WISCONSIN LEGISLATIVE REFERENCE BUREAU

LRB ANALYSIS OF 2023–25 EXECUTIVE BUDGET BILL

February 2023

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February 2023

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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
OCI..... Office of the Commissioner of Insurance
PSC..... Public Service Commission
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

Introduction

The Legislative Reference Bureau analysis of the 2023–25 executive budget bill presents a concise summary of the executive budget bill for the 2023–25 fiscal biennium, which Governor Tony Evers presented to the legislature on February 15, 2023. The executive budget bill was drafted by LRB attorneys from instructions given by the Division of Executive Budget and Finance in the Department of Administration over the course of several months, beginning in October 2022 and continuing into February 2023. The LRB attorneys who drafted the executive budget bill also prepared the summary item for each of the budget bill provisions they drafted. Hence, each budget summary item was prepared by the LRB attorney who received firsthand the DOA instructions and who then drafted the statutory language.

The executive budget bill is the most significant piece of legislation that is enacted during the legislative session. The executive budget bill appropriates almost all of the dollars that will be spent by the state government during the two fiscal years covered by the bill. These dollars consist mostly of state taxes and revenues, program and license fees, and federal moneys allocated to Wisconsin. The executive budget bill also usually incorporates most of the governor's public policy agenda for the entire legislative session. Because the executive budget bill is generally considered the one bill that "must pass" in order to fund state government operations and programs, there are strong incentives for the governor to include in the bill the major public policy items supported by the governor. Thus, the executive budget bill funds state government and lays out the governor's public policy agenda.

The summary items included in the LRB analysis of the 2023–25 executive budget bill capture the major changes in the law proposed by the governor. It should be noted that this publication is not the only source of information about the executive budget bill. The LRB maintains digital drafting files at its offices for each of the summary items, which are available for public inspection; these files document the DOA drafting instructions and development of each summary item. Other valuable sources of information are DOA's "Budget in Brief" and "Executive Budget, 2023–25" documents. Finally, the Legislative Fiscal Bureau will soon publish its summary of the 2023–25 executive budget bill, which discusses both the public policy changes in the bill and the fiscal effects of these changes. The LFB summary of the executive budget bill is of special importance, as it will guide legislative and Joint Committee on Finance consideration of the executive budget bill.

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. This bill eliminates the $1,000,000-per-year spending cap for the center.

Meat processing tuition and curriculum development grants

The 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.

Food security and Wisconsin products grant program

The 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 UW–Extension to help farm operators hire business consultants and attorneys to examine their farm business plans and help them create farm succession plans.

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.

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 in tribal gaming receipts to be used for grants to support the growth and operations of producers under the program.

Labeling wild rice as "traditionally harvested"

The 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 an administrative 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 an administrative rule defining a traditional method of wild rice harvesting.

Farmland preservation implementation grants

The bill authorizes DATCP to award grants to counties to implement a certified county farmland preservation plan.

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.

Planning grants for establishing regional biodigesters

Under the bill, DATCP must provide planning grants for establishing regional biodigesters in this state. Biodigesters are used to break down organic material into gas, liquids, and solids.

Biodigester operator certification grants

The bill requires DATCP to provide grants to individuals seeking biodigester operator certification. The bill also allows DATCP to promulgate administrative rules establishing the application process and grant-awarding criteria for the biodigester operator certification grants.

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.

Bonding for soil and water resource management

The 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.

New appropriation for existing and new grant and loan programs

The 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 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.

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 administrative rules. The bill also authorizes any person affected by a broadband service provider who violates the prohibition to bring a private action.

The bill 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.

Eliminating minimum markup requirement for the sale of motor vehicle fuel

The 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.

Changing the minimum age for cigarettes, tobacco products, and nicotine products; imposing a minimum age for vapor products

The 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.

Small Business Retirement Savings Board; retirement savings program

The bill creates a Small Business Retirement Savings 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 administrative 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.

Implementation by DFI of section 529A ABLE savings account program

The 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.

Sales by a municipality or county of wine in a public park

The 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.

The bill applies this exception to wine along with beer.

Closing hours for alcohol beverage retailers during the 2024 Republican National Convention

The 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.

The 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. The bill does not affect the hours during which a Class "B" or "Class B" licensee may make sales for off-premises consumption.

ECONOMIC DEVELOPMENT

WEDC venture capital fund of funds program

The 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 this state.
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 to the investment manager 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.

WEDC GPR appropriation

The bill adds $40,000,000 to WEDC's GPR appropriation for general operations and economic development programs in fiscal year 2023–24. The bill also adjusts the calculation used to determine the amount of WEDC's GPR appropriation.

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 the 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 this state and the job duties associated with the eligible employee's position involve the performance of corporate headquarters functions. Under the 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.

Wage thresholds for business development and enterprise zone tax credits

The 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 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."

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.

The 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.

Energy efficiency and renewable energy project expenditures for the business development tax credit

The 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 on the basis of its qualifying expenses related to job creation and retention, employee training, capital investment, and corporate headquarters location or retention in this state. Under the bill, WEDC may also award the tax credit on the basis of a certified business's energy efficiency or renewable energy project expenditures. The credit is equal to up to 25 percent of the expenditures and, under the bill, WEDC must 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.

Main Street Bounceback grants

The 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 American Rescue Plan Act 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.

Cooperative development funding

The 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 this state.

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. The bill eliminates the requirement that WEDC's policies and procedures include that target for WEDC's unassigned fund balance.

Information sharing between WEDC and DOR

The 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 tax credit program.

WHEFA financing of nonprofit institution working capital costs

Under current law, WHEFA may issue bonds to finance certain projects of health, educational, research, and other nonprofit institutions. The bill authorizes WHEFA to issue bonds for the purpose of financing such institutions' working capital costs.

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 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.

TOURISM

American Indian tourism marketing

The 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.

Major opportunities and events

The 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.

Marketing clearinghouse

The bill repeals the requirement that the Department of Tourism maintain a marketing clearinghouse to provide marketing services to state agencies.

Cheese distribution

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

Famous residents in marketing

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

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, must submit to the attorney general and each house of the legislature an audited financial statement of its use of payments paid to the WPGA Junior Foundation, Inc., by the Department of Tourism to fund efforts to provide opportunities, enjoyment, and education to junior golfers in this state. The bill eliminates that reporting requirement.

Marketing efforts reporting requirement

Under current law, the Department of Tourism must annually report the activities, marketing efforts, receipts, and disbursements of the Department of Tourism for the previous fiscal year to the Senate Committee on Natural Resources and Energy and the Assembly Committee on Tourism. The bill designates that these annual reports be sent to the appropriate standing committees of the legislature.

Correctional System

ADULT CORRECTIONAL SYSTEM

Earned compliance credit

The 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

The bill expands the earned release program. Under current law, an eligible inmate may earn early release to parole or extended supervision by successfully completing a substance use disorder treatment 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.

The 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 program participation eligibility for all inmates.

Notice to crime victims upon parole or release to extended supervision

Under current law, 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. The 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.

Treatment of pregnant and postpartum person in prison and jail

The bill limits the use of physical restraints on pregnant and postpartum persons 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 each 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.

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. The 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.

Transfer of security operations at Wisconsin Resource Center

The 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.

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. The 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. The 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.

Juvenile Justice Reform Review Committee

The 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 in which 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.

