a. Provides evidence satisfactory to the board that the applicant is currently certified by the American Midwifery Certification Board or its successor.

b. Files with the board any plan required under sub. (3m) (i).

6. The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335.

7. The applicant meets any other criteria established by the board by rule under sub. (6) (a) 3. relating to the education, training, or experience required for each recognized role.

(b) 1. a. Subject to s. 441.07 (1g), the board shall grant an advanced practice registered nurse license to an applicant the board determines meets the requirements under par. (a). The board shall also grant a person who is granted a license under this subd. 1. a. one or more specialty designations corresponding to the recognized roles for which the board determines that the person qualifies based on the person's qualifications under par. (a).

b. The board shall grant an advanced practice registered nurse license to each individual who, on the day before the effective date of this subd. 1. b. [LRB inserts date], was certified to issue prescription orders under s. 441.16, 2021 stats. The board shall also grant a person who is granted a license under this subd. 1. b. one or more specialty designations corresponding to the recognized roles for which the board determines that the person qualifies based on the person's qualifications.

c. The board shall grant an advanced practice registered nurse license to each individual who, on the day before the effective date of this subd. 1. c. [LRB inserts date], was licensed as a nurse-midwife under s. 441.15, 2021 stats. The board shall also grant a person who is granted a license under this subd. 1. c. a nurse-midwife specialty designation.

2. Each specialty designation granted under subd. 1. shall appear on the person's advanced practice registered nurse license.

3. The board may not grant an advanced practice registered nurse license to a person applying concurrently for a license under s. 441.06 (1), (1c), or (1m), unless the board also grants the person the license under s. 441.06 (1), (1c), or (1m).

4. The board may place specific limitations on a person licensed as an advanced practice registered nurse as a condition of licensure.

5. If all of the following apply to a person, a notation indicating that the person may not issue prescription orders shall appear on the person's advanced practice registered nurse license:

a. The person is granted an advanced practice registered nurse license under subd. 1. a. and satisfies only par. (a) 2. b. but not par. (a) 2. a., or the person is granted an advanced practice registered nurse license under subd. 1. c.

b. On January 1, 2023, the person did not hold a certificate under s. 441.16 (2), 2021 stats.

(c) On or before the applicable renewal date determined by the department under s. 440.08 (2), an advanced practice registered nurse shall submit to the board on a form furnished by the board a statement giving his or her name and residence, the nursing workforce survey and fee required under s. 441.01 (7), evidence of having satisfied the continuing education requirements under sub. (4), evidence of any malpractice liability insurance coverage required under sub. (5), any plan required under sub. (3m) (i), current evidence that the person satisfies each of the requirements under par. (a) 1., 2., 5. a., and 7. that apply with respect to the person, and any other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). The board shall grant to a person who satisfies the requirements under this paragraph the renewal of his or her advanced practice registered nurse license and specialty designations granted under par. (b) 1. and shall, if the person holds a license under s. 441.06 (1), (1c), or (1m), also grant the renewal of that license.

****NOTE: This is reconciled s. 441.09 (1) (c). This SECTION has been conceptually affected by a draft with the following LRB number: -1294/P3.

(2) PRESCRIBING AUTHORITY. (a) Except as provided in par. (b), an advanced practice registered nurse may issue prescription orders, subject to the rules promulgated under sub. (6) (a) 1. and 4., and may provide expedited partner therapy in the manner described in s. 441.092.

(b) An advanced practice registered nurse may not issue prescription orders if a notation under sub. (1) (b) 4. indicating that the advanced practice registered nurse may not issue prescription orders appears on the advanced practice registered nurse's license.

(3) LICENSE REQUIRED; USE OF TITLES. (a) 1. The holder of a license issued under this section is an "advanced practice registered nurse," may append to his or her name the title "A.P.R.N.," and is authorized to practice advanced practice registered nursing.

2. Notwithstanding s. 448.03 (3m), the holder of a specialty designation for a recognized role granted under sub. (1) (b) 1. may append to his or her name the title and an abbreviation described under par. (b) 2. corresponding to that recognized role.

(b) 1. Except as provided in sub. (3m) (h) and s. 257.03, no person may practice or attempt to practice advanced practice registered nursing, nor use the title "advanced practice registered nurse," the title "A.P.R.N.," or anything else to indicate that he or she is an advanced practice registered nurse unless he or she is licensed under this section.

2. Except as provided in s. 257.03, no person may do any of the following:

a. Use the title "certified nurse-midwife," the title "C.N.M.," or anything else to indicate that he or she is a certified nurse-midwife unless he or she has been granted a certified nurse-midwife specialty designation under sub. (1) (b) 1.

b. Use the title “certified registered nurse anesthetist,” the title “C.R.N.A.,” or anything else to indicate that he or she is a certified registered nurse anesthetist unless he or she has been granted a certified registered nurse anesthetist specialty designation under sub. (1) (b) 1.

c. Use the title “clinical nurse specialist,” the title “C.N.S.,” or anything else to indicate that he or she is a clinical nurse specialist unless he or she has been granted a clinical nurse specialist specialty designation under sub. (1) (b) 1.

d. Use the title “nurse practitioner,” the title “N.P.,” or anything else to indicate that he or she is a nurse practitioner unless he or she has been granted a nurse practitioner specialty designation under sub. (1) (b) 1.

(3m) PRACTICE REQUIREMENTS AND LIMITATIONS. (a) 1. An advanced practice registered nurse licensed under this section may, except as provided in subd. 2. and par. (b), practice advanced practice registered nursing only in collaboration with a physician or dentist.

2. Subdivision 1. does not apply to an advanced practice registered nurse with a certified nurse-midwife specialty designation.

(b) An advanced practice registered nurse to whom par. (a) 1. applies may, except as provided in pars. (d) 1. and (f), practice advanced practice registered nursing in a recognized role without being supervised by or collaborating with, and independent of, a physician or dentist if the board verifies, upon application of the advanced practice registered nurse, that the advanced practice registered nurse satisfies all of the following:

1. The advanced practice registered nurse has, except as provided in subd. 3., completed 3,840 hours of professional nursing in a clinical setting. Clinical hours completed as a requirement of a nursing program offered by a qualifying school of

nursing described under s. 441.06 (1) (c) may be used to satisfy the requirement under this subdivision. Hours completed to satisfy a requirement of an education program described in sub. (1) (a) 2. a. may not be used to satisfy the requirement under this subdivision.

2. At least 24 months have elapsed since the advanced practice registered nurse first began completing the clinical hours required by a nursing program described under subd. 1.

3. The advanced practice registered nurse has completed 3,840 clinical hours of advanced practice registered nursing practice in that recognized role while working with a physician or dentist who was immediately available for consultation and accepted responsibility for the actions of the advanced practice registered nurse during those 3,840 hours of practice. The advanced practice registered nurse may substitute additional hours of advanced practice registered nursing working with a physician or dentist described in this subdivision to count toward the requirement under subd. 1. Each such additional hour shall count toward one hour of the requirement under subd. 1.

4. At least 24 months have elapsed since the advanced practice registered nurse first began practicing advanced practice registered nursing in that recognized role as described in subd. 3.

(c) For purposes of par. (b) 3., hours of advanced practice registered nursing practice may include the lawful practice of advanced practice registered nursing outside this state or the lawful practice of advanced practice registered nursing in this state prior to the effective date of this paragraph [LRB inserts date].

(d) 1. An advanced practice registered nurse may provide pain management services only while working in a collaborative relationship with a physician who,

through education, training, and experience, specializes in pain management. Except as provided in subd. 2., this subdivision applies regardless of whether the advanced practice registered nurse has qualified for independent practice under par. (b).

2. Except as provided in par. (f), subd. 1. does not apply to an advanced practice registered nurse who is providing pain management services in a hospital, as defined in s. 50.33 (2), or a clinic associated with a hospital, and who has qualified for independent practice under par. (b).

(e) For purposes of pars. (a) 1. and (d) 1., a collaborative relationship is a process in which an advanced practice registered nurse is working with a physician or dentist, in each other's presence when necessary, to deliver health care services within the scope of the advanced practice registered nurse's training, education, and experience. The advanced practice registered nurse shall document such a collaborative relationship.

(f) Nothing in this section prohibits an entity employing or with a relationship with an advanced practice registered nurse from establishing additional requirements for an advanced practice registered nurse as a condition of employment or relationship.

(g) An advanced practice registered nurse shall adhere to professional standards when managing situations that are beyond the advanced practice registered nurse's expertise. If a particular patient's needs are beyond the advanced practice registered nurse's expertise, the advanced practice registered nurse shall, as warranted by the patient's needs, consult or collaborate with or refer the patient to at least one of the following:

1. A physician licensed under ch. 448.

2. Another health care provider for whom the advanced practice registered nurse has reasonable evidence of having a scope of practice that includes the authorization to address the patient's needs.

(h) An advanced practice registered nurse licensed under this section may delegate a task or order to another clinically trained health care worker if the task or order is within the scope of the advanced practice registered nurse's practice, the advanced practice registered nurse is competent to perform the task or issue the order, and the advanced practice registered nurse has reasonable evidence that the health care worker is minimally competent to perform the task or issue the order under the circumstances.

(i) An advanced practice registered nurse with a certified nurse-midwife specialty designation may not offer to deliver babies outside of a hospital setting unless the advanced practice registered nurse files with the board, and the board approves, a proactive plan for ensuring appropriate care or care transitions conforming with professional standards for patients with higher acuity or emergency care needs that exceed the advanced practice registered nurse's scope of practice. An advanced practice registered nurse who offers to deliver babies outside of a hospital setting shall file a plan under this paragraph when applying for an initial license under this section or a renewal of a license under this section, shall keep the plan current with the board, and shall follow the plan.

(4) CONTINUING EDUCATION. Every advanced practice registered nurse shall submit to the board evidence of having completed at least 16 contact hours per biennium in clinical pharmacology or therapeutics relevant to the advanced practice registered nurse's area of practice. The board may promulgate rules regarding the continuing education requirements under this subsection.

(5) MALPRACTICE LIABILITY INSURANCE. No person may practice advanced practice registered nursing unless he or she at all times has in effect malpractice liability insurance coverage in the minimum amounts specified under s. 655.23 (4). An advanced practice registered nurse shall submit evidence of that coverage to the board when applying for an initial license under this section or a renewal of a license under this section. An advanced practice registered nurse shall also submit such evidence to the board upon request of the board.

(6) RULES. (a) The board shall promulgate rules necessary to administer this section, including rules for all of the following:

1. Further defining the scope of practice of an advanced practice registered nurse, practice of a certified nurse-midwife, practice of a certified registered nurse anesthetist, practice of a nurse practitioner, and practice of a clinical nurse specialist and defining the scope of practice within which an advanced practice registered nurse may issue prescription orders under sub. (2).

2. Determining acceptable national certification for purposes of sub. (1) (a) 2.
 - a.

3. Establishing the appropriate education, training, or experience requirements that a registered nurse must satisfy in order to be an advanced practice registered nurse and to obtain each specialty designation corresponding to the recognized roles.

4. Specifying the classes of drugs, individual drugs, or devices that may not be prescribed by an advanced practice registered nurse under sub. (2).

5. Specifying the conditions to be met for registered nurses to do the following:

- a. Administer a drug prescribed by an advanced practice registered nurse.

- b. Administer a drug at the direction of an advanced practice registered nurse.

7. Establishing standards of professional conduct for advanced practice registered nurses generally and for practicing in each recognized role.

(am) Notwithstanding par. (a), the board may promulgate rules to implement sub. (3m) (b).

(b) The board may not promulgate rules that expand the scope of practice of an advanced practice registered nurse beyond the practices within advanced practice registered nursing.

SECTION 3278. 441.092 of the statutes is created to read:

441.092 Expedited partner therapy. (1) In this section:

(b) “Antimicrobial drug” has the meaning given in s. 448.035 (1) (b).

(c) “Expedited partner therapy” has the meaning given in s. 448.035 (1) (c).

(2) Notwithstanding the requirements of s. 448.9785, an advanced practice registered nurse who may issue prescription orders under s. 441.09 (2) may provide expedited partner therapy if a patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or trichomoniasis may have been transmitted to or from the sexual partner. The advanced practice registered nurse shall attempt to obtain the name of the patient’s sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient’s sexual partner, if known. If the advanced practice registered nurse is unable to obtain the name of the patient’s sexual partner, the prescription order shall include, in ordinary, bold-faced capital letters, the words, “expedited partner therapy” or the letters “EPT.”

(3) The advanced practice registered nurse shall provide the patient with a copy of the information sheet prepared by the department of health services under

s. 46.03 (44) and shall request that the patient give the information sheet to the person with whom the patient had sexual contact.