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.

Courts and Procedure

PUBLIC DEFENDERS AND DISTRICT ATTORNEYS

Private bar reimbursement rate

Under current law, the state public defender (SPD) 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. The 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.

Annual caseload standards exemption

Under current law, the SPD may exempt up to 10 full-time assistant SPDs in the trials subunit from annual caseload standards based on their need to perform other assigned duties. Under the bill, beginning on July 1, 2023, the SPD may exempt up to 25 such assistant SPDs from annual caseload standards based on their need to perform other assigned duties.

Increase in deputy district attorney allocation

The 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.

CIRCUIT COURTS

Statutory addition of new circuit court branches

The 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. 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.

Reimbursements for pretrial risk assessments

The 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.

Certificates of qualification for employment

The 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.

GENERAL 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.

The 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 (TRO). 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 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. If the person was not subject to a TRO, the court also must order the person to surrender all firearms he or she possesses. 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.

A person who possesses a firearm while subject to an extreme risk protection TRO or injunction is guilty of a Class G felony. 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.

Finally, 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.

Qui tam actions for false claims

The 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.

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. The bill requires DOT to also send that list to the clerks of court for the federal district courts within this state.

County law libraries

The bill creates an appropriation account to receive any amounts from counties for providing materials or other services under contracts for county law libraries.

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.

The 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.

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 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 Act 33 were temporary, and expired on August 1, 2020. The bill permanently restores these expanded immunities from Act 33.

Alternatives to prosecution for disorderly conduct

The 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.

Education

PRIMARY AND SECONDARY EDUCATION: GENERAL SCHOOL AIDS AND REVENUE LIMITS

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, the 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. The 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

The 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. The bill eliminates high poverty aid beginning in the 2023–24 school year.

PRIMARY AND SECONDARY EDUCATION: CATEGORICAL AIDS

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.

Funding for special education and school age parents programs

The 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.

High-cost special education aid

The bill changes the rate at which the state reimburses school boards, operators of independent charter schools, CESAs, and CCDEBs 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.

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 (LEP) pupil in the English language. A school district is required to establish a bilingual-bicultural education program if it has a certain amount of LEP pupils from the same language group within an individual school in the district, described below. 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.

Aid for English language acquisition

The bill creates a new categorical aid for school districts and independent charter schools to offset the costs of educating 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 3.
2. Within a language group, 20 or more LEP pupils are enrolled in grades 4 to 8.
3. Within a language group, 20 or more LEP pupils are enrolled in grades 9 to 12.

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.

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.

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.

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 10 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 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.

School mental health and pupil wellness; categorical aid

The 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.

Aid for comprehensive school mental health services

Under current law, DPI administers a $10,000,000 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. The 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.

Supplemental nutrition aid

The 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.

School breakfast program

The 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.

Locally sourced food incentive payments

The 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.

Driver education; state aid

The bill creates a new aid program for driver schools and for school boards, independent

charter schools, and CESAs 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.

Computer science course requirement and grants

The 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.

The bill also 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.

Financial literacy curriculum grants

The 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.

PRIMARY AND SECONDARY EDUCATION: CHOICE, CHARTER, AND OPEN ENROLLMENT

Parental choice program caps

The 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 (SNSP). The 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.

Per pupil payment and transfer amount based on actual costs; SNSP and full-time open enrollment program

Under current law, the per pupil payment amount for a child participating in the SNSP and the transfer amount for a child with a disability in the full-time open enrollment program (OEP) 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.

The 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.

Payment indexing: parental choice programs, the SNSP, independent charter schools, full-time open enrollment program, and whole grade sharing agreements

Under current law, the per pupil payment amounts under parental choice programs and the SNSP, the per pupil payment amount to independent charter schools, the transfer amounts under the full-time OEP, 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.

Teacher licensure in parental choice programs and in the SNSP

With certain exceptions, the bill requires that, beginning on July 1, 2026, teachers at private schools participating in a parental choice program or in the SNSP 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.

SNSP; accreditation or participation in another choice program

The bill provides that, with certain exceptions explained below, a private school may participate in the SNSP 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 a 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.

SNSP; religious opt out

The bill provides that a private school participating in the SNSP 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.

PRIMARY AND SECONDARY EDUCATION: ADMINISTRATIVE AND OTHER FUNDING

Early literacy and reading improvement

The 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 supports 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 collaborates 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 focuses 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 this 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 CESA 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.

Grow Your Own programs

The bill creates a new grant program that is 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 funding for this purpose in fiscal year 2024–25.

Stipends for student teachers and cooperating teachers

The bill provides stipends, through DPI, to student teachers who are completing a teacher preparatory program approved by the superintendent of public instruction and to teachers who oversee a student teacher in their classrooms. The stipends are $2,500 per student teacher per semester and $1,000 per cooperating teacher per semester. Under the bill, DPI begins paying these stipends in the 2024–25 school year.

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.

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. The bill expands the purpose of these grants to provide training and an online bullying prevention curriculum for pupils in grades kindergarten to 12.

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. The bill increases the maximum annual peer-to-peer suicide prevention grant amount to $6,000.

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.

Out-of-school-time program grants

The 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.

Seal of biliteracy

The 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.

Grants to replace race-based nicknames, logos, mascots, or team names associated with American Indians

The 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.

Grants for milk coolers and dispensers

The 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.

Milwaukee mathematics partnership grant

Under the 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.

GED test fee payments

The 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 must 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).

Mentor Greater Milwaukee, Inc.

The bill requires DPI to award grants to Mentor Greater Milwaukee, Inc., to expand access to quality youth mentoring in Milwaukee County.

The Literacy Lab

The 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.

Reach Out and Read Wisconsin

The 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.

Graduation Alliance

The 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.

Recollection Wisconsin

The 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 this 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.

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.

The 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.

Prohibiting vaping on school property

The 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.

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. The 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.

HIGHER EDUCATION

Grants for technical college district boards to provide workforce advancement training for businesses

The 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.

Technical college district revenue limits

The 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 item 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.

Funding for a farm and industry short course at UW–River Falls

The bill creates a biennial appropriation for general program operations of a farm and industry short course at UW–River Falls.

UW System direct admission program

The 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.

Grants for technical college district boards for the creation of open educational resources

The 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.

Funding for equipment, supplies, and personnel training at a regional Madison Area Technical College EMT training center

The 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.

Paid family and medical leave; paid sick leave for temporary employees

The bill requires the Board of Regents to develop a plan for a program for paid family and medical leave of 12 weeks annually for UW System employees and a plan for a program for paid sick leave for temporary UW System employees. The bill requires the board to submit these plans to the administrator of the Division of Personnel Management in DOA with its compensation plan changes for the 2023–25 biennium.

Nonresident tuition exemptions for UW and technical college students

The bill creates a nonresident tuition exemption for certain UW System and technical college students.

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.

The bill creates a nonresident tuition 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 who meets these criteria is considered a resident of this state for purposes of admission to and payment of fees at a technical college.

The bill also 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 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; and 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.

Wisconsin grant program

The bill makes various changes to the Wisconsin grant program.

Under current law, HEAB administers the Wisconsin grant program, which provides

grants to resident undergraduate students enrolled at least half time in UW System schools, technical colleges, private nonprofit colleges, and tribal colleges. HEAB limits its award of these grants to 10 semesters or the equivalent. For students enrolled in UW System schools, technical colleges, and tribal colleges, HEAB must award Wisconsin 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.