(4) (a) Except as provided in par. (b), an advanced practice registered nurse is immune from civil liability for injury to or the death of a person who takes any antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished under this section and if expedited partner therapy is provided as specified under this section.

(b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by an advanced practice registered nurse whose act or omission involves reckless, wanton, or intentional misconduct.

SECTION 3279. 441.10 (7) of the statutes is amended to read:

441.10 (7) No license is required for practical nursing, but, except as provided in s. 257.03, no person without a license may hold himself or herself out as a licensed practical nurse or licensed attendant, use the title or letters “Trained Practical Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”, “Licensed Attendant” or “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is a licensed practical nurse or licensed attendant. No licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, licensed, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. ~~The board shall grant without examination a license as a licensed practical nurse to any person who was on July 1, 1949, a licensed attendant.~~ This subsection does not apply to any licensed practical nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.51.

SECTION 3280. 441.11 (title) of the statutes is repealed.

SECTION 3281. 441.11 (1) of the statutes is repealed.

SECTION 3282. 441.11 (2) of the statutes is renumbered 441.09 (5m) and amended to read:

441.09 (5m) LICENSURE EXEMPTION. The provisions of s. 448.04 (1) (g) 448.03 (1) (d) do not apply to ~~a~~ an advanced practice registered nurse licensed under this section who possesses a certified registered nurse anesthetist specialty designation under sub. (1) (b) 1. or to a person who engages in the practice of a nurse anesthetist while performing official duties for the armed services or federal health services of the United States.

SECTION 3283. 441.11 (3) of the statutes is repealed.

SECTION 3284. 441.15 of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 441.15. This SECTION has been affected by drafts with the following LRB numbers: -1294/P3 and -1910/P2.

SECTION 3285. 441.16 of the statutes is repealed.

SECTION 3286. 441.18 (2) (a) (intro.) of the statutes is amended to read:

441.18 (2) (a) (intro.) An advanced practice registered nurse ~~certified to who~~ may issue prescription orders under s. 441.16 441.09 (2) may do any of the following:

SECTION 3287. 441.18 (2) (b) of the statutes is amended to read:

441.18 (2) (b) An advanced practice registered nurse who prescribes or delivers an opioid antagonist under par. (a) 1. shall ensure that the person to whom the opioid antagonist is prescribed has or has the capacity to provide the knowledge and training necessary to safely administer the opioid antagonist to an individual undergoing an opioid-related overdose and that the person demonstrates the

capacity to ensure that any individual to whom the person further delivers the opioid antagonist has or receives that knowledge and training.

SECTION 3288. 441.18 (3) of the statutes is amended to read:

441.18 (3) An advanced practice registered nurse who, acting in good faith, prescribes or delivers an opioid antagonist in accordance with sub. (2), or who, acting in good faith, otherwise lawfully prescribes or dispenses an opioid antagonist, shall be immune from criminal or civil liability and may not be subject to professional discipline under s. 441.07 for any outcomes resulting from prescribing, delivering, or dispensing the opioid antagonist.

SECTION 3289. 441.19 of the statutes is repealed.

SECTION 3290. 448.03 (2) (a) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional ~~or~~ practical, or advanced practice registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. IX, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

****NOTE: This is reconciled s. 448.03 (2) (a). This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3291. 448.03 (3m) of the statutes is created to read:

448.03 **(3m)** USE OF TERMS REPRESENTING PHYSICIANS. Except as otherwise provided in this chapter, no person, except a licensed physician, may use or assume the following words, letters, or terms in his or her title, advertising, or description of services: “physician,” “surgeon,” “osteopathic physician,” “osteopathic surgeon,” “medical doctor,” “anesthesiologist,” “cardiologist,” “dermatologist,” “endocrinologist,” “gastroenterologist,” “gynecologist,” “hematologist,” “laryngologist,” “nephrologist,” “neurologist,” “obstetrician,” “oncologist,” “ophthalmologist,” “orthopedic surgeon,” “orthopedist,” “osteopath,” “otologist,” “otolaryngologist,” “otorhinolaryngologist,” “pathologist,” “pediatrician,” “primary care physician,” “proctologist,” “psychiatrist,” “radiologist,” “rheumatologist,” “rhinologist,” “urologist,” or any other words, letters, or abbreviations, alone or in combination with other titles or words, that represent or tend to represent that the person is a physician.

SECTION 3292. 448.035 (1) (a) of the statutes is repealed.

SECTION 3293. 448.035 (2) to (4) of the statutes are amended to read:

448.035 **(2)** Notwithstanding the requirements of s. 448.30, a physician ~~or certified advanced practice nurse prescriber~~ may provide expedited partner therapy if the patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or trichomoniasis may have been transmitted to or from the sexual partner. The physician ~~or certified advanced practice nurse prescriber~~ shall attempt to obtain the name of the patient’s sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient’s sexual partner, if known. If the physician ~~or certified advanced practice nurse prescriber~~ is unable to

obtain the name of the patient's sexual partner, the prescription order shall include, in ordinary bold-faced capital letters, the words, "expedited partner therapy" or the letters "EPT."

(3) The physician ~~or certified advanced practice nurse prescriber~~ shall provide the patient with a copy of the information sheet prepared by the department of health services under s. 46.03 (44) and shall request that the patient give the information sheet to the person with whom the patient had sexual contact.

(4) (a) Except as provided in par. (b), a physician ~~or certified advanced practice nurse prescriber~~ is immune from civil liability for injury to or the death of a person who takes any antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished under this section and if expedited partner therapy is provided as specified under this section.

(b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by a physician ~~or certified advanced practice nurse prescriber~~ whose act or omission involves reckless, wanton, or intentional misconduct.

SECTION 3294. 448.56 (1) and (1m) (b) of the statutes are amended to read:

448.56 (1) WRITTEN REFERRAL. Except as provided in this subsection and s. 448.52, a person may practice physical therapy only upon the written referral of a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber ~~certified under s. 441.16 (2)~~. Written referral is not required if a physical therapist provides services in schools to children with disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency; provides services to a patient in a nursing home pursuant to the

patient's plan of care; provides services related to athletic activities, conditioning, or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual's physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber ~~certified under s. 441.16 (2)~~ who made the diagnosis. The examining board may promulgate rules establishing additional services that are excepted from the written referral requirements of this subsection.

(1m) (b) The examining board shall promulgate rules establishing the requirements that a physical therapist must satisfy if a physician, naturopathic doctor, physician assistant, chiropractor, dentist, podiatrist, or advanced practice registered nurse prescriber makes a written referral under sub. (1). The purpose of the rules shall be to ensure continuity of care between the physical therapist and the health care practitioner.

SECTION 3295. 448.62 (2m) of the statutes is amended to read:

448.62 **(2m)** An advanced practice registered nurse ~~who is certified to issue prescription orders under s. 441.16 and~~ who is providing nonsurgical patient services as directed, supervised, and inspected by a podiatrist who has the power to direct, decide, and oversee the implementation of the patient services rendered.

SECTION 3296. 448.67 (2) of the statutes is amended to read:

448.67 **(2)** SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee who renders any podiatric service or assistance, or gives any podiatric advice or any similar advice or assistance, to any patient, podiatrist, physician, physician assistant, advanced practice registered nurse prescriber ~~certified under s. 441.16 (2)~~, partnership, or corporation, or to any other institution or organization, including a hospital, for which a charge is made to a patient, shall, except as authorized by

Title 18 or Title 19 of the federal Social Security Act, render an individual statement or account of the charge directly to the patient, distinct and separate from any statement or account by any other podiatrist, physician, physician assistant, advanced practice registered nurse ~~prescriber~~, or other person.

SECTION 3297. 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

448.956 **(1m)** Subject to sub. (1) (a), a licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter; under ch. 446; or under s. 441.16 ~~(2)~~ 441.09 or from a practitioner who holds a compact privilege under subch. XI or XII of ch. 448.

SECTION 3298. 450.01 (1m) of the statutes is repealed.

SECTION 3299. 450.01 (16) (h) 2. of the statutes is amended to read:

450.01 **(16)** (h) 2. The patient's advanced practice registered nurse ~~prescriber~~, if the advanced practice registered nurse ~~prescriber~~ ~~has entered into a written agreement to collaborate with a physician~~ may issue prescription orders under s. 441.09 (2).

SECTION 3300. 450.01 (16) (hr) 2. of the statutes is amended to read:

450.01 **(16)** (hr) 2. An advanced practice registered nurse ~~prescriber~~ who may issue prescription orders under s. 441.09 (2).

SECTION 3301. 450.03 (1) (e) of the statutes, as affected by 2023 Wisconsin Act (this act), is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice as a pharmacy technician under s. 450.068, to provide home medical oxygen under s. 450.076, to practice professional ~~or~~, practical, or advanced practice registered nursing ~~or nurse-midwifery~~ under ch. 441, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

***NOTE: This is reconciled s. 450.03 (1) (e). This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3302. 450.11 (1g) (b) of the statutes is amended to read:

450.11 (1g) (b) A pharmacist may, upon the prescription order of a practitioner providing expedited partner therapy, as specified in s. 441.092, 448.035, or 448.9725, that complies with the requirements of sub. (1), dispense an antimicrobial drug as a course of therapy for treatment of chlamydial infections, gonorrhea, or trichomoniasis to the practitioner's patient or a person with whom the patient has had sexual contact for use by the person with whom the patient has had sexual contact. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the dispensing of a prescription to the person to whom the antimicrobial drug is dispensed. A pharmacist providing a consultation under this paragraph shall ask whether the person for whom the antimicrobial drug has been prescribed is allergic to the antimicrobial drug and advise that the person for whom the antimicrobial drug has been prescribed must discontinue use of the

antimicrobial drug if the person is allergic to or develops signs of an allergic reaction to the antimicrobial drug.

SECTION 3303. 450.11 (1i) (a) 1. of the statutes is amended to read:

450.11 (1i) (a) 1. A pharmacist may, upon and in accordance with the prescription order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18 (2) (a) 1., of a physician under s. 448.037 (2) (a) 1., or of a physician assistant under s. 448.9727 (2) (a) 1. that complies with the requirements of sub. (1), deliver an opioid antagonist to a person specified in the prescription order and may, upon and in accordance with the standing order of an advanced practice registered nurse ~~prescriber~~ under s. 441.18 (2) (a) 2., of a physician under s. 448.037 (2) (a) 2., or of a physician assistant under s. 448.9727 (2) (a) 2. that complies with the requirements of sub. (1), deliver an opioid antagonist to an individual in accordance with the order. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the delivery of a prescription to the person to whom the opioid antagonist is delivered.

SECTION 3304. 450.11 (1i) (b) 2. b. of the statutes is amended to read:

450.11 (1i) (b) 2. b. An advanced practice registered nurse ~~prescriber~~ may only deliver or dispense an opioid antagonist in accordance with s. 441.18 (2) or in accordance with his or her other legal authority to dispense prescription drugs.

SECTION 3305. 450.11 (7) (b) of the statutes is amended to read:

450.11 (7) (b) Information communicated to a physician, physician assistant, or advanced practice registered nurse ~~prescriber~~ in an effort to procure unlawfully a prescription drug or the administration of a prescription drug is not a privileged communication.

SECTION 3306. 450.11 (8) (e) of the statutes is amended to read:

450.11 (8) (e) The board of nursing, insofar as this section applies to advanced practice nurse prescribers registered nurses.

SECTION 3307. 450.13 (5) (b) of the statutes is amended to read:

450.13 (5) (b) The patient's advanced practice registered nurse prescriber, if the advanced practice registered nurse prescriber ~~has entered into a written agreement to collaborate with a physician~~ may issue prescription orders under s. 441.09 (2).

SECTION 3308. 450.135 (7) (b) of the statutes is amended to read:

450.135 (7) (b) The patient's advanced practice registered nurse prescriber, if the advanced practice registered nurse prescriber ~~has entered into a written agreement to collaborate with a physician~~ may issue prescription orders under s. 441.09 (2).

SECTION 3309. 462.04 of the statutes, as affected by 2021 Wisconsin Act 251 and 2023 Wisconsin Act (this act), is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice registered nurse ~~certified~~ licensed under s. ~~441.16 (2)~~ 441.09, a physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

***NOTE: This is reconciled s. 462.04. This SECTION has been affected by drafts with the following LRB numbers: -1105/P2 and -1910/P2.

SECTION 3310. 655.001 (1) of the statutes is renumbered 655.001 (1r).

SECTION 3311. 655.001 (1g) of the statutes is created to read:

655.001 (1g) “Advanced practice registered nurse” means an individual who is licensed under s. 441.09, who has qualified to practice independently in his or her recognized role under s. 441.09 (3m) (b), and who practices advanced practice registered nursing, as defined under s. 441.001 (1c), outside of a collaborative relationship with a physician or dentist, as described under s. 441.09 (3m) (a) 1., or other employment relationship. “Advanced practice registered nurse” does not include an individual who only engages in the practice of a certified nurse-midwife, as defined under s. 441.001 (3c).

SECTION 3312. 655.001 (7t) of the statutes is amended to read:

655.001 (7t) “Health care practitioner” means a health care professional, as defined in s. 180.1901 (1m), who is an employee of a health care provider described in s. 655.002 (1) (d), (e), (em), or (f) and who has the authority to provide health care services that are not ~~in collaboration with a physician under s. 441.15 (2) (b) or under the direction and supervision of a physician or nurse anesthetist~~ advanced practice registered nurse.

SECTION 3313. 655.001 (9) of the statutes is repealed.

SECTION 3314. 655.002 (1) (a) of the statutes is amended to read:

655.002 (1) (a) A physician or ~~a nurse anesthetist~~ an advanced practice registered nurse for whom this state is a principal place of practice and who practices his or her profession in this state more than 240 hours in a fiscal year.

SECTION 3315. 655.002 (1) (b) of the statutes is amended to read:

655.002 (1) (b) A physician or ~~a nurse anesthetist~~ an advanced practice registered nurse for whom Michigan is a principal place of practice, if all of the following apply:

1. The physician or ~~nurse anesthetist~~ advanced practice registered nurse is a resident of this state.

2. The physician or ~~nurse anesthetist~~ advanced practice registered nurse practices his or her profession in this state or in Michigan or a combination of both more than 240 hours in a fiscal year.

3. The physician or ~~nurse anesthetist~~ advanced practice registered nurse performs more procedures in a Michigan hospital than in any other hospital. In this subdivision, "Michigan hospital" means a hospital located in Michigan that is an affiliate of a corporation organized under the laws of this state that maintains its principal office and a hospital in this state.

SECTION 3316. 655.002 (1) (c) of the statutes is amended to read:

655.002 (1) (c) A physician or ~~nurse anesthetist~~ an advanced practice registered nurse who is exempt under s. 655.003 (1) or (3), but who practices his or her profession outside the scope of the exemption and who fulfills the requirements under par. (a) in relation to that practice outside the scope of the exemption. For a physician or ~~a nurse anesthetist~~ an advanced practice registered nurse who is subject to this chapter under this paragraph, this chapter applies only to claims arising out of practice that is outside the scope of the exemption under s. 655.003 (1) or (3).

SECTION 3317. 655.002 (1) (d) of the statutes is amended to read:

655.002 (1) (d) A partnership comprised of physicians or ~~nurse anesthetists~~ advanced practice registered nurses and organized and operated in this state for the

primary purpose of providing the medical services of physicians or ~~nurse anesthetists~~ advanced practice registered nurses.

SECTION 3318. 655.002 (1) (e) of the statutes is amended to read:

655.002 (1) (e) A corporation organized and operated in this state for the primary purpose of providing the medical services of physicians or ~~nurse anesthetists~~ advanced practice registered nurses.

SECTION 3319. 655.002 (1) (em) of the statutes is amended to read:

655.002 (1) (em) Any organization or enterprise not specified under par. (d) or (e) that is organized and operated in this state for the primary purpose of providing the medical services of physicians or ~~nurse anesthetists~~ advanced practice registered nurses.

SECTION 3320. 655.002 (2) (a) of the statutes is amended to read:

655.002 (2) (a) A physician or ~~nurse anesthetist~~ advanced practice registered nurse for whom this state is a principal place of practice but who practices his or her profession fewer than 241 hours in a fiscal year, for a fiscal year, or a portion of a fiscal year, during which he or she practices his or her profession.

SECTION 3321. 655.002 (2) (b) of the statutes is amended to read:

655.002 (2) (b) Except as provided in sub. (1) (b), a physician or ~~nurse anesthetist~~ advanced practice registered nurse for whom this state is not a principal place of practice, for a fiscal year, or a portion of a fiscal year, during which he or she practices his or her profession in this state. For a health care provider who elects to be subject to this chapter under this paragraph, this chapter applies only to claims arising out of practice that is in this state and that is outside the scope of an exemption under s. 655.003 (1) or (3).

SECTION 3322. 655.003 (1) of the statutes is amended to read:

655.003 (1) A physician or ~~a nurse anesthetist~~ an advanced practice registered nurse who is a state, county or municipal employee, or federal employee or contractor covered under the federal tort claims act, as amended, and who is acting within the scope of his or her employment or contractual duties.

SECTION 3323. 655.003 (3) of the statutes is amended to read:

655.003 (3) Except for a physician or ~~nurse anesthetist~~ an advanced practice registered nurse who meets the criteria under s. 146.89 (5) (a), a physician or ~~a nurse anesthetist~~ an advanced practice registered nurse who provides professional services under the conditions described in s. 146.89, with respect to those professional services provided by the physician or ~~nurse anesthetist~~ advanced practice registered nurse for which he or she is covered by s. 165.25 and considered an agent of the department, as provided in s. 165.25 (6) (b).

SECTION 3324. 655.005 (2) (a) of the statutes is amended to read:

655.005 (2) (a) An employee of a health care provider if the employee is a physician or ~~a nurse anesthetist~~ an advanced practice registered nurse or is a health care practitioner who is providing health care services that are not ~~in collaboration with a physician under s. 441.15 (2) (b)~~ or under the direction and supervision of a physician or ~~nurse anesthetist~~ advanced practice registered nurse.

SECTION 3325. 655.005 (2) (b) of the statutes is amended to read:

655.005 (2) (b) A service corporation organized under s. 180.1903 by health care professionals, as defined under s. 180.1901 (1m), if the board of governors determines that it is not the primary purpose of the service corporation to provide the medical services of physicians or ~~nurse anesthetists~~ advanced practice registered nurses. The board of governors may not determine under this paragraph that it is not the primary purpose of a service corporation to provide the medical services of physicians

or ~~nurse anesthetists~~ advanced practice registered nurses unless more than 50 percent of the shareholders of the service corporation are neither physicians nor ~~nurse anesthetists~~ advanced practice registered nurses.

SECTION 3326. 655.23 (5m) of the statutes is amended to read:

655.23 **(5m)** The limits set forth in sub. (4) shall apply to any joint liability of a physician or ~~nurse anesthetist~~ an advanced practice registered nurse and his or her corporation, partnership, or other organization or enterprise under s. 655.002 (1) (d), (e), or (em).

SECTION 3327. 655.27 (3) (a) 4. of the statutes is amended to read:

655.27 **(3)** (a) 4. For a health care provider described in s. 655.002 (1) (d), (e), (em), or (f), risk factors and past and prospective loss and expense experience attributable to employees of that health care provider other than employees licensed as a physician or ~~nurse anesthetist~~ an advanced practice registered nurse.

SECTION 3328. 655.27 (3) (b) 2m. of the statutes is amended to read:

655.27 **(3)** (b) 2m. In addition to the fees and payment classifications described under subs. 1. and 2., the commissioner, after approval by the board of governors, may establish a separate payment classification for physicians satisfying s. 655.002 (1) (b) and a separate fee for ~~nurse anesthetists~~ advanced practice registered nurses satisfying s. 655.002 (1) (b) which take into account the loss experience of health care providers for whom Michigan is a principal place of practice.

SECTION 3329. 655.275 (2) of the statutes is amended to read:

655.275 **(2)** APPOINTMENT. The board of governors shall appoint the members of the council. Section 15.09, except s. 15.09 (4) and (8), does not apply to the council. The board of governors shall designate the chairperson, who shall be a physician, the vice chairperson, and the secretary of the council and the terms to be served by

council members. The council shall consist of 5 or 7 persons, not more than 3 of whom are physicians who are licensed and in good standing to practice medicine in this state and one of whom is ~~a nurse anesthetist~~ an advanced practice registered nurse who is licensed and in good standing to practice nursing in this state. The chairperson or another peer review council member designated by the chairperson shall serve as an ex officio nonvoting member of the medical examining board and may attend meetings of the medical examining board, as appropriate.

SECTION 3330. 655.275 (5) (b) 2. of the statutes is amended to read:

655.275 (5) (b) 2. If a claim was paid for damages arising out of the rendering of care by ~~a nurse anesthetist~~ an advanced practice registered nurse, with at least one ~~nurse anesthetist~~ advanced practice registered nurse.

SECTION 3331. 961.01 (19) (a) of the statutes is amended to read:

961.01 (19) (a) A physician, advanced practice registered nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or, subject to s. 448.975 (1) (b), a physician assistant, or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

SECTION 3332. 961.395 of the statutes is amended to read:

961.395 Limitation on advanced practice registered nurses. (1) An advanced practice registered nurse who is ~~certified~~ may issue prescription orders under s. 441.16 441.09 (2) may prescribe controlled substances only as permitted by the rules promulgated under s. 441.16 ~~(3)~~ 441.09 (6) (a) 4.

(2) An advanced practice registered nurse ~~certified under s. 441.16~~ who may issue prescription orders under s. 441.09 (2) shall include with each prescription

order the advanced practice nurse prescriber certification license number issued to him or her by the board of nursing.

(3) An advanced practice registered nurse ~~certified under s. 441.16~~ who may issue prescription orders under s. 441.09 (2) may dispense a controlled substance only by prescribing or administering the controlled substance or as otherwise permitted by the rules promulgated under s. ~~441.16 (3)~~ 441.09 (6) (a) 4.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) EMERGENCY RULE-MAKING; LICENSURE OF ADVANCED PRACTICE REGISTERED NURSES.

(a) Using the procedure under s. 227.24, the board of nursing may promulgate rules under ch. 441 that are necessary to implement the changes to the licensure of advanced practice registered nurses. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph. A rule under this paragraph may take effect no later than the date specified in SECTION 9438 (1) of this act. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this paragraph is effective for 2 years after its promulgation, or until permanent rules take effect, whichever is sooner, and the effective period of a rule promulgated under this paragraph may not be further extended under s. 227.24 (2).

(b) 1. In this paragraph, the definitions under s. 441.001 apply.

2. Notwithstanding s. 441.09 (3), an individual who, on January 1, 2024, is licensed as a registered nurse in this state and is practicing in a recognized role may

continue to practice advanced practice registered nursing and the corresponding recognized role in which he or she is practicing and may continue to use the titles corresponding to the recognized roles in which he or she is practicing during the period before which the board takes final action on the person's application under s. 441.09. This subdivision does not apply after the first day of the 13th month beginning after the effective date of this subdivision.

SECTION 9438. Effective dates; Safety and Professional Services.

(1) LICENSURE OF ADVANCED PRACTICE REGISTERED NURSES. The treatment of ss. 29.193 (1m) (a) 2. (intro.), (2) (b) 2., (c) 3., (cd) 2. b. and c., and (e)., and (3) (a), 46.03 (44), 50.01 (1b), 50.08 (2), 50.09 (1) (a) (intro.), (f) 1., (h), and (k), 50.36 (3s), 50.49 (1) (b) (intro.), 51.41 (1d) (b) 4., 70.47 (8) (intro.), 77.54 (14) (f) 3. and 4., 97.59, 102.13 (1) (a), (b) (intro.), 1., 3., and 4., and (d) 1., 2., 3., and 4. and (2) (a) and (b), 102.17 (1) (d) 1. and 2., 102.29 (3), 102.42 (2) (a), 106.30 (1), 118.15 (3) (a), 118.25 (1) (a), 118.29 (1) (e), 118.2925 (1) (b), (3), (4) (c), and (5), 146.615 (1) (a), 146.82 (3) (a), 146.89 (1) (r) 1. (by SECTION 3217), 3., and 8. and (6), 154.01 (1g), 155.01 (1g) (b), 251.01 (1c), 252.01 (1c), 252.07 (8) (a) 2. and (9) (c), 252.10 (7), 252.11 (2), (4), (5), (7), and (10), 252.15 (3m) (d) 11. b. and 13., (5g) (c), (5m) (d) 2. and (e) 2. and 3., and (7m) (intro.) and (b), 252.16 (3) (c) (intro.), 252.17 (3) (c) (intro.), 253.07 (4) (d), 253.115 (1) (f), (4), and (7) (a) (intro.), 253.15 (1) (em) and (2), 255.06 (1) (d) and (f) 2. and (2) (d), 255.07 (1) (d), 257.01 (5) (a) (by SECTION 3245) and (b) (by SECTION 3246), 341.14 (1a), (1e) (a), (1m), and (1q), 343.16 (5) (a), 343.51 (1), 343.62 (4) (a) 4., 440.03 (13) (b) 3., 39m., and 42., 440.077 (1) (a) and (2) (c), 440.094 (1) (c) 1. and (2) (a) (intro.), 440.981 (1), 440.982 (1), 440.987 (2), 441.001 (1c), (3c), (3g), (3n), (3r), (3w), and (5), 441.01 (3), (4), and (7) (a) (intro.) (by SECTION 3270) and (c), 441.06 (title), (3) (by SECTION 3273), (4), and (7), 441.07 (1g) (intro.), (a), (c), and (e), 441.09, 441.092, 441.10 (7), 441.11