The bill makes the following changes to the Wisconsin grant program:

1. The bill extends and clarifies the limit on the total number of semesters for which a UW System, technical college, or tribal college student may receive a Wisconsin grant. The bill limits these grants to 12 semesters of full-time enrollment or the 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.
2. The bill changes the enrollment requirement for a Wisconsin grant from at least half-time to at least quarter-time for students enrolled in technical colleges.
3. The bill raises the maximum amount that may be awarded through a Wisconsin grant during one academic year for UW System students. The 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 UW–Madison for an academic year.
4. The 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. The bill eliminates the statutory mathematical calculation used to determine the amount of such a grant and 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.
5. The bill changes the meaning of the phrase "expected family contribution," as discussed below.

Updating terminology used in calculation of student financial aid

The 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.

The 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.

Health care provider loan assistance program

The 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 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.

The 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.

UW foster youth support programs

The bill provides funding to establish or maintain support programs at UW System 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.

Grant to support a center at Mid-State Technical College

The 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.

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. The 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.

Medical College of Wisconsin

The bill provides funding, through a new appropriation, to the Medical College of Wisconsin, Inc., (MCW) for a psychiatry and behavioral health residency program to support resident recruitment and training.

The bill also provides funding to MCW to make violence prevention grants supporting activities that enhance the safety and well-being of children, youth, and families throughout this state.

Support services for veteran students enrolled in the UW System

The bill creates a continuing appropriation to provide support services to students who are veterans at UW System institutions.

Institute for Sustainable Technology at UW-Stevens Point

The bill requires the Board of Regents 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, this state's forest and paper industries and for the institute's ongoing operations.

Funding for financial education provided through the UW System

The 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 (UW Extension) that makes financial education and coaching available to Wisconsin residents.

Funding for a rural Wisconsin entrepreneurship initiative

The bill creates a continuing appropriation for the UW System to provide funding for a rural Wisconsin entrepreneurship initiative in the UW Extension that provides business

development assistance, rural entrepreneurship ecosystems, and access to finance for rural entrepreneurs in this state.

UniverCity Alliance program

The 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.

UW Missing-in-Action Recovery and Identification Project

Under the bill, the Board of Regents 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.

Administration of the Wisconsin National Guard tuition grants

Under current law, an eligible Wisconsin National Guard member may apply to receive a tuition grant that covers 100 percent of the tuition charged by a qualifying school. The national guard member must submit an application for the tuition grant no later than 90 days after completion of a course, and DMA must pay to an eligible individual moneys from the grant no later than than 30 days after DMA receives certification from a qualifying school that the individual has met eligibility requirements. DMA has a sum sufficient appropriation from which it funds the tuition grants. The bill gives DMA the authority to use the appropriation from which it funds the tuition grants to also fund the administrative costs associated with the payment of the tuition grants.

Transferring risk management positions from the UW System to DOA

The 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.

Grants to students with visual or hearing impairment and talent incentive grants

Under current law, HEAB 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.

OTHER EDUCATIONAL 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.

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 voters for so long as they remain eligible. Under the bill, the Elections Commission must attempt to facilitate the initial registration of all eligible voters 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 voter's registration, the commission adds the voter'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 voters 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 voter with a current and valid driver's license or identification card issued by DOT may register to vote electronically on a secure website maintained by the commission. To register electronically under current law, a qualified voter 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 voter 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.

Early canvassing of absentee ballots

Under current law, absentee ballots may not be canvassed until election day. The 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 as 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.

Residency requirement for voting

Under current law, with limited exceptions, an otherwise eligible voter must be a resident of this state 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. The bill shortens that residency requirement from 28 days to 10 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. The bill eliminates the 14-day restriction on how soon a person may complete an absentee ballot in person.

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.

Office of Election Transparency and Compliance

The 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 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.

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. The 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.

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). The 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.

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 and 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 one of the following manners:

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

The 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.

Grants for the purchase of election supplies and equipment

The bill authorizes the Elections Commission to award grants to counties and municipalities for the purchase of election supplies and equipment, including electronic poll books.

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. The bill expands this appropriation to authorize expenditures for training county and municipal clerks for the administration of elections generally.

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.

Eminent Domain

Condemnation authority for nonmotorized paths

The 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.

Employment

EMPLOYMENT REGULATION

Minimum wage increase

The 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.

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.

The 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 Wisconsin Employment Relations Commission (WERC) determines which state and municipal employees meet the criteria. Also, the bill allows WERC to place in the same collective bargaining unit both frontline workers and employees who are not frontline workers. If WERC 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, WERC 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.

The bill adds that employees of authorities, such as the UW Hospitals and Clinics Authority, WHEDA, and WEDC, may collectively bargain as state employees.

Eliminating the right-to-work law

Current 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. The bill repeals these prohibitions and the associated misdemeanor offense.

The bill also 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 WERC 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.

Prevailing wage

The 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 1) requirements for affidavits to be filed by contractors affirming compliance with the prevailing wage law; 2) record retention requirements for contractors regarding wages paid to workers and provisions allowing for the inspection of those records by DWD; 3) liability and penalty provisions for certain violations, including criminal penalties; and 4) provisions prohibiting contracts from being awarded to persons who have failed to comply with the prevailing wage law.

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.

The 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 himself or herself 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

The 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 generally 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, however, 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 administrative rules to provide exemptions from participation in the program.

The bill further does the following:

1. Requires DWD to promulgate administrative 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 administrative 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.

Solicitation of compensation information

The 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.

State and local employment regulations; repeal preemption of local employment regulations

The 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.*

Worker classification notice and information

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. The 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.

The bill also 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.

WORKER'S COMPENSATION

Expansion of PTSD coverage for first responders

The 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.

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.

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 unemployment insurance (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.

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 UI benefits. The bill repeals that prohibition and instead requires DWD to reduce a claimant's 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.

JOBS AND JOB TRAINING

Worker advancement initiative

The 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.

Grants to local workforce development boards

The 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.

Workforce innovation grant program

The 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.

Green jobs training program grants

The 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.

Clean energy training and reemployment

The 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.

DISCRIMINATION

Fair employment; civil actions

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.

The 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.

Fair employment; discrimination based on conviction record

The bill provides that it is employment discrimination because of conviction record under

the fair employment law 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.

Fair employment; discrimination based on gender expression and gender identity

Current fair employment law prohibits discrimination in employment on the basis of a person's sex or sexual orientation. The bill also so prohibits discrimination on the basis of an individual'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.

ADMINISTRATION AND FINANCE

Worker's compensation uninsured employers fund

Under current law, the uninsured employers fund (UEF) 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. The bill changes the appropriation for the UEF from a sum sufficient appropriation to a continuing appropriation.

Reimbursements for supplemental worker's compensation benefits

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

The bill creates a new, separate appropriation in the worker's compensation operations fund to provide these reimbursements. The bill does not increase revenue to DWD or collections from insurers.

Migrant labor fees

Under current law, migrant labor contractor and camp fees are deposited in the state general fund and not credited to a specific appropriation. The 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.

Migrant labor law enforcement

The 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.