(title), (1), (2), and (3), 441.16, 441.18 (2) (a) (intro.) and (b) and (3), 441.19, 448.03 (2) (a) (by SECTION 3290) and (3m), 448.035 (1) (a) and (2) to (4), 448.56 (1) and (1m) (b), 448.62 (2m), 448.67 (2), 448.956 (1m), 450.01 (1m) and (16) (h) 2. and (hr) 2., 450.03 (1) (e) (by SECTION 3301), 450.11 (1g) (b), (1i) (a) 1. and (b) 2. b., (7) (b), and (8) (e), 450.13 (5) (b), 450.135 (7) (b), 462.04 (by SECTION 3309), 655.001 (7t), (8b), and (9), 655.002 (1) (a), (b), (c), (d), (e), and (em) and (2) (a) and (b), 655.003 (1) and (3), 655.005 (2) (a) and (b), 655.23 (5m), 655.27 (3) (a) 4. and (b) 2m., 655.275 (2) and (5) (b) 2., 961.01 (19) (a), and 961.395, the renumbering and amendment of s. 253.13 (1), the creation of s. 253.13 (1) (a), and the repeal of s. 441.15 take effect on the first day of the 13th month beginning after publication.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1938/P1
ZDW:kms

DOA:.....Vencill, BB0544 - Terrestrial invasive species prevention appropriation

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Terrestrial invasive species prevention

This bill creates an annual appropriation from the conservation fund to DNR for grants to cooperative invasive species management areas for surveying, monitoring, and controlling terrestrial invasive species.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3333. 20.370 (5) (gs) of the statutes is created to read:

20.370 (5) (gs) *Terrestrial invasive species prevention.* The amounts in the schedule for grants to cooperative invasive species management areas for surveying, monitoring, and controlling terrestrial invasive species.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1940/P7
EVM/KP/MPG:amn&cde

DOA:.....Grinde, BB0545 - Southeastern Wisconsin district funding
FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
LOCAL GOVERNMENT

Professional baseball park districts

Under current law, a professional baseball park district is created in each county with a population of at least 600,000 (presently, only Milwaukee County) and all counties that are contiguous to that county (in relation to Milwaukee County, these counties are Ozaukee County, Racine County, Washington County, and Waukesha County). A district has a variety of powers. Among these, a district may acquire, construct, equip, maintain, improve, operate, and manage baseball park facilities and may set standards governing the use of, and the conduct within, baseball park facilities. A district is authorized to impose a sales tax and a use tax at a rate of no more than 0.1 percent. Also, a district may issue bonds for the purpose of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing baseball park facilities. Bonds issued by the district must be secured only by the district's interest in any baseball park facilities, by income from these facilities, and by the sales tax and use tax that the district is authorized to levy. The district may not collect sales taxes after the calendar quarter in which the district certifies to DOR that the district has retired all of its bonds. The sales tax ended on March 31, 2020. The district continues to have outstanding bonds, but these bonds are fully defeased.

This bill eliminates a district's authority to impose a sales tax as of April 30, 2024. The bill also requires the district to establish a facilities enhancement fund

into which it must deposit certain grant payments received from DOA. Moneys from this fund may be used only for purposes related to the development, construction, improvement, repair, and maintenance of baseball park facilities, and specifically may not be used for the securitization or retirement of bonds.

The bill also does the following:

1. Authorizes a district to acquire and manage property related to “baseball park development,” which is defined as “property, other than baseball park facilities, tangible or intangible, operated by a professional baseball team on real estate leased or subleased from a district that is part of the operations of the professional baseball team for any legally permissible use, including retail facilities, hospitality facilities, commercial and residential facilities, health care facilities, and any other functionally related or auxiliary facilities or structures.”

2. Defines what constitutes a “professional baseball team” and limits the establishment of new professional baseball park districts to counties with populations over 600,000 that are the site of baseball park facilities that are home to a professional baseball team.

3. Alters the district termination procedure. Currently, if a district is terminated, the property of the district is transferred to the counties within the jurisdiction of the district. Under this bill, upon termination all district property is transferred to the state. The state then apportions the properties to the constituent counties and the state based on a statutory formula.

STATE GOVERNMENT

GENERAL STATE GOVERNMENT

Grant to a professional baseball park district

This bill requires DOA to award a grant in the amount of \$290,000,000 to a local professional baseball park district created under state law to assist in the development, construction, improvement, repair, and maintenance of the district’s baseball park facilities. Under the bill, DOA may not award the grant unless the secretary of administration determines that all of the following apply:

1. The district has entered into a lease arrangement for a term that expires not earlier than December 31, 2043, with a professional baseball team that uses the district’s baseball park facilities as its home facilities.

2. The district has entered into a nonrelocation agreement with the professional baseball team, in a form satisfactory to the secretary of administration, that requires the professional baseball team to play substantially all of its home games at the baseball park facilities, and prohibits the professional baseball team from relocating while the lease term specified above is in effect.

3. The district has entered into an agreement with the professional baseball team, in a form satisfactory to the secretary, that requires the professional baseball team, or a third party on the professional baseball team’s behalf, to make expenditures relating to or in connection with the baseball park facilities during the term of the lease specified above in an agreed upon amount satisfactory to the secretary.

4. The district has agreed to provide on an ongoing basis to DOA, the Legislative Fiscal Bureau, and the Legislative Audit Bureau all baseball park facilities project reports and all financial reports of the district.

Grant moneys DOA awards under the bill may not be used to retire the debt of the local professional baseball park district.

TAXATION

PROPERTY TAXATION

Property tax exemption for baseball park development

The bill exempts from the property tax all baseball park development operated by a professional baseball team for any legally permissible use. Current law exempts sports and entertainment home stadiums and any functionally related or auxiliary facilities from the property tax.

GENERAL TAXATION

Sales and use tax exemption for professional baseball park districts

The bill exempts from the sales and use tax tangible personal property and taxable services sold to a local professional baseball park district.

Sales and use tax exemption for improving professional sports and entertainment home stadiums

The bill exempts from the sales and use tax building materials, supplies, and equipment sold to owners, contractors, subcontractors, or builders solely for the improvement, repair, or maintenance of a professional sports and entertainment home stadium.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3334. 16.09 of the statutes is created to read:

16.09 Grant to a local professional baseball park district. (1) PUBLIC PURPOSE. The legislature finds and determines that baseball park facilities encourage economic development and tourism in this state, reduce unemployment in this state, preserve business activities within this state, generate additional tax revenues that would not exist without the baseball park facilities, and bring needed capital into this state for the benefit and welfare of people throughout the state. It

is therefore in the public interest and serves a statewide public purpose, and it is the public policy of this state, to assist a local professional baseball park district created under subch. III of ch. 229 in the development, construction, improvement, repair, and maintenance of baseball park facilities.

(2) DEFINITIONS. In this section:

(a) “Baseball park facilities” has the meaning given in s. 229.65 (1s).

(b) “Professional baseball team” has the meaning given in s. 229.65 (6m).

(3) GRANT. (a) From the appropriation under s. 20.505 (1) (bm), the department shall award a grant in the amount of \$290,000,000 to a local professional baseball park district created under subch. III of ch. 229 to assist in the development, construction, improvement, repair, and maintenance of baseball park facilities. The department may not award a grant under this section unless the secretary determines that all of the following apply:

1. The district has entered into a lease arrangement for a term that expires not earlier than December 31, 2043, with a professional baseball team that uses baseball park facilities specified in the lease as its home facilities.

2. The district has entered into a nonrelocation agreement with the professional baseball team specified in subd. 1., in a form satisfactory to the secretary, that requires the professional baseball team to play substantially all of its home games at the baseball park facilities, and prohibits the professional baseball team from relocating while the lease term specified in subd. 1. is in effect.

3. The district has entered into an agreement with the professional baseball team specified in subd. 1., in a form satisfactory to the secretary, that requires the professional baseball team, or a third party on the professional baseball team’s behalf, to make expenditures relating to or in connection with the baseball park

facilities during the term of the lease specified in subd. 1. in an agreed upon amount satisfactory to the secretary.

4. The district has agreed to provide on an ongoing basis to the department, the legislative fiscal bureau, and the legislative audit bureau all baseball park facilities project reports and all financial reports of the district.

(b) No grant moneys awarded under par. (a) may be used to retire debt of the local professional baseball park district.

SECTION 3335. 16.854 (2) (intro.) of the statutes is amended to read:

16.854 (2) (intro.) Subject to the requirements of s. 16.82 (7), the department may, upon request of any local professional baseball park district, if the district has entered into a lease agreement with the department under s. 16.82 (7), take charge of and supervise engineering or architectural services or construction work, as defined in s. 16.87 (1) (a), performed by, or for, the district for compensation to be agreed upon between the department and the district. In connection with such services or work, the department may furnish engineering, architectural, project management and other building construction services whenever requisitions therefor are presented to the department by the district. If the district has entered into a lease agreement with the department under s. 16.82 (7), the department may also assist the district, upon request of the district, in letting contracts for engineering, architectural or construction work authorized by law and in supervising the work done thereunder. The department may award any such contract for any combination or division of work it designates and may consider any factors in awarding a contract including price, time for completion of work and the qualifications and past performance of a contractor. In awarding contracts under this section for the construction of baseball park facilities, as defined in s. 229.65 (1)

(1s), the department shall ensure that any person who is awarded a contract agrees, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 25 percent of the employees hired because of the contract will be minority group members and at least 5 percent of the employees hired because of the contract will be women. It shall also be a goal of the department to ensure that at least 25 percent of the aggregate dollar value of contracts awarded for the construction of such facilities in the following areas are awarded to minority businesses and at least 5 percent of the aggregate dollar value of contracts awarded for the construction of such facilities in the following areas are awarded to women's businesses:

SECTION 3336. 20.505 (1) (bm) of the statutes is created to read:

20.505 (1) (bm) *Grant to a local professional baseball park district.* As a continuing appropriation, the amount in the schedule for a grant to a local professional baseball park district under s. 16.09.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3337. 20.566 (1) (gd) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

SECTION 3338. 20.835 (4) (gb) of the statutes is amended to read:

20.835 (4) (gb) *Special district taxes revenues.* All moneys received from the ~~taxes imposed under s. 77.705, and from the appropriation account under s. 20.566 (1) (gd), and all moneys received under s. 341.14 (6r) (b) 13. b., for the purpose of distribution to the special districts that adopt a resolution imposing taxes under subch. V of ch. 77 III of ch. 229, and for the purpose of financing a local professional baseball park district, except that of those tax revenues collected under subch. V of~~

~~ch. 77 3 percent for the first 2 years of collection and 1.5 percent thereafter shall be credited to the appropriation account under s. 20.566 (1) (gd).~~

***NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

SECTION 3339. 66.0603 (1m) (a) (intro.) of the statutes is amended to read:

66.0603 **(1m)** (a) (intro.) A county, city, village, town, school district, drainage district, technical college district or other governing board, other than a local professional baseball park district board created under subch. III of ch. 229 or a local professional football stadium district board created under subch. IV of ch. 229, may invest any of its funds not immediately needed in any of the following:

SECTION 3340. 66.0621 (1) (b) of the statutes is amended to read:

66.0621 **(1)** (b) “Public utility” means any revenue producing facility or enterprise owned by a municipality and operated for a public purpose as defined in s. 67.04 (1) (b) including garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, village halls, town halls, courthouses, jails, schools, cooperative educational service agencies, hospitals, homes for the aged or indigent, child care centers, regional projects, waste collection and disposal operations, sewerage systems, local professional baseball park facilities, as defined in s. 229.65 (1s), local professional football stadium facilities, local cultural arts facilities, and any other necessary public works projects undertaken by a municipality.

SECTION 3341. 70.11 (36) (a) of the statutes is amended to read:

70.11 **(36)** (a) Property consisting of or contained in a sports and entertainment home stadium, except a football stadium as defined in s. 229.821 (6); including but not limited to parking lots, garages, restaurants, parks, concession facilities,

entertainment facilities, transportation facilities, and other functionally related or auxiliary facilities and structures, and any other property constituting baseball park development, as defined in s. 229.65 (1m); including those facilities and structures while they are being built; constructed by, leased to or primarily used by a professional athletic team that is a member of a league that includes teams that have home stadiums in other states, and the land on which that stadium and those structures and facilities are located. Leasing or subleasing the property; regardless of the lessee, the sublessee and the use of the leasehold income; does not render the property taxable.

SECTION 3342. 77.54 (9a) (gm) of the statutes is created to read:

77.54 **(9a)** (gm) A local professional baseball park district under subch. III of ch. 229.

SECTION 3343. 77.54 (41) of the statutes is amended to read:

77.54 **(41)** The sales price from the sale of building materials, supplies and equipment to; and the storage, use or other consumption of those kinds of property by; owners, contractors, subcontractors or builders if that property is acquired solely for or used solely in, the construction, improvement, renovation, repair, maintenance, or development of property that would be exempt under s. 70.11 (36).

SECTION 3344. 77.705 of the statutes is repealed.

SECTION 3345. 77.707 (1) of the statutes is amended to read:

77.707 **(1)** Retailers and the department of revenue may not collect a tax under s. 77.705, 2021 stats., for any local professional baseball park district created under subch. III of ch. 229 after the last day of the fiscal quarter in which the local professional baseball park district board makes a certification to the department of revenue under s. 229.685 (2) or after August 31, 2020, whichever is earlier, except

that the department of revenue may collect from retailers taxes that accrued before the termination date and fees, interest and penalties that relate to those taxes. Except as provided under s. 77.60 (9), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. 77.585 after the end of the calendar year that is 4 years after the year in which a local professional baseball park district tax has terminated. The department of revenue shall estimate the amount of the refunds, including interest, that the department may need to pay during that 4-year period and retain that amount from the taxes collected for the district after the termination date. Any amount that remains after the payment of refunds shall be distributed to the counties based on the population of each county that is part of the district.

SECTION 3346. 77.707 (1) of the statutes, as affected by 2023 Wisconsin Act ... (this act), is repealed.

SECTION 3347. 77.707 (2) of the statutes is renumbered 77.707.

SECTION 3348. 77.76 (6) of the statutes is repealed.

SECTION 3349. 229.64 (1) of the statutes is amended to read:

229.64 (1) The legislature determines that the provision of assistance by state agencies to a district under this subchapter, and any appropriation or grant of funds to a district under this subchapter or s. 16.09 or 20.505 (1) (bm) and the moral obligation pledge under s. 229.74 (7) serve a statewide public purpose by assisting the development, construction, improvement, repair, and maintenance of a ~~professional~~ baseball park facilities in the state for providing recreation, by encouraging economic development and tourism, by preserving business activities within the state, by generating additional tax revenues that would not exist without the baseball park facilities, by reducing unemployment, and by bringing needed

~~capital into the state for the benefit and welfare of people throughout the state. The legislature determines that the taxes that may be imposed by a district under subch. V of ch. 77 are special taxes that are generated apart from any direct annual tax on taxable property.~~

SECTION 3350. 229.65 (1) of the statutes is renumbered 229.65 (1s) and amended to read:

229.65 (1s) “Baseball park facilities” means property, tangible or intangible, owned in whole or in substantial part, operated or leased by a district that is principally for the support or performance of professional baseball operations including parking lots, garages, restaurants, parks, concession facilities, entertainment facilities, and transportation facilities, and other functionally related or auxiliary facilities or structures.

SECTION 3351. 229.65 (1m) of the statutes is created to read:

229.65 (1m) “Baseball park development” means property, other than baseball park facilities, tangible or intangible, operated by a professional baseball team on real estate leased or subleased from a district that is part of the operations of the professional baseball team for any legally permissible use, including retail facilities, hospitality facilities, commercial and residential facilities, health care facilities, and any other functionally related or auxiliary facilities or structures.

SECTION 3352. 229.65 (6m) of the statutes is created to read:

229.65 (6m) “Professional baseball team” means a baseball team that is a member of a league of professional baseball teams that have home stadiums approved by the league in at least 10 states and a collective average attendance for all league members of at least 10,000 persons per game over the 5 years immediately preceding the effective date of this subsection [LRB inserts date].

SECTION 3353. 229.67 of the statutes is amended to read:

229.67 Jurisdiction. A district's jurisdiction is any county with a population of more than 600,000 that is the site of baseball park facilities that are home to a professional baseball team and all counties that are contiguous to that county and that are not already included in a different district. Once created, a district's jurisdiction is fixed even if the population of other counties within the district subsequently exceeds 600,000. Once a county is included in a district's jurisdiction the county remains in the district until the district is dissolved under s. 229.71. In this section, "contiguous" includes a county that touches another county only at a corner.

SECTION 3354. 229.68 (intro.) of the statutes is amended to read:

229.68 Powers of a district. (intro.) A district has all of the powers necessary or convenient to carry out the purposes and provisions of this subchapter, except that it may not incur any new obligations after the date on which the district may no longer collect the tax under s. 77.707 (1), 2021 stats., if such an obligation could not be paid out of the district's revenues or assets once the tax under s. 77.707 (1), 2021 stats., is no longer collected. The district may not incur costs or any obligations for signage related to a change in naming rights for the baseball park facilities. In addition to all other powers granted by this subchapter, a district may do all of the following:

SECTION 3355. 229.68 (4) (intro.) of the statutes is amended to read:

229.68 (4) (intro.) In connection with baseball park facilities and, with respect to par. (b), in connection with baseball park facilities and any baseball park development:

SECTION 3356. 229.68 (4) (b) of the statutes is amended to read:

229.68 (4) (b) Acquire; lease, as lessor or lessee; authorize the sublease of; use; or transfer property; except that the district may not enter into any lease that does not receive the affirmative vote of a ~~supermajority~~ majority of the district board.

SECTION 3357. 229.68 (4) (d) of the statutes is amended to read:

229.68 (4) (d) Enter into contracts, subject to such standards as may be established by the district board, which standards may include approval by a professional baseball team pursuant to the terms of a lease with the district. The district board may award any such contract for any combination or division of work it designates and may consider any factors in awarding a contract, including price, time for completion of work and qualifications and past performance of a contractor.

SECTION 3358. 229.68 (9) of the statutes is amended to read:

229.68 (9) Maintain funds and invest the funds in any investment that the district board considers appropriate. A district may delegate the investment authority over any funds held in trust under this subchapter to an investment manager who is registered as an investment adviser under the federal Investment Advisers Act of 1940, 15 USC 80b-3.

SECTION 3359. 229.68 (11) of the statutes is amended to read:

229.68 (11) Promote, advertise and publicize its the baseball park facilities and related activities.

SECTION 3360. 229.68 (12) of the statutes is amended to read:

229.68 (12) Set standards governing the use of, and the conduct within, its the baseball park facilities in order to promote public safety and convenience and to maintain order.

SECTION 3361. 229.68 (13) of the statutes is amended to read:

229.68 (13) Establish and collect fees, and establish shared revenue arrangements or other charges for the use of its the baseball park facilities or for services rendered by the district.

SECTION 3362. 229.68 (15) of the statutes is repealed.

SECTION 3363. 229.682 (1) of the statutes is amended to read:

229.682 (1) GIFTS AND DONATIONS. The district board shall explore and consider ways to solicit and encourage gifts and donations for the development, construction, improvement, repair, and maintenance of baseball park facilities and, to the extent feasible, implement means to solicit such gifts and donations.

SECTION 3364. 229.682 (3) of the statutes is amended to read:

229.682 (3) SPECIAL DEBT PAYMENTS. The district shall pay, over a 3-year period beginning on October 1, 1996, any outstanding debt used to finance improvements to a baseball stadium that has been used as a home field by a ~~major league~~ professional baseball team in the district, up to a maximum amount of \$1,500,000.

SECTION 3365. 229.682 (4) of the statutes is amended to read:

229.682 (4) SPECIAL TICKET PROVISIONS. A ~~major league~~ professional baseball team that uses as its home field baseball park facilities that are constructed under this subchapter shall annually designate, for each county that is in the district's jurisdiction, at least one of the team's home games as a discount ticket day for that county, for which residents of that county may purchase discounted admission tickets.

SECTION 3366. 229.682 (7) of the statutes is amended to read:

229.682 (7) YOUTH SPORTS ORGANIZATIONS. A ~~major league~~ professional baseball team that uses as its home field baseball park facilities that are constructed under this subchapter shall make an annual contribution of at least \$20,000 to youth sports

organizations in this state for the purchase of equipment or the rental or maintenance of athletic facilities that are used by such organizations. The contributions that are required under this subsection may be made in cash or equipment.

SECTION 3367. 229.685 (1) of the statutes is amended to read:

229.685 (1) The district board shall maintain a special fund into which it deposits only the revenue received from the department of revenue, that is derived from the taxes imposed under subch. V of ch. 77, 2021 stats., and may use this revenue only for purposes related to baseball park facilities.

SECTION 3368. 229.687 of the statutes is created to read:

229.687 Facilities enhancement fund. The district shall establish and maintain a facilities enhancement fund. The fund shall consist of all moneys received from the department of administration under s. 16.09. The district may use moneys deposited in the fund solely for purposes related to the development, construction, improvement, repair, and maintenance of baseball park facilities. Moneys deposited in the fund may not be used for the securitization or retirement of bonds. If any amount remains in the fund after the lease specified in s. 16.09 (3) (a) 1. is no longer in effect, the district board shall return the amount to the department of administration.

SECTION 3369. 229.69 (4) of the statutes is amended to read:

229.69 (4) Grant to the state land or other property, especially dedicated by the grant to use for ~~a professional~~ baseball park facilities or baseball park development.

SECTION 3370. 229.70 (6) of the statutes is amended to read:

229.70 (6) The district shall solicit from any ~~major league~~ professional baseball ~~club team~~ to whom the district leases baseball park facilities its minority hiring goals

in connection with the operation of a baseball stadium and its minority contracting goals in connection with vending contractors at a baseball stadium.

SECTION 3371. 229.71 of the statutes is amended to read:

229.71 Dissolution of a district. Subject Upon or after the expiration or termination of all lease arrangements between the district and a professional baseball team with respect to the baseball park facilities, and subject to providing for the payment of its bonds, including interest on the bonds, and the performance of its other contractual obligations, a district may be dissolved by the action of the district board. If the district is dissolved, the property of the district shall be transferred to the state. The state shall apportion and distribute property transferred under this section among the state and the counties in the jurisdiction of the district, based on the tax revenues derived from each county and the appropriation made by the state under s. 20.505 (1) (bm), as determined by the secretary of administration.

SECTION 3372. 229.75 (3) of the statutes is amended to read:

229.75 (3) Bonds issued by the district shall be secured only by the district's interest in any baseball park facilities, including any interest in a lease with the department of administration under s. 16.82 (7); by income from these facilities; by proceeds of bonds issued by the district and other amounts placed in a special redemption fund and investment earnings on such amounts; and by the taxes imposed by the district under subch. V of ch. 77, 2021 stats. The district may not pledge its full faith and credit on the bonds and the bonds are not a liability of the district.

SECTION 3373. 229.76 of the statutes is amended to read:

229.76 State pledge. The state pledges to and agrees with the bondholders, and persons that enter into contracts with a district under this subchapter, that the state will not limit or alter the rights and powers vested in a district by this subchapter, ~~including the rights and powers under s. 229.68 (15),~~ before the district has fully met and discharged the bonds, and any interest due on the bonds, and has fully performed its contracts, unless adequate provision is made by law for the protection of the bondholders or those entering into contracts with a district.

SECTION 3374. 341.14 (6r) (f) 60. of the statutes is amended to read:

341.14 **(6r)** (f) 60. Persons interested in expressing their support of a major league professional baseball team that uses as its home field baseball park facilities that are constructed under subch. III of ch. 229.

SECTION 9337. Initial applicability; Revenue.