Environment

WATER QUALITY

PFAS standards

The bill requires DNR to establish and enforce various standards for perfluoroalkyl and polyfluoroalkyl 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 DNR 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 the 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.

PFAS municipal grant program

The bill creates a municipal grant program, administered by DNR, to address 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.

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.

Lead service line replacement

The 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.

Well compensation grant program

The 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 six 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.

Requiring notification of water-related permit violations

Under the bill, if DNR finds that the holder of a Wisconsin Pollutant Discharge Elimination System (WPDES) 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.

Concentrated animal feeding operations

Under current law, a person who operates a concentrated animal feeding operation (CAFO) must have a 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.

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. The bill increases the notification fee to $70.

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. The bill requires DNR to collect a $100 fee from a person requesting a well construction variance.

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 this 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.

The 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.

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Dry cleaner response program and revitalize Wisconsin program

The 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.

Ban on coal tar-based sealants

The 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.

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. The 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.

GENERAL ENVIRONMENT

Municipal flood control aid

The 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.

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.

The bill changes the storm water permit appropriation from an annual appropriation 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.

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. The bill increases the bonding authority for these projects by $11,000,000.

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.

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. The bill increases the bonding authority for these projects by $10,000,000.

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. The bill increases the bonding authority for sediment removal projects by $15,000,000.

Water resources account lapse

The 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.

PUBLIC ASSISTANCE

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 the bill, TANF funding allocations are changed in the following ways, as compared to the funding allocation in the 2021–23 fiscal biennium:

1. For Wisconsin Works benefits, total funding is decreased by 10 percent.
2. 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.
3. For homeless case management services grants, total funding is doubled.
4. For state administration of public assistance programs and overpayment collections, total funding is increased by 12 percent.
5. 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.
6. For the Transform Milwaukee and Transitional Jobs programs, total funding is increased by 18 percent.
7. For Jobs for America's Graduates, total funding is doubled.
8. For child care state administration and licensing activities, total funding is increased by 10 percent.
9. For child care quality improvement activities, total funding is tripled.
10. For payments to support the dependent children of recipients of supplemental security income, total funding is decreased by 32 percent.
11. For kinship care payments, total funding is increased by 62 percent.
12. For safety and out-of-home placement services, total funding is decreased by 39 percent.
13. For grants to the Boys and Girls Clubs of America, total funding is increased by a multiple of 12.
14. For the earned income tax credit supplement, total funding is increased by 69 percent.
15. 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.
16. 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 DCF is obligated to pay.

Civil legal services grants

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.

The bill removes the grant that requires matching funds and increases to $1,000,000 per fiscal year the grant to provide certain legal services to eligible individuals. 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.

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 his or her eligibility to receive those benefits, may participate.

Child care quality improvement program

The 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 administrative rules to implement the program, including rules that establish eligibility requirements and payment amounts and that set 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 TANF 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.

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 noncustodial 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.

Assistance for survivors of domestic abuse

Under the 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.

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.

Boys and Girls Clubs of Wisconsin

The bill appropriates funding annually to the Boys and Girls Clubs of Wisconsin, in addition to TANF funding for that purpose.

Healthy eating incentives program

Subject to certain conditions, the 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 matches 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 gets 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.

Eliminating FSET drug testing requirement

2015 Wisconsin Act 55 required DHS to promulgate administrative 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. The bill eliminates the requirement to implement a drug screening, testing, and treatment policy and removes from the statutes the language incorporated by Act 370.

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 FSET, unless they are already employed. The bill eliminates that requirement for able-bodied adults with dependents while retaining the requirement for able-bodied adults without dependents.

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 FSET. DHS is required to base the pay-for-performance system on performance outcomes specified in current law. The bill eliminates the requirement for DHS to create a pay-for-performance system for FSET vendors.

EBT equipment grants

The 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 FoodShare program. Under the bill, the vendor that processes the electronic benefit transfer and credit and debit card transactions must also process any local purchasing incentives.

MEDICAL ASSISTANCE

Medicaid expansion; elimination of childless adults demonstration project

BadgerCare Plus and BadgerCare Plus Core are programs under the Medical Assistance (MA) program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act (ACA) 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. The 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 MA 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 MA, 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 MA 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.

Eliminating legislative review of Medicaid state plan amendments

The MA program 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 MA state plan amendment and any proposed change to a reimbursement rate for or supplemental payment to an MA 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 MA state plan amendments, changes to reimbursement rates, or supplemental payments.

Eliminating legislative oversight over federal law waivers

Current law, as 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 as required under current law created by Act 370.

Postpartum MA coverage

The bill requires DHS to seek approval from the federal Department of Health and Human Services to extend MA 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, the 2021–23 biennial budget act, 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 MA when pregnant continue to be eligible under MA 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.

Coverage of doula services under MA

The bill requires DHS to request any necessary waiver or amendment to the state MA plan to allow MA reimbursement for doula services and, if any necessary waiver or amendment is approved, directs DHS to reimburse certified doulas for doula services provided to MA recipients. Doula services consist of childbirth education and support services, including

emotional and physical support provided during pregnancy, labor, birth, and the postpartum period.

Payment for school medical services

Under current law, if a school district or a cooperative educational service agency (CESA) elects to provide school medical services and meets certain requirements, DHS is required to reimburse the school district or CESA 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, CESAs, 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.

The bill increases the amount that DHS is required to reimburse a school district, CESA, 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, CESA, 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.

Community-based psychosocial services

Currently, community-based psychosocial services provided to MA 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. The bill allows DHS to also provide community-based psychosocial services to MA 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 must 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 MA recipients, DHS must reimburse the county only for the amount of the allowable charges for those services under the MA program that is provided by the federal government. For a county that elects to provide the services through the MA 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 MA program.

Certified peer specialist services

The bill requires DHS to provide as a benefit and reimburse services provided by certified peer specialists under the MA 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 MA program a certified peer specialist service that meets all of the following criteria: 1) the recipient of the certified peer specialist service is in treatment for or recovery from mental illness or a substance use disorder; 2) 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 3) the certified peer specialist completes the training requirements specified by DHS.

Determination of eligibility for MA or subsidized health insurance coverage by indicating interest on an individual income tax return

The 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 MA 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 ACA. The bill specifies that DHS may not use any information provided to determine that the individual is ineligible to enroll in the MA program.

MA program coverage for detoxification and stabilization services

The bill requires DHS to provide reimbursement for detoxification and stabilization services under the MA 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 MA program, and makes reimbursement contingent upon any needed federal approval. The bill defines "detoxification and stabilization services" as adult residential integrated behavioral health stabilization service, residential withdrawal management service, or residential intoxication monitoring service.

Services that contribute to determinants of health

The bill includes nonmedical services, as determined by DHS, that contribute to the

determinants of health as a benefit under the MA program. 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 an MA benefit if the federal Department of Health and Human Services does not provide federal financial participation for the services.

Primary care reimbursement under MA

The bill requires DHS to increase the rates paid in the MA 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 MA program pursuant to the ACA.

MA program coverage of acupuncture services

The bill includes acupuncture that is provided by a certified acupuncturist as a reimbursable benefit under the MA 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 MA program.

Community dental health coordinators

The 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.

Community support program

Currently, mental health and psychosocial rehabilitative services provided by a community support program are a benefit provided by the MA program. Under current law, for these services, a county pays the nonfederal share of the MA reimbursement and DHS reimburses the service provider for the federal share of the MA 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.