(1) BASEBALL PARK DEVELOPMENT. The treatment of s. 70.11 (36) (a) first applies to the property tax assessments as of January 1, 2024.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1942/P2
JAM:kms

DOA:.....Mott, BB0546 - Farm and Industry short course at UW-River Falls

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Funding for a farm and industry short course at UW-River Falls

This bill creates a biennial appropriation for general program operations of a farm and industry short course at UW-River Falls.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3375. 20.285 (1) (ax) of the statutes is created to read:

20.285 (1) (ax) *Farm and industry short course at the University of Wisconsin-River Falls.* Biennially, the amounts in the schedule for general program operations of a farm and industry short course at the University of Wisconsin-River Falls.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1945/P2
JAM:cjs&skw

DOA:.....Stinebrink, BB0547 - Payment for town of Silver Cliff public safety building

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Payment to town of Silver Cliff to rebuild its public safety building

Under current law, DMA may make payments from a state disaster assistance appropriation account to local governmental units for the damages and costs incurred as the result of a disaster if the disaster meets one of two of the following requirements: 1) the disaster is not eligible for other funding related to a presidentially declared “major disaster,” or 2) DMA determines the disaster meets a certain per capita impact indicator. Additionally, the entity receiving the grant is required to pay for 30 percent of the amount of damages and costs resulting from the disaster. This bill requires DMA to provide a \$1,000,000 payment in fiscal year 2023-24 from the same appropriation to the town of Silver Cliff for the rebuilding of the town’s public safety building that was destroyed by a tornado, and exempts the Silver Cliff disaster from the program’s eligibility requirement and 30 percent payment requirement.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9131. Nonstatutory provisions; Military Affairs.

(1) PAYMENT TO TOWN OF SILVER CLIFF TO REBUILD PUBLIC SAFETY BUILDING DESTROYED BY A TORNADO. Notwithstanding the requirements under s. 323.31, from the appropriation under s. 20.465 (3) (b), in the 2023-24 fiscal year, the department of military affairs shall provide a payment of \$1,000,000 to the town of Silver Cliff for the town to rebuild its public safety building that was destroyed by a tornado.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1968/P3
EVM&KP:kms/emw/cjs

DOA:.....Aslesen, BB0548 - Regional transit authorities

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

GENERAL TRANSPORTATION

Regional transit authorities

This bill creates, or authorizes the creation of, a southeast regional transit authority (SE RTA), a Dane County regional transit authority (DC RTA), a Fox Cities regional transit authority (FC RTA), and a regional transit authority in any other metropolitan statistical area in which qualifying political subdivisions agree to create one (statewide RTA). Upon creation, each transit authority is a public body corporate and politic and a separate governmental entity.

The SE RTA is created if the governing body of Milwaukee County or Kenosha County, or of any municipality located within that portion of Racine County east of I 94, adopts a resolution authorizing the county or municipality to become a member of the SE RTA. If any of these counties or municipalities fails to adopt a resolution creating the SE RTA, these counties and municipalities, as well as Racine County, may also join the SE RTA after it has been created by one or more other counties or municipalities. If Milwaukee County or Kenosha County joins the SE RTA, all municipalities located within Milwaukee County or Kenosha County, respectively, become members of the SE RTA. Any of the counties of Waukesha, Ozaukee, and Washington may join the SE RTA upon adoption of a resolution by the county's

governing body, and any municipality located within the county may join the SE RTA upon adoption of a resolution by the municipality's governing body and approval of the SE RTA's board of directors. The jurisdictional area of the SE RTA is the geographic area formed by the combined territorial boundaries of counties and municipalities that are members of the SE RTA.

The DC RTA is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the DC RTA. Once created, the members of the DC RTA consist of Dane County and all municipalities located within the Madison metropolitan planning area (MMPA). Any municipality located within Dane County but not within the MMPA may join the DC RTA upon adoption of a resolution by the municipality's governing body and approval of the DC RTA's board of directors. The jurisdictional area of the DC RTA is the geographic area formed by the MMPA combined with the territorial boundaries of all municipalities outside the MMPA that join the DC RTA.

The members of the FC RTA consist of Outagamie County, Calumet County, and Winnebago County and all municipalities located within the urbanized area of the Fox Cities metropolitan planning area (UFCMPA). Any municipality located within Outagamie County, Calumet County, or Winnebago County but not within the UFCMPA may join the FC RTA upon adoption of a resolution by the municipality's governing body and approval of the FC RTA's board of directors. The jurisdictional area of the FC RTA is the geographic area formed by UFCMPA combined with the territorial boundaries of all municipalities outside the UFCMPA that join the FC RTA.

A statewide RTA is created if any two or more political subdivisions located within a metropolitan statistical area adopt resolutions authorizing the political subdivision to become members of the RTA. Once created, the members of a statewide RTA consist of all political subdivisions that adopt resolutions authorizing participation. Any political subdivision located in whole or in part within a metropolitan statistical area located in whole or in part within a statewide RTA's jurisdiction may join the statewide RTA. The jurisdictional area of an authority created under this paragraph is the geographic area formed by the combined territorial boundaries of all participating political subdivisions.

An RTA's authority is vested in its board of directors. Directors serve four-year terms. An RTA's bylaws govern its management, operations, and administration and must include provisions specifying all of the following:

1. The functions or services to be provided by the RTA.
2. The powers, duties, and limitations of the RTA.
3. The maximum rate of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA.

An RTA may do all of the following:

1. Establish or acquire a comprehensive unified local transportation system, which is a transportation system comprised of bus lines and other public transportation facilities generally within the jurisdictional area of the RTA. "Transportation system" is defined to include land, structures, equipment, and other property for transportation of passengers, including by bus, rail, or other form of

mass transportation. The RTA may operate this transportation system or provide for its operation by another. The RTA may contract with a public or private organization to provide transportation services in lieu of directly providing these services and may purchase and lease transportation facilities to public or private transit companies. With two exceptions, an RTA may not directly or by contract provide service outside the RTA's jurisdictional area.

2. Coordinate specialized transportation services for persons who are disabled or aged 60 or older.

3. Own or lease real or personal property.

4. Acquire property by condemnation.

5. Enter upon highways to install, maintain, and operate the RTA's facilities.

6. Impose, by the adoption of a resolution by the RTA's board of directors, a sales and use tax in the RTA's jurisdictional area at a rate of not more than 0.5 percent of the sales price.

7. Impose a fee of \$2 per transaction on the rental of passenger cars without drivers.

8. Incur debts and obligations. An RTA may issue tax-exempt revenue bonds, secured by a pledge of any income or revenues from any operations or other source of moneys for the RTA. The bonds of an RTA are not a debt of its member political subdivisions and neither the member political subdivisions nor the state are liable for the payment of the bonds.

9. Set fees and charges for functions, facilities, and services provided by the RTA.

10. Adopt bylaws and rules to carry out the powers and purposes of the RTA.

11. Sue and be sued in its own name.

12. Employ agents, consultants, and employees; engage professional services; and purchase furniture, supplies, and materials reasonably necessary to perform its duties and exercise its powers.

13. Invest funds not required for immediate disbursement.

14. Do and perform any authorized acts by means of an agent or by contracts with any person.

15. Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the RTA, including providing for passenger safety.

The board of directors of an RTA must annually prepare a budget for the RTA. Rates and other charges received by the RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision. The RTA must maintain an accounting system in accordance with generally accepted accounting principles and must have its financial statements and debt covenants audited annually by an independent certified public accountant.

An RTA must provide, or contract for the provision of, transit service within the RTA's jurisdictional area. An RTA that acquires a transportation system for the purpose of operating the system must assume all of the employer's obligations under

any contract between the employees and management of the system to the extent allowed by law. An RTA that acquires, constructs, or operates a transportation system must negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, or operation to protect the interests of employees affected, and that agreement must include specified provisions. Employees of the RTA are participatory employees under the Wisconsin Retirement System (WRS) if the RTA elects to join the WRS.

A member political subdivision for which joinder into an RTA is optional may withdraw from an RTA if the governing body of the political subdivision adopts a resolution requesting withdrawal from the RTA and the political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the RTA. A member of the SE RTA that must become a member as a result of the membership of the county in which the municipality is located must withdraw from the SE RTA if the county in which the municipality is located withdraws from the SE RTA.

Current law provides limited immunity for cities, villages, towns, counties, and other political corporations and governmental subdivisions, and for officers, officials, agents, and employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. If a person suffers damage resulting from the negligent operation of a motor vehicle owned and operated by a county, city, village, town, school district, sewer district, or other political subdivision of the state in the course of its business, the person may file a claim for damages following this claims procedure and the amount of damages recoverable is limited to \$250,000. This bill specifies that this provision related to claims and liability for negligent operation of a motor vehicle by a political subdivision applies to an RTA.

The bill also allows RTAs to participate in organizing municipal insurance mutuals to provide insurance and risk management services.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3376. 20.566 (1) (gc) of the statutes is created to read:

20.566 (1) (gc) *Administration of transit authority taxes.* From the moneys received from the appropriation account under s. 20.835 (4) (gc), the amounts in the schedule for the purpose of administering the transit authority taxes imposed under s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the

unencumbered balance in this appropriation account shall be transferred to the appropriation account under s. 20.835 (4) (gc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3377. 20.566 (1) (gh) of the statutes is created to read:

20.566 (1) (gh) *Administration of regional transit authority fees.* The amounts in the schedule for administering the fees imposed under subch. XIII of ch. 77. An amount equal to 2.55 percent of all moneys received from the fees imposed under subch. XIII of ch. 77 shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year the unencumbered balance in this appropriation account that exceeds 10 percent of the expenditures from this appropriation during the fiscal year shall be transferred to the appropriation account under s. 20.835 (4) (gh).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3378. 20.835 (4) (gc) of the statutes is created to read:

20.835 (4) (gc) *Transit authority taxes.* All moneys received from the taxes imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc), for the purpose of distribution to the transit authorities that adopt a resolution imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues collected under subch. V of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3379. 20.835 (4) (gh) of the statutes is created to read:

20.835 (4) (gh) *Regional transit authority fees.* All moneys received from the fees imposed under subch. XIII of ch. 77, and from the appropriation account under

s. 20.566 (1) (gh), for distribution to regional transit authorities created under s. 66.1039 (2), except that 2.55 percent of the moneys received from the fees imposed under subch. XIII of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gh).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3380. 32.02 (11) of the statutes is amended to read:

32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211; redevelopment authority created under s. 66.1333; community development authority created under s. 66.1335; local cultural arts district created under subch. V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under subch. II of ch. 229; or transit authority created under s. 66.1039.

SECTION 3381. 32.05 (1) (a) of the statutes is amended to read:

32.05 (1) (a) Except as provided under par. (b), a county board of supervisors or a county highway committee when so authorized by the county board of supervisors, a city council, a village board, a town board, a sewerage commission governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65, the secretary of transportation, a commission created by contract under s. 66.0301, a joint local water authority created by contract under s. 66.0823, a transit authority created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local exposition district created under subch. II of ch. 229, a local cultural arts district created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a community development authority under s. 66.1335 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, water transmission and distribution

facilities, mass transit facilities, airport, or other transportation facilities, gas or leachate extraction systems to remedy environmental pollution from a solid waste disposal facility, housing project, redevelopment project, cultural arts facilities, exposition center or exposition center facilities which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located or, in lieu of filing a copy of the order, a plat may be filed or recorded in accordance with s. 84.095.

SECTION 3382. 32.07 (2) of the statutes is amended to read:

32.07 (2) The petitioner shall determine necessity if application is by the state or any commission, department, board or other branch of state government or by a city, village, town, county, school district, board, commission, public officer, commission created by contract under s. 66.0301, joint local water authority under s. 66.0823, transit authority created under s. 66.1039, redevelopment authority created under s. 66.1333, local exposition district created under subch. II of ch. 229, local cultural arts district created under subch. V of ch. 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line, for the right-of-way for a gas pipeline, main or service or for easements for the construction of any elevated structure or subway for railroad purposes.

SECTION 3383. 40.02 (28) of the statutes is amended to read:

40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created

within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 750,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1039, and a long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 3384. 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section “municipality” means the state or any department or agency thereof, or any city, village, town, county, or school district, the opportunity schools and partnership programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of schools opportunity schools and partnership program under s. 119.33, or any public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, transit authority created under s. 66.1039, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under s. 66.1201, redevelopment authority created under s. 66.1333, community development authority created under s. 66.1335, or city-county health department.

SECTION 3385. 66.1039 of the statutes is created to read:

66.1039 Transit authorities. (1) DEFINITIONS. In this section:

(a) “Authority” means a transit authority created under this section.

(b) “Bonds” means any bonds, interim certificates, notes, debentures, or other obligations of an authority issued under this section.

(c) “Common carrier” means any of the following:

1. A common motor carrier, as defined in s. 194.01 (1).

2. A contract motor carrier, as defined in s. 194.01 (2).

3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

4. A water carrier, as defined in s. 195.02 (5).

(d) “Comprehensive unified local transportation system” means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portion of which is located within, or the major portion of the service of which is supplied to the inhabitants of, the jurisdictional area of the authority.

(e) “Madison metropolitan planning area” means the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

(em) “Metropolitan area” means a metropolitan statistical area as designated by the U.S. office of management and budget.

(f) “Municipality” means any city, village, or town.

(g) “Participating political subdivision” means a political subdivision that is a member of an authority, either from the time of creation of the authority or by later joining the authority.

(h) “Political subdivision” means a municipality or county.

(i) “Transportation system” means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for transportation of passengers within the jurisdictional area of the authority and, only to the extent specifically authorized under this section, outside the jurisdictional area of the authority. “Transportation system” includes elevated railroads, subways, underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass transportation, but does not include transportation excluded from the definition of “common motor carrier” under s. 194.01 (1) or charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority.

(j) “Urbanized Fox Cities metropolitan planning area” means the urbanized area, as defined in 23 USC 134 (b) (7), of the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Appleton.

(2) CREATION OF TRANSIT AUTHORITIES. (a) *Southeast regional transit authority.*

1. The southeast regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Milwaukee County or Kenosha County, or of any municipality located in whole or in part within that portion of Racine County east of I 94, adopts a resolution authorizing the county or municipality to become a member of the authority. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. After an authority is created under subd. 1., any of the counties of Kenosha, Milwaukee, and Racine, and any municipality located in whole or in part within that portion of Racine County east of I 94, if the county or municipality is not already a member of the authority as provided under subd. 1., may join the authority created

under subd. 1. if the governing body of the county or municipality adopts a resolution to join the authority.

3. If Milwaukee County or Kenosha County adopts a resolution under subd. 1. or 2., any municipality located in whole or in part within Milwaukee County or Kenosha County, respectively, shall be a member of the authority.

4. Any of the counties of Waukesha, Ozaukee, and Washington may join the authority created under subd. 1. if the governing body of the county adopts a resolution to join the authority.

5. Any municipality located in whole or in part within Waukesha County, Ozaukee County, or Washington County may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

6. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the combined territorial boundaries of any county or municipality that adopts a resolution under subd. 1., 2., 4., or 5.

(b) *Dane County regional transit authority.* 1. The Dane County regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the authority. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. If Dane County adopts a resolution under subd. 1., any municipality located in whole or in part within the Madison metropolitan planning area shall be a member of the authority.

3. Any municipality located in whole or in part within Dane County that is not located in whole or in part within the Madison metropolitan planning area may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the Madison metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 3.

(c) *Fox Cities regional transit authority.* 1. There is created the Fox Cities regional transit authority, a public body corporate and politic and a separate governmental entity, consisting of the counties of Outagamie, Calumet, and Winnebago and any municipality located in whole or in part within the urbanized Fox Cities metropolitan planning area. This authority may transact business and exercise any powers granted to it under this section.

2. Any municipality located in whole or in part within Outagamie County, Calumet County, or Winnebago County that is not located in whole or in part within the urbanized Fox Cities metropolitan planning area may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

3. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the urbanized Fox Cities metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 2.

(f) *Other regional transit authorities.* 1. Except as provided in subd. 4., any 2 or more political subdivisions located within the same metropolitan area may jointly create a transit authority that is a public body corporate and politic and a separate governmental entity and that is known by a name that includes the words “regional transit authority,” if the governing body of each political subdivision adopts a resolution authorizing the political subdivision to become a member of the authority and all the resolutions are identical to each other. Except as provided in subd. 2. and sub. (13), once created, the members of the authority shall consist of all political subdivisions that adopt resolutions, as provided in this subdivision. Once created, the authority may transact business and exercise any powers granted to it under this section.

2. Except as provided in subd. 4., after an authority is created under subd. 1., any political subdivision located in whole or in part within a metropolitan area located in whole or in part within an authority’s jurisdiction may join the authority if the governing body of the political subdivision adopts a resolution identical to the existing resolutions of the authority’s participating political subdivisions and the authority’s board of directors approves the political subdivision’s joinder.

3. The jurisdictional area of an authority created under this paragraph is the geographic area formed by the combined territorial boundaries of all participating political subdivisions of the authority.

4. A political subdivision may not create or join an authority under this paragraph if the political subdivision is, or is located in whole or in part within, Calumet County, Dane County, Kenosha County, Milwaukee County, Outagamie County, Racine County, or Winnebago County or if the political subdivision is eligible to join any authority authorized under par. (a), (b), or (c).

(3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be vested in its board of directors. Directors shall be appointed for 4-year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(b) If an authority is created under sub. (2) (a), the board of directors of the authority consists of the following members:

1. If Kenosha County adopts a resolution under sub. (2) (a) 1. or 2., one member from Kenosha County, appointed by the county executive and approved by the county board, and one member from the city of Kenosha, appointed by the mayor and approved by the common council.

2. If Milwaukee County adopts a resolution under sub. (2) (a) 1. or 2., one member from Milwaukee County, appointed by the county executive and approved by the county board, and one member from the city of Milwaukee, appointed by the mayor and approved by the common council.

3. If the city of Racine adopts a resolution under sub. (2) (a) 1. or 2., one member from the city of Racine, appointed by the mayor and approved by the common council.

4. Two members from the jurisdictional area of the authority, appointed by the governor. If Milwaukee County adopts a resolution under sub. (2) (a) 1. or 2., one of the members appointed by the governor under this subdivision shall be from Milwaukee County for any term commencing after Milwaukee County has adopted the resolution.

5. One member from each county that joins the authority under sub. (2) (a) 4., appointed by the county executive of the county and approved by the county board

except that, if the county does not have an elected county executive, the member shall be appointed by the county board chairperson and approved by the county board.

6. One member from each city with a population of more than 60,000 that either adopts a resolution under sub. (2) (a) 5. or is located in a county that has joined the authority under sub. (2) (a) 4., appointed by the mayor of each such city and approved by the common council.

(c) If an authority is created under sub. (2) (b), the board of directors of the authority consists of the following members:

1. Two members from the Madison metropolitan planning area, appointed by the county executive and approved by the county board.

2. Two members appointed by the mayor of the city of Madison and approved by the common council.

3. One member appointed by the governor.

4. One member from each city with a population of more than 20,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.

(d) The board of directors of the authority created under sub. (2) (c) consists of the following members:

1. Three members, one each from the counties of Outagamie, Calumet, and Winnebago, appointed by the county executive of each county and approved by the county board except that, if the county does not have an elected county executive, the member shall be appointed by the county board chairperson and approved by the county board.

2. Two members, one each from the cities of Appleton and Neenah, appointed by the mayor of each such city and approved by the common council.

3. One member from the town of Grand Chute, appointed by the town board chairperson and approved by the town board.

4. One member appointed by the governor.

5. One member appointed as provided in par. (e).

6. One member appointed as provided in par. (f).

(e) 1. Board membership under par. (d) 5. shall follow a rotating order of succession, commencing as specified in subds. 2. and 3. and, after June 30, 2031, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision [LRB inserts date], and expiring on June 30, 2027, the member specified in par. (d) 5. shall be from the town of Menasha and shall be appointed by the town board chairperson and approved by the town board.

3. For the term commencing on July 1, 2027, and expiring on June 30, 2031, the member specified in par. (d) 5. shall be from the city of Menasha and shall be appointed by the mayor of the city and approved by the common council.

(f) 1. Board membership under par. (d) 6. shall follow a rotating order of succession, commencing as specified in subds. 2. to 5. and, after June 30, 2039, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision [LRB inserts date], and expiring on June 30, 2027, the member specified in par. (d) 6. shall be from the city of Kaukauna and shall be appointed by the mayor of the city and approved by the common council.

3. For the term commencing on July 1, 2027, and expiring on June 30, 2031, the member specified in par. (d) 6. shall be from the village of Kimberly and shall be appointed by the village president and approved by the village board.

4. For the term commencing on July 1, 2031, and expiring on June 30, 2035, the member specified in par. (d) 6. shall be from the village of Little Chute and shall be appointed by the village president and approved by the village board.

5. For the term commencing on July 1, 2035, and expiring on June 30, 2039, the member specified in par. (d) 6. shall be from the town of Buchanan and shall be appointed by the town board chairperson and approved by the town board.

(fm) The board of directors of an authority created under sub. (2) (f) consists of the following members:

1. One member from each participating political subdivision that is a county, appointed by the county executive of each county and approved by the county board except that, if the county does not have an elected county executive, the member shall be appointed by the county board chairperson and approved by the county board.

2. One member from each of the two participating political subdivisions that are municipalities, if any, having the highest population, appointed by the mayor and approved by the common council or appointed by the village president and approved by the village board or appointed by the town board chairperson and approved by the town board, as applicable.

3. One member appointed by the governor.

4. Not more than 2 members from participating political subdivisions that are municipalities other than those identified under subd. 2., appointed by the mayor and approved by the common council or appointed by the village president and approved by the village board or appointed by the town board chairperson and approved by the town board, as applicable. If the authority opts to include members under this subdivision on the board of directors, the bylaws of the authority shall include a provision specifying a method by which the members appointed under this

subdivision shall rotate among the participating political subdivisions not entitled to make an appointment under subd. 2.

(g) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:

1. The functions or services to be provided by the authority.
2. The powers, duties, and limitations of the authority.
3. The maximum rate of the taxes that may be imposed by the authority under sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

(4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, an authority may do all of the following, to the extent authorized in the authority's bylaws:

(a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.

(b) Acquire a comprehensive unified local transportation system and provide funds for the operation and maintenance of the system. Upon the acquisition of a comprehensive unified local transportation system, the authority may:

1. Operate and maintain it or lease it to an operator or contract for its use by an operator.
2. Contract for superintendence of the system with an organization that has personnel with the requisite experience and skill.
3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board, or commission of a participating political subdivision.

4. Maintain and improve railroad rights-of-way and improvements on these rights-of-way for future use.

(c) Contract with a public or private organization to provide transportation services in lieu of directly providing these services.

(d) Purchase and lease transportation facilities to public or private transit companies that operate within and outside the jurisdictional area.

(e) Apply for federal aids to purchase transportation facilities considered essential for the authority's operation.

(f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g), for residents who reside within the jurisdictional area and who are disabled or aged 60 or older, including services funded under 42 USC 3001 to 3057o, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds administered by the county. An authority may contract with a county that is a participating political subdivision for the authority to provide specialized transportation services, but an authority is not an eligible applicant under s. 85.21 (2) (e) and may not receive payments directly from the department of transportation under s. 85.21.

(g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property or service.

(h) Acquire property by condemnation using the procedure under s. 32.05 for the purposes set forth in this section.

(i) Enter upon any state, county, or municipal street, road, or alley, or any public highway for the purpose of installing, maintaining, and operating the authority's facilities. Whenever the work is to be done in a state, county, or municipal highway,

street, road, or alley, the public authority having control thereof shall be duly notified, and the highway, street, road, or alley shall be restored to as good a condition as existed before the commencement of the work with all costs incident to the work to be borne by the authority.

(j) Fix, maintain, and revise fees, rates, rents, and charges for functions, facilities, and services provided by the authority.

(k) Make, and from time to time amend and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.

(L) Sue and be sued in its own name.

(m) Have and use a corporate seal.

(n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationery, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.

(o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds under subs. (7) and (10).

(p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with s. 66.0603 (1m).

(q) Do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.

(r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.

(s) Impose, by the adoption of a resolution by the board of directors, the taxes under subch. V of ch. 77 in the authority's jurisdictional area. If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of revenue at least 120 days before its effective date. The authority may, by adoption of a resolution by the board of directors, repeal the imposition of taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department of revenue at least 120 days before its effective date.

(5) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no authority, and no public or private organization with which an authority has contracted for service, may provide service outside the jurisdictional area of the authority unless the authority receives financial support for the service under a contract with a public or other private organization for the service or unless it is necessary in order to provide service to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.

(b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the common carrier shall be submitted to the department of transportation for arbitration.

(c) In exercising its powers under sub. (4), an authority shall consider any plan of a metropolitan planning organization under 23 USC 134 that covers any portion of the authority's jurisdictional area.

(6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a) An authority acquiring a comprehensive unified local transportation system for the purpose of the authority's operation of the system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

(b) An authority acquiring, constructing, controlling, or operating a comprehensive unified local transportation system shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and the same status under subch. IV of ch. 111 that he or she enjoyed immediately before the acquisition, construction, control, or operation and may not be required to serve a probationary period if he or she attained permanent status before the acquisition, construction, control, or operation.

(c) In all negotiations under this subsection, a senior executive officer of the authority shall be a member of the authority's negotiating body.

(7) BONDS; GENERALLY. (a) An authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

(b) An authority may issue bonds in such principal amounts as the authority deems necessary.

(c) 1. Neither the members of the board of directors of an authority nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

2. The bonds of an authority are not a debt of the participating political subdivisions. Neither the participating political subdivisions nor the state are liable for the payment of the bonds. The bonds of any authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this paragraph on the face of the bonds.