Pediatric inpatient supplement

The 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 fiscal year to hospitals that are free-standing pediatric teaching hospitals located in this state that have a Medicaid inpatient utilization rate greater than 45 percent.

Coverage of substance abuse treatment room and board under MA

The bill directs DHS to pay allowable charges on behalf of MA recipients for room and board for residential substance use disorder treatment.

Hospital assessment

Currently, each hospital, including each critical access hospital, must pay an assessment for the privilege of doing business in this state. 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 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 MA program, including the federal and state share of MA, 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 MA services in a total amount that equals the amount collected from critical access hospitals divided by 61.68 percent. The 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 MA program.

MA hospital reimbursement

The bill requires DHS to increase the reimbursement rates paid to hospitals under the MA program in fiscal years 2023–24 and 2024–25 if the state implements the Medicaid expansion under the ACA. 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.

Health information exchange pay-for-performance system

The bill requires DHS to develop and implement for non-hospital providers in the MA 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.

Children's long-term support waiver program

The 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.

Graduate medical education grants

The 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.

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 (CHIPS) if certain conditions have been met, including the conditions that 1) the child, if 14 years of age or over, has been consulted 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 administrative 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).

The 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.

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. The 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 (kinship care provider) may receive monthly kinship care payments from DCF or a county department. The bill includes as kinship care providers 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.

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 administrative rules to specify qualifying costs and services and eligibility criteria for the flexible support.

Foster care and kinship care rates and payments

The 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, 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.

The bill provides that, in addition to the monthly rates currently paid to a kinship care

provider, DCF or, with DCF's approval, a county department may make emergency payments for kinship care to a kinship care provider if any of the following conditions are met:

1. 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).
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.
3. 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 administrative 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.

Grants for youth services

The 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:

1. Increasing youth access to housing.
2. Increasing youth self-sufficiency through employment, education, and training.
3. Increasing youth social and emotional health by promoting healthy and stable adult connections, social engagement, and connection with necessary services.
4. Preventing sex trafficking of children and youth.
5. Providing treatment and services for documented and suspected victims of child and youth sex trafficking.
6. Preventing and reducing the incidence of youth violence and other delinquent behavior.
7. Preventing and reducing the incidence of youth alcohol and other drug use and abuse.
8. Preventing and reducing the incidence of child abuse and neglect.
9. Preventing and reducing the incidence of teen pregnancy.

The bill allocates $500,000 in Temporary Assistance for Needy Families funding to the grants for youth services that under current law is allocated 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 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.

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. The bill updates the allocation of youth aids funding that is available to counties for the 2023–25 fiscal biennium.

The bill eliminates a current law provision that allocates some of the youth aids funding to reimburse counties that are purchasing community supervision services from DOC for juveniles, and some for alcohol and other drug abuse treatment programs.

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).

The 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.

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. The bill updates those amounts to $101,564,700 in fiscal year 2023–24 and $101,961,600 in fiscal year 2024–25.

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, 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 administrative rules necessary to accomplish this.

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 CHIPS proceeding. However, a pilot program that began in 2018 requires the state public defender to assign counsel to any nonpetitioning parent in these cases in Brown, Outagamie, Racine, Kenosha, and Winnebago Counties. This five-county pilot program is set to expire on June 30, 2023. The bill extends the expiration date of the pilot program to June 30, 2025.

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. The bill appropriates GPR moneys for those purposes as well.

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. The bill makes the grant program permanent.

Sibling connections scholarships

The 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.

Child care partnership grant program

The 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 administrative rules to administer the grant program, including to determine eligibility for a grant.

EMERGENCY SERVICES

Ambulance assessment and certified public expenditures program

The 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. Act 228 implemented an ambulance service provider assessment on private ambulance service providers for supplemental reimbursements under the MA program and a supplemental reimbursement under the MA program to public ambulance service providers through certified public expenditures. Generally, under the MA 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. Act 228 imposes on each private ambulance service provider a fee for the privilege of doing business in this state and establishes 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.

Certification of emergency medical responders

Under current law, no individual may act as an emergency medical responder unless he or she is 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. The 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 administrative 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 members of an ambulance crew unless the emergency medical responder has passed the NREMT examination for emergency medical responders.

Epinephrine for ambulances

The 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 this 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.

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 services 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.

The bill allows DHS to award grants to emergency medical services 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 services providers until the appropriation is fully depleted.

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.

The 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 administrative rules to establish these medical equipment requirements for ambulances.

HEALTH

Complex patient pilot program

The 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 health services 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 health services regarding which partnership groups should receive designation as participating sites for the pilot program. The bill allows DHS 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 health services an evaluation of the pilot program, including a written report and recommendations, no later than June 30, 2025.

Funding for opioid antagonists

The bill directs DHS to annually award up to $2,000,000 to entities for the purchase of opioid antagonists.

Health care provider innovation grants

Under current law, DHS is required to award grants for certain community programs. The 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.

Defining lead poisoning or lead exposure

The 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.

Maternal and infant mortality prevention and response

The 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 morality, and 4) provide funding for grief and bereavement programming for those impacted by infant loss.

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. The bill creates an additional GPR appropriation to provide funding for the program and various costs associated with the program.

Personal protective equipment stockpile

The bill provides funding to DHS to establish and maintain a state stockpile of personal protective equipment.

Grants for tribal long-term care system development

The 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.

Funding for free and charitable clinics

The bill increases from $1,500,000 to $2,000,000 the amount DHS is required to award in grants to free and charitable clinics each fiscal year.

Grants to free-standing pediatric teaching hospitals

The 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 MA recipients are eligible for the grant.

Low-value care analysis grant

In each of the 2023–24 and 2024–25 fiscal years, the 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 MA 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.

Amyotrophic lateral sclerosis grant

The 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.

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. The 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.

Healthy aging grant program

The bill requires DHS to award in each fiscal year a grant of $600,000 to an entity that conducts programs in healthy aging.

BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

Crisis urgent care and observation facilities

The 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 MA 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 MA program.

Mental health consultation program

The 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 2019–21 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 2019–21 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: 1) ensure that mental health providers providing services through the MHCP have the appropriate credentials as described in the bill, 2) maintain infrastructure to provide services statewide on every weekday, provide consultation services as promptly as practicable, 3) report to DHS any information DHS requires, 4) conduct surveys of participating clinicians as described in

the bill, and 5) provide certain specified services. Those specified services are the following: 1) support for clinicians participating in the MHCP to assist in the management of mental health problems; 2) triage-level assessments to determine the most appropriate response; 3) diagnostics and therapeutic feedback when medically appropriate; and 4) 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.

Repeal of school-based mental health consultation pilot program

The 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.

Grants for peer recovery centers

The 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.

Psychiatric residential treatment facilities

The 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 MA 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 MA program.

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.

COVID-19 health care workforce pilot project

The 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.

Suicide prevention program

The 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 in this state, 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.

988 Suicide and Crisis Lifeline grants

The 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 this state. Currently, DHS partners with Wisconsin Lifeline to provide statewide 988 crisis hotline services.

Stimulant prevention and treatment response programs

Under current law, DHS awards grants for certain community programs. The bill allows DHS to distribute up to $1,644,000 in each fiscal year to support stimulant use prevention and treatment programs and services.

Grants for youth crisis stabilization facilities

The 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.

Peer run respite centers

The 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.

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. The 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.

Deaf, Hard of Hearing, and Deaf-Blind Behavioral Health Treatment Center

The 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.

Service dog training grants

The 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.

GENERAL HEALTH AND HUMAN SERVICES

Spinal cord injury research grants and symposia

The 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 on 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 UW 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.

Making references in the statutes gender neutral

The bill recognizes same-sex marriage by making references in the statutes to spouses gender-neutral, with the intent of harmonizing the 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 each 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 married woman is artificially inseminated under the supervision of a physician with semen donated by a man who is not her husband and the woman's 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 individuals may sign a statement acknowledging parentage and file it with the state registrar. If the state registrar has received such a statement, the individuals 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 individual 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."

Gender neutral references on birth certificates

Generally, the bill substitutes the term "spouse" for "husband" in the provisions of the statutes relating to birth certificates 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 persons presumed to be parents because the two persons married after the birth of the child, the two persons 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.

Transfer of security operations at Wisconsin Resource Center

The 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.

Electrocardiogram screening pilot project for middle school and high school athletes in Milwaukee and Waukesha Counties

The bill directs DHS to develop a pilot program to provide electrocardiogram screenings for participants in middle school and high school athletics programs in Milwaukee and Waukesha Counties. 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.

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. The 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.

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. The bill increases the period for which the credit may be claimed from six 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 a sufficient tax-exempt private activity bond volume cap under federal law will not be available to finance low-income housing projects in any year.

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. The bill increases that limit to $1,200,000,000.

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.

The 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.

Rental housing safety grants

The 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.

Rental assistance grants for homeless veterans

The bill requires DOA to award grants to each continuum of care organization in this state 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.

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. The bill eliminates the limit on the number of grants that may be awarded and raises the grant limit to $75,000.

Whole-home upgrade grants

The 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). The grants must 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.

Affordable housing grants

The bill requires DOA to award grants to municipalities for the purpose of increasing the availability of affordable workforce housing within the municipalities.

Water utility assistance program for low-income households

The 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 or other local governmental agency or a private nonprofit organization to process applications and make 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.

Municipal home rehabilitation grants

The 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.

Housing quality standards grants

The bill requires DOA to award grants to owners of rental housing units in Wisconsin for purposes of satisfying applicable housing quality standards.

Insurance

Coverage of individuals with preexisting conditions and other insurance market regulations

The 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.

The bill requires every individual health insurance policy, known in the bill as a health benefit plan, to accept every individual who applies for coverage and requires every group health insurance policy to accept every employer that applies for coverage, regardless of the individual's or any employee's sexual orientation or gender identity and regardless of whether the individual or any employee 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.

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 requires certain health 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.

The 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.

Balance billing for emergency medical services and other items and services

The 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 free-standing 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.

Fiduciary duty of pharmacy benefit managers

The 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. Pharmacy benefit managers 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.

Licensure of pharmacy benefit management brokers and consultants

The 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 administrative 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.

Prescription drug affordability review board

The 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 by 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 this state. 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.

Cost-sharing cap on insulin

The bill prohibits each health insurance policy and governmental self-insured health plan that covers insulin and imposes 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 each 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.

Insulin safety net programs

The bill requires insulin manufacturers to establish a program under which qualifying residents of this state 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 resident of this state 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 this state of no more than $2,000,000 or to insulin that costs less than a specified dollar amount.

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. The 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.

Reimbursement to federal drug pricing program participants

The 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 administrative rules to establish a minimum reimbursement rate for entities that participate in the 340B program.

Value-based diabetes medication pilot project

The 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 administrative rules to implement the pilot project.

Pharmacy services administrative organizations

The 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 this state 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 this state 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 this state 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.

Licensure of pharmaceutical representatives

The 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 administrative 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.

Moneys from professional regulation used for general program operations

The 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, PSAOs, and pharmaceutical representatives.

Coverage of infertility services

The 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.

Coverage of treatment or services provided by qualified treatment trainees

The 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.

Coverage of treatment or services provided by substance abuse counselors

The 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.

Telehealth parity

The 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. 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.

State-based exchange

The bill directs OCI to establish and operate a state-based health insurance exchange. Under current law, the federal Patient Protection and 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 federal 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 GPR 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.

Insurer network adequacy standards

The bill allows OCI to promulgate administrative 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 ACA.

Wisconsin Healthcare Stability Plan spending limit

The 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.

Prescription drug importation program

The 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 residents of this state. 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.

State prescription drug purchasing entity

The bill requires OCI to conduct a study on the viability of creating or implementing a state prescription drug purchasing entity.

Short-term, limited duration plan coverage requirements

The 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 each 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 this 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.

Eliminate obsolete OCI appropriation

The bill eliminates an obsolete appropriation. The 2021–23 biennial budget act 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.

GRANT PROGRAMS

Treatment alternatives and diversion grants

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.

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. The

bill adds that DOJ must award grants to cities, villages, towns, counties, and tribes to fund community policing and community prosecution programs.

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. The 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.

Law enforcement recruitment, retention, and wellness grants

Under current law, DOJ awards grants for many purposes, including for community-oriented policing-house programs and to increase beat patrol officers. The 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.

Crime victims services grants

Under current law, DOJ awards grants for many purposes, including grants to organizations to provide services for sexual assault victims. The bill adds that DOJ must award grants to organizations that provide services for crime victims.

Elder abuse grants and hotline

Under current law, DOJ awards grants for many purposes, including grants to organizations to provide services for sexual assault victims. The 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.

ATTORNEY GENERAL AND LITIGATION

Powers of the attorney general

The 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.

Gifts and grants and disposition of settlement funds

The 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.

Certain legal expenses related to the tobacco settlement agreement

The 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.

GENERAL 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. The 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 1) a transfer to a firearms dealer or to a law enforcement or armed services agency; 2) a transfer of a firearm classified as antique; 3) a transfer for no more than 14 days for the purpose of hunting or target shooting that involves no more than nominal consideration; or 4) 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.

Creating the Office of Missing and Murdered Indigenous Women

The 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.

Hate crimes reporting portal

The 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.

Relator appropriation

The 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.

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. Act 261 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. The bill repeals the requirement that DOJ submit the corresponding annual report.

Name of Shot Spotter Program

Under current law, DOJ provides money to the Shot Spotter Program in the city of Milwaukee. The bill changes the name of the program to the "Gunfire Detection Program."

Local Government

LEVY LIMITS

Local levy overview

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 voters in a referendum.

Alternative minimum valuation factor increase

The bill increases the alternative minimum valuation factor used to calculate local levy limits from 0 percent to 2 percent, beginning with levies imposed in December 2023.

Reduction for certain service revenues

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.

The 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.

Reduction for service transfers

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. The bill repeals that provision.

Approval of use of unused capacity

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. The 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.

Joint emergency services levy limit exception modification

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.

Exception for cross-municipality transit routes

The bill creates an exception to local levy limits for certain transit services. 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.

Exception for regional planning commission contributions

The bill creates a local levy increase limit exception for the amount a political subdivision levies to pay for the political subdivision's share of the budget of a regional planning commission (RPC). 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.

TAX INCREMENTAL FINANCING

Tax incremental financing overview

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.