(8) ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by resolution of the board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of an authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes.

(b) The authority may sell the bonds at public or private sales at the price or prices determined by the authority.

(c) If an officer whose signatures appear on any bonds or coupons ceases to be an officer of the authority before the delivery of the bonds or coupons, the officer's

signature shall, nevertheless, be valid for all purposes as if the officer had remained in office until delivery of the bonds or coupons.

(9) COVENANTS. An authority may do all of the following in connection with the issuance of bonds:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, or covenant for the redemption of the bonds, and provide the terms and conditions of the redemption.

(c) Covenant as to charge fees, rates, rents, and charges sufficient to meet operating and maintenance expenses, renewals, and replacements of any transportation system, principal and debt service on bonds creation and maintenance of any reserves required by a bond resolution, trust indenture, or other security instrument and to provide for any margins or coverages over and above debt service on the bonds that the board of directors considers desirable for the marketability of the bonds.

(d) Covenant as to the events of default on the bonds and the terms and conditions upon which the bonds shall become or may be declared due before maturity, as to the terms and conditions upon which this declaration and its consequences may be waived, and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of, or the grant of a security interest in, any real or personal property and all or any part of the revenues of the authority to secure the payment of bonds, subject to any agreements with the bondholders.

(f) Covenant as to the custody, collection, securing, investment, and payment of any revenues, assets, moneys, funds, or property with respect to which the authority may have any rights or interest.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds may be applied, and as to the pledge of such proceeds to secure the payment of the bonds.

(h) Covenant as to limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(i) Covenant as to the rank or priority of any bonds with respect to any lien or security.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, the insurance to be carried on the property or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in one or more trustees, within or outside the state, of those properties, rights, powers, and duties in trust as the authority determines.

(m) Covenant as to the appointing of, and providing for the duties and obligations of, one or more paying agent or other fiduciaries within or outside the state.

(n) Make all other covenants and do any act that may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, tend to make the bonds more marketable.

(o) Execute all instruments necessary or convenient in the exercise of the powers granted under this section or in the performance of covenants or duties, which may contain such covenants and provisions as a purchaser of the bonds of the authority may reasonably require.

(10) REFUNDING BONDS. An authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. An authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subs. (8) and (9).

(11) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds, including capital in their control or belonging to them, in bonds of the authority:

1. Public officers and agencies of the state.
2. Local governmental units, as defined in s. 19.42 (7u).
3. Insurance companies.
4. Trust companies.
5. Banks.
6. Savings banks.
7. Savings and loan associations.

8. Investment companies.
9. Personal representatives.
10. Trustees.
11. Other fiduciaries not listed in this paragraph.

(b) The authority's bonds are securities that may be deposited with and received by any officer or agency of the state or any local governmental unit, as defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations of the state or any local governmental unit is authorized by law.

(12) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority shall annually prepare a budget for the authority. Rates and other charges received by the authority shall be used only for the general expenses and capital expenditures of the authority, to pay interest, amortization, and retirement charges on bonds, and for specific purposes of the authority and may not be transferred to any political subdivision. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements and debt covenants audited annually by an independent certified public accountant.

(13) WITHDRAWAL FROM AUTHORITY. (a) A participating political subdivision that joined an authority under sub. (2) (a) 1., 2., 4., or 5., (b) 3., (c) 2., or (f) 2. may withdraw from an authority if all of the following conditions are met:

1. The governing body of the political subdivision adopts a resolution requesting withdrawal of the political subdivision from the authority.
2. The political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the authority.

(b) A municipality that becomes a member of an authority under sub. (2) (a) 3. shall withdraw from the authority if the county in which the municipality is located withdraws from the authority under par. (a).

(14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract for the provision of, transit service within the authority's jurisdictional area.

(15) ADDITIONAL FUNDING FOR SOUTHEAST REGIONAL TRANSIT AUTHORITY. In addition to any other funding authorized under this section, an authority created under sub. (2) (a) may impose the fees under subch. XIII of ch. 77.

(16) REQUIRED APPLICATION OF THE SOUTHEAST REGIONAL TRANSIT AUTHORITY. No later than one year after its creation under sub. (2) (a) 1., the southeast regional transit authority shall submit to the federal transit administration in the U.S. department of transportation an application to enter the preliminary engineering phase of the federal new starts grant program for the Kenosha-Racine-Milwaukee commuter rail link.

(17) OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to an authority.

SECTION 3386. 67.01 (5) of the statutes is amended to read:

67.01 (5) "Municipality" means any of the following which is authorized to levy a tax: a county, city, village, town, school district, board of park commissioners, technical college district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit authority created under s. 66.1039, public inland lake protection and rehabilitation

district established under s. 33.23, 33.235, or 33.24, and any other public body empowered to borrow money and issue obligations to repay the money out of public funds or revenues. "Municipality" does not include the state.

SECTION 3387. 70.11 (2) of the statutes is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22, joint local water authority created under s. 66.0823, transit authority created under s. 66.1039, regional planning commission created under s. 66.0309, long-term care district under s. 46.2895, or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes that is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. The exemption under this subsection applies to the property of a regional planning commission that the commission owned prior to October 1, 2021. If a regional planning commission subsequently sells property exempt from taxation under this subsection, the exemption applies to property purchased and owned by the commission if the total size of all property owned by the commission is substantially similar in size to the total property owned by the commission prior to October 1, 2021. Any property of the regional planning commission in excess of that size restriction is subject to taxation

under this chapter. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

SECTION 3388. 71.26 (1) (b) of the statutes is amended to read:

71.26 (1) (b) *Political units.* Income received by the United States, the state and all counties, cities, villages, towns, school districts, technical college districts, joint local water authorities created under s. 66.0823, transit authorities created under s. 66.1039, long-term care districts under s. 46.2895 or other political units of this state.

SECTION 3389. 77.54 (9a) (er) of the statutes is created to read:

77.54 (9a) (er) Any transit authority created under s. 66.1039.

SECTION 3390. 77.708 of the statutes is created to read:

77.708 Adoption by resolution; transit authority. (1) A transit authority created under s. 66.1039, by resolution under s. 66.1039 (4) (s), may impose a sales tax and a use tax under this subchapter at a rate not to exceed 0.5 percent of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first day of the first calendar quarter that begins at least 120 days after a certified copy of the resolution is delivered to the department of revenue.

(2) Retailers and the department of revenue may not collect a tax under sub. (1) for any transit authority created under s. 66.1039 beginning on the first day of the calendar quarter that is at least 120 days after a certified copy of the repeal resolution under s. 66.1039 (4) (s) is delivered to the department of revenue, except that the department of revenue may collect from retailers taxes that accrued before such calendar quarter and fees, interest, and penalties that relate to those taxes.

SECTION 3391. 77.76 (3r) of the statutes is created to read:

77.76 (3r) From the appropriation under s. 20.835 (4) (gc), the department of revenue shall distribute 98.5 percent of the taxes reported for each transit authority that has imposed taxes under this subchapter, minus the transit authority portion of the retailers' discount, to the transit authority no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. At the time of distribution, the department of revenue shall indicate the taxes reported by each taxpayer. In this subsection, the "transit authority portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross transit authority sales and use taxes payable and the denominator of which is the sum of the gross state and transit authority sales and use taxes payable. The transit authority taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the transit authority taxes previously distributed. Interest paid on refunds of transit authority sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 3392. 77.76 (7) of the statutes is created to read:

77.76 (7) If a retailer receives notice from the department of revenue that the retailer is required to collect and remit the taxes imposed under s. 77.708, but the retailer believes that the retailer is not required to collect such taxes because the retailer is not doing business within the transit authority's jurisdictional area, the retailer shall notify the department of revenue no later than 30 days after receiving

notice from the department. The department of revenue shall affirm or revise its original determination no later than 30 days after receiving the retailer's notice.

SECTION 3393. Subchapter XIII of chapter 77 [precedes 77.9971] of the statutes is created to read:

CHAPTER 77

SUBCHAPTER XIII

REGIONAL TRANSIT AUTHORITY FEE

77.9971 Imposition. A regional transit authority created under s. 66.1039 (2) may impose a fee at a rate not to exceed \$2 for each transaction in the authority's jurisdictional area, as described in s. 66.1039 (2), on the rental, but not for rental and not for rental as a service or repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by establishments primarily engaged in short-term rental of passenger cars without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter shall be effective on the first day of the first month that begins at least 90 days after the board of directors of the regional transit authority approves the imposition of the fee and notifies the department of revenue. The board of directors shall notify the department of a repeal of the fee imposed under this subchapter at least 60 days before the effective date of the repeal.

77.9972 Administration. (1) The department of revenue shall administer the fee under this subchapter and may take any action, conduct any proceeding, and impose interest and penalties.

(2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under

subch. III, apply to the fee under this subchapter. Section 77.73, as it applies to the taxes under subch. V, applies to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the passenger car is rented.

(3) From the appropriation under s. 20.835 (4) (gh), the department of revenue shall distribute 97.45 percent of the fees collected under this subchapter for each regional transit authority to that authority and shall indicate to the authority the fees reported by each fee payer in the authority's jurisdiction, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The fees distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments. Interest paid on refunds of the fee under this subchapter shall be paid from the appropriation under s. 20.835 (4) (gh) at the rate under s. 77.60 (1) (a). Any regional transit authority that receives a report along with a payment under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

(4) Persons who are subject to the fee under this subchapter shall register with the department of revenue. Any person who is required to register; including any person authorized to act on behalf of a corporation, partnership, or other person who is required to register; who fails to do so is guilty of a misdemeanor.

(5) A retailer who collects a fee under this subchapter shall identify the fee as a separate item on a receipt the retailer provides to a rental customer.

77.9973 Discontinuation. Retailers and the department of revenue may not collect fees under this subchapter for any regional transit authority after the calendar quarter during which the regional transit authority ceases to exist, except that the department may collect from retailers fees that accrued before that calendar

quarter and interest and penalties that relate to those fees. If fees are collected, the authority may use the revenue for any lawful purpose.

SECTION 3394. 85.064 (1) (b) of the statutes is amended to read:

85.064 (1) (b) “Political subdivision” means any city, village, town, county, or transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301, or transit authority created under s. 66.1039 within this state.

SECTION 3395. 345.05 (1) (ag) of the statutes is created to read:

345.05 (1) (ag) “Authority” means a transit authority created under s. 66.1039.

SECTION 3396. 345.05 (2) of the statutes is amended to read:

345.05 (2) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality or authority, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality or authority concerned and the governing body of the municipality or the board of directors of the authority may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality or authority if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality or authority will acquire title.

SECTION 3397. 611.11 (4) (a) of the statutes is amended to read:

611.11 (4) (a) In this subsection, “municipality” has the meaning given in s. 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

SECTION 9144. Nonstatutory provisions; Transportation.

(1) TRANSIT AUTHORITIES.

(a) *Initial terms of southeast regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the southeast

regional transit authority under s. 66.1039 (3) (a), the initial terms for the following members of the board of directors shall be 2 years:

1. One member appointed under s. 66.1039 (3) (b) 4.

2. If Kenosha County adopts a resolution under s. 66.1039 (2) (a) 1. or 2., the member appointed under s. 66.1039 (3) (b) 1. from the city of Kenosha.

3. If Milwaukee County adopts a resolution under s. 66.1039 (2) (a) 1. or 2., the member appointed under s. 66.1039 (3) (b) 2. from the city of Milwaukee.

(b) *Initial terms of Dane County regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Dane County transit authority under s. 66.1039 (3) (a), the initial terms for the members appointed under s. 66.1039 (3) (c) 1. and 4. shall be 2 years.

(c) *Initial terms of Fox Cities regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Fox Cities regional transit authority under s. 66.1039 (3) (a), the initial members of the board of directors, except the members appointed as provided in s. 66.1039 (3) (d) 5. and 6., shall be appointed for the following terms:

1. The members appointed under s. 66.1039 (3) (d) 1. shall be appointed for terms expiring on June 30, 2025.

2. The members appointed under s. 66.1039 (3) (d) 2. to 4. shall be appointed for terms expiring on June 30, 2027.

(END)



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1971/P2
JPC:kms&emw

DOA:.....Lessner, BB0549 - Opioid Antagonist Program

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Funding for opioid antagonists

This bill directs DHS to annually award up to \$2,000,000 to entities for the purchase of opioid antagonists.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3398. 46.48 (33) of the statutes is created to read:

46.48 (33) OPIOID ANTAGONIST FUNDING. From the appropriation under s. 20.435 (5) (bc), the department shall annually award up to \$2,000,000 to entities for the purchase of opioid antagonists, as defined under s. 450.01 (13v).

(END)