Workforce housing initiatives

The bill authorizes workforce housing initiatives and makes changes that affect 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 the 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. Also, for any extension of more than one year, the other taxing jurisdictions must approve of the extension.

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.

TIF 12 percent rule exception

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 the 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.

GENERAL LOCAL GOVERNMENT

Regional transit authorities

The 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 services 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. The 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.

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.

The 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 the 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.

Local government civil service system and grievance procedure requirements

The 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 the following two 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.

Employment regulations

The 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.

The bill also 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.

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. The bill repeals these limitations related to labor organizations.

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.

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. The 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.

Premier resort area exceptions

The 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 voters.

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.

Marijuana Legalization and Regulation

General; legalization and regulation of marijuana

Under the 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. The 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 resident of this state who is at least 21 to possess no more than two ounces of marijuana and to allow a nonresident of this state 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 sale of 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 resident of this state, 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 (UI) 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 administrative 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 administrative 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 UI 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 administrative 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.

Military Affairs

Changes to the Wisconsin Code of Military Justice

The 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.

Wisconsin National Guard duties related to sexual assault and sexual harassment

The bill 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.

Wisconsin National Guard misconduct case management system

The 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. Additionally, the bill 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.

Creating an office of homeland security

The 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.

Aerial assistance

The 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.

Appropriation for reimbursements for drug house demolition

The bill creates a continuing program revenue appropriation for DMA to receive reimbursements from municipalities for the demolition of certain former drug dwellings.

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. The 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.

Statewide public safety interoperable communication system

The bill creates a continuing GPR appropriation to fund the development and operation of a statewide public safety interoperable communication system.

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 the two 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. The 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.

FISH, GAME, AND WILDLIFE

Nonresident deer hunting license fee

Under current law, DNR issues approvals that authorize hunting, fishing, and trapping of wild animals. The 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.

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. The bill increases the fee for an inland waters trout stamp from $9.75 to $14.75.

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. The 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.

Deer carcass disposal sites

The 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.

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. The bill increases the limit to $950,000.

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 the bill, those fees are deposited into a general fund appropriation used solely for the aquatic plant management permit program.

NAVIGABLE WATERS

Great Lakes and Mississippi River erosion control revolving loan programs

The 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 administrative 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.

Dam permit and approval fees

The 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.

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. The bill increases the bonding authority for these projects by $10,000,000.

Sheboygan Marsh dam funding

The 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.

RECREATION

Free admission to state parks for fourth 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. The bill requires DNR to waive the fee for an annual vehicle admission receipt issued to the parent or guardian of a pupil receiving a fourth 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.

Online sales system for vehicle admission receipts and state trail passes

The 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.

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. The bill increases the limit to 40 percent.

GENERAL NATURAL RESOURCES

Stewardship program; amounts 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 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.

The 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.

Stewardship program; JCF approval

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.

Wild rice stewardship

The 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.

Terrestrial invasive species prevention

The 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.

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.

The bill provides that unencumbered amounts of this appropriation revert to the appropriation account to which Indian gaming receipts are credited.

Funding from Indian gaming receipts

Current law requires DOA to transfer portions of Indian gaming receipts to certain DNR appropriations annually. The 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.

FORESTRY

Public forest regeneration grants

The 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.

Forestry-industry-wide strategic plan

The 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.

County forest administration grants and county sustainable forestry program

The bill separates the existing biennial appropriation for county sustainable forestry grants and county forest administration grants into two separate biennial appropriations.

Public Utilities

TELECOMMUNICATIONS

Broadband expansion grant program

The 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. The 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 bill provides funding from the general fund for the broadband expansion grant program in addition to its current funding from the universal service fund, which consists of moneys that are required to be contributed by certain telecommunications providers and used to promote access to telecommunications service, among other purposes. 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.

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 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.

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.

Digital equity program

The 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. The bill allows PSC to use moneys in the universal service fund to administer the digital equity program.

ENERGY

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.

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.

The 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.

Residential and commercial energy improvements

The 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 administrative 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.

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.

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, with 1.2

percent of their annual operating revenues from retail sales. The bill increases the amount utilities must spend to 2.4 percent of their annual operating revenues from retail sales. The bill also 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.

Social cost of carbon

The 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.

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.

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 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 $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.

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.

WATER AND SEWER

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.

Benefits for domestic partners

2017 Wisconsin Act 59, the 2017-19 biennial budget act, repealed certain benefits provided to domestic partners of public employees who receive benefits through the Wisconsin Retirement System (WRS), the Group Insurance Board (GIB), and the Deferred Compensation Program. The bill reestablishes those benefits.

Specifically, Act 59 did all of the following: 1) for purposes of WRS, 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.

WRS annuitants returning to work

Under current law, if a WRS 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.

The 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.

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.

Income continuation insurance

Under current law, 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.

The 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.

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 UW 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.

Group long-term disability insurance 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.

Internal auditor

The 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 ETFB.

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 employee trust funds, and internal audit staff report to the internal auditor.

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 (SWIB) 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.

The 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.

2025–27 budget request for pension administration system

The bill requires ETF to include in its 2025–27 biennial budget request a request for funding for modernization of ETF's pension administration system.

ADVANCED PRACTICE REGISTERED NURSES

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). The 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

The 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.

PROFESSIONAL LICENSURE

Licensure of dental therapists

The 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. The 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. The bill also provides for loan forgiveness for dental therapists under the health care provider loan assistance program.

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.

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. The 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.

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.

The 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.

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.

Reviews of criminal records

The 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.

Rules; license portability

The bill provides that DSPS or a credentialing board in DSPS may promulgate administrative rules to facilitate enhanced license portability to help facilitate streamlined pathways to licensure for internationally trained professionals and increased reciprocity.

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.

BUILDINGS AND SAFETY

Use of vapor products in indoor locations

The 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.

Private on-site wastewater treatment system grants

The 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.

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.

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.

The 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.

Nontaxable reservation property

The 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.

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.

The 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.

Electric vehicle charging infrastructure

The 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 three 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.

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 voters voting at a referendum; and 3) tax revenues resulting from a tax increase approved by a majority of voters voting at a referendum.

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.

GENERAL STATE GOVERNMENT

Grant to a professional baseball park district

The 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.

Security operations centers

The 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 in 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.

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. The bill repeals these limitations related to labor organizations.

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 the 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.

Director of Native American affairs

The 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 this state.

Grants to each American Indian tribe or band in Wisconsin

The bill requires DOA to award grants of equal amounts to each American Indian tribe or band in this 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 this 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

The 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.

Gaming investigative services

The bill creates a GPR appropriation for the Division of Gaming in DOA to fund investigative and outreach services for charitable gaming and tribal gaming.

Investment and capital grants programs

The 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 specified dollar amounts to the programs during the 2023-25 fiscal biennium.

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. The bill provides that the gross proceeds are to be reinvested in venture capital funds unless otherwise directed by DOA.

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. The 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.

Creating the Office of Environmental Justice

The bill creates the Office of Environmental Justice in 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 three.

The 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.

The bill also makes an appropriation for the climate risk assessment and resiliency plan technical assistance grant program.

Office of Sustainability and Clean Energy

The 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. The bill also makes an appropriation for grants for clean energy production research.

Clean energy small business incubator

The 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.

Chief equity officer

The bill creates the unclassified position of chief equity officer in DOA, which is assigned to executive salary group four.

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, the bill changes the reduction from 75 percent to 20 percent of the grant amount for grants awarded after the effective date of the bill.

Assistant secretary of state

2015 Wisconsin Act 55 eliminated the position of assistant secretary of state. The 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.

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. The bill creates a new GPR appropriation that will also fund the automated justice information systems.

Civil legal services for the indigent

The 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.

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.

TEACH program; GPR 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. The bill provides additional GPR for the TEACH program.

Online customer service hub

The bill makes a new appropriation to DOA to develop and maintain an online customer service hub.

Information technology infrastructure grant program

The 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 2020-21 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.

STATE FINANCE

Transfer to the capital improvement fund

The 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.

Transfer to the budget stabilization fund

The bill transfers $500,000,000 from the general fund to the budget stabilization fund in fiscal year 2023–24.

Transfer to the artistic endowment fund

The bill transfers $100,000,000 in general purpose revenues from the general fund to the artistic endowment fund.

Transfer from capital planning and building construction services appropriation to the building trust fund

The bill transfers $18,000,000 from the capital planning and building construction services appropriation to the building trust fund in fiscal year 2023–24.

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.

The bill provides that for fiscal year 2023–24 and each fiscal year thereafter, the amount is $600,000,000.

Refunding certain general obligation debt

The 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.

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.

STATE EMPLOYMENT

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. The bill clarifies that the supplemental appropriations for salary and fringe benefits include permanent UW System employees, including permanent project employees, on the UW System biweekly payroll system.

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 six. The 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 six. 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 three. The bill removes these limits on compensation of the executive director and staff of WHEFA.

Paid family and medical leave

The 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.

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. The 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.

Vacation hours for state employees

The 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 increases 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 increases 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.

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.

Juneteenth state holiday

The 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 JCOER for compensation plan changes for the 2023–25 biennium.

Veterans Day state holiday

The 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, the bill increases the number of regular paid holidays state employees receive annually from nine days to 11 days.

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.

The bill repeals all of those provisions.

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 (JCLO) 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.

The 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.

Legislative Human Resources Office

The bill creates a Legislative Human Resources Office (LHRO), a nonpartisan legislative service agency, headed by a director. JCLO 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. 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 LHRO staff.
2. Employ, train, and supervise the personnel assigned to the director.
3. Supervise all expenditures of 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.

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. The bill eliminates the exception for a legislator's records and correspondence.

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. The 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.

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.

The 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.

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 LAW

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 (JCRAR). 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 administrative 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.

Taxation

INCOME TAXATION

Family and individual reinvestment credit

The 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 (AGI) 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.

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.

The 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.

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. The 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.

Earned income tax credit

The bill increases the amount that an individual with fewer than three qualifying children may claim as the Wisconsin earned income tax credit (EITC). 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.

Caregiver tax credit

The 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.

First-time home buyer savings accounts

The 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 this state by the account's designated beneficiary. The beneficiary, who may be the account holder, must be a resident of this state 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.

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 this state. 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 the 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.

Veterans and surviving spouses property tax credit eligibility expansion

The 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.

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, the 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.

Increasing retirement income subtraction and expanding eligibility

The 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.

Increasing disability income subtraction and expanding eligibility

The 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.

Tax credit for installing universal changing stations

The 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.

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.

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 the 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.

Flood insurance premiums

The 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.

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 the 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.

Repeal net operating loss carryback

The 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.

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 the 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.

Internal Revenue Code references

The 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.

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. The 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.

Assessments; leased property and comparable sales

The 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. The 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). The 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.

School aid reduction information

The 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.

Property tax exemption for WHEDA headquarters

The bill exempts land and buildings owned by WHEDA and used as its corporate headquarters, including associated parking facilities, from the property tax.

Property tax exemption for cranberry research station

The 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.

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.

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.

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.

County and municipality sales and use taxes

The bill allows counties besides 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.

Little cigars

The 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.

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.

The 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.

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. The 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.

Sales and use tax exemption for gun safety items

The bill creates a sales and use tax exemption for sales of gun safes, trigger locks, and gun barrel locks.

Breastfeeding equipment

The bill creates a sales and use tax exemption for breast pumps, breast pump kits, and breast pump storage and collection supplies.

Sales tax exemption for diapers and feminine hygiene products

The bill creates a sales and use tax exemption for the sale of diapers and feminine hygiene products.

Prewritten computer software

The 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.

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.

The 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.

Prairie and wetland counseling services

Under current law, the sale of landscaping and lawn maintenance services is subject to the sales tax. The 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.

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.

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.

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 the bill, DOR must still provide the notices but is no longer required to send them by certified mail.

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.

The 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.

Transportation

HIGHWAYS AND LOCAL ASSISTANCE

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. The bill increases the revenue bond limit to $4,493,600,000, an increase of $167,714,300.

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." The bill increases the authorized general obligation bonding limit for these purposes by $140,873,000 to $180,873,000.

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. The bill increases the authorized general obligation bonding limit for this purpose by $47,200,000 to $319,200,000.

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. The 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.

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 the 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.

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.

Electric vehicle infrastructure program

Under the bill, DOT may establish and administer a program to provide funding for electric vehicle infrastructure projects.

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 the 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 administrative rules identifying certain exceptions to the requirement.

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. The bill appropriates to DOT state and local moneys specifically for the planning and installation of interconnected traffic signal and railroad signal systems.

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.

The bill creates an appropriation of state moneys from the transportation fund for the same purposes.

Traffic calming grants

Under the 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.

Ray Nitschke Memorial Bridge

The 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.

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. The 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.

Tribal nation welcome signs

The 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.

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 the 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 DOT and, in lieu of items 2 and 4 above, provide documentation deemed acceptable to DOT. 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. The 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.

The 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.

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 the 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. The 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. The bill allows DOT to provide some of these notifications by electronic means if the person being notified has requested electronic notifications from DOT. The notifications covered in the 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.

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. The bill expands the ignition interlock requirement to all OWI offenses that involve the use of alcohol.

Increased safety belt violation forfeiture

The 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.

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. The bill increases the seasonal period for an "F" endorsement to 210 days.

Electric vehicle identification sticker

The bill requires DOT to issue a decal for each hybrid and nonhybrid electric vehicle that identifies the vehicle as electric and which must 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.

GENERAL TRANSPORTATION

General fund transfers to the transportation fund

The 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.

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, the 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.

Transit capital assistance grants

The 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.

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.

The 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.

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. The bill increases the authorized general obligation bonding limit for these purposes by $20,000,000 to $320,300,000.

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. The bill increases the authorized general obligation bonding limit for these purposes by $16,000,000 to $183,300,000.

Number of state patrol officers

The bill increases the number of state traffic patrol officers DOT may employ from 399 to 434.

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.

The 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.

Veterans

County veterans service officer grants

The 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.

The 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.

Assistance to Needy Veterans grants

The bill expands the Assistance to Needy Veterans grant program. 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.

The 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.

Hmong and Laotian veterans

The 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.

Wisconsin veterans cemetery eligibility requirements

The 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. The 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.

Veterans homes and related programs

The 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.

Transfer of funds for the operations of veterans homes

The bill transfers $10,000,000 in fiscal year 2023–24 from the general fund to the DVA appropriation used for the institutional operations of veterans homes.

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.

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.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